|  |
| --- |
| **Copyright © 1998 Journal of Criminal Justice and Popular Culture  All rights reserved. ISSN 1070-8286**  *Journal of Criminal Justice and Popular Culture*, 6(1) (1998) 4-9  **Review of *Acres of Skin: Human Experiments at Holmesburg Prison***  **Author: Allen M. Hornblum Publisher: Routledge Year: 1998**  The philosopher Michel Foucault wrote in *Discipline and Punish: The Birth of the Prison* that "prison marks an important moment in the history of penal justice: its access to 'humanity'." It is not merely that "stone can make people docile and knowable," it is also that policies of coercion introduce "procedures for distributing individuals; fixing them in space; classifying them; extracting from them the maximum in time and forces; training their bodies; coding their continuous behavior; maintaining them in perfect visibility; forming around them an apparatus of observation, registration and recording; and constituting on them a body of knowledge that is accumulated and centralized." Prison discipline is a powerful mechanism that constrains prisoners and defines how they can be forced to do what we wish, to operate as we wish, with the techniques, the speed, the control and the efficiency that we determine. In any system of discipline and punishment, the human body is always at issue -- its utility and its submission to authority. Research in prison only accentuates this. The body is used as the seat of needs and appetites, as the locus of physiological processes and metabolism, as the target of germs and virus attacks, as the point of resistance and life extension. The body is marked, trained, "tortured," and forced to carry out tasks for evaluation and measurement. Subtle power relations develop between doctors and subject which have an immediate hold upon the body of the inmates.  Incarcerated individuals are useful for medical experiments only if their bodies are both "productive" and subjected. That these very characteristics of confinement have made the prison par excellence for medical research is evidenced in Allen M. Hornblum's*Acres of Skin: Human Experiments at Holmesburg Prison*. The author describes how inmates were used at the least cost and exploited for the benefit of specific others and society. He explains that the utilitarian rationale of prison confinement offers almost endless opportunities for use and misuse of power. In his vivid account of research activities at Holmesburg prison, near Philadelphia, Hornblum gives prisoners a unique platform for expressing their views, feelings, grief, or resentment and a voice that is rarely heard. For example, Holmesburg inmates tell us of the endless financial opportunity that prison research offered: "Everyone wanted to get on the gravy train." One inmate recalled that he could not remain immune to the lures of the testing program despite potential danger: "It was something to do, the best game in town. The money was good and the money was easy." First, he tried a deodorant test and chose the one he thought had the least chance of harming him. He went on to test hand and body lotions and began to realize the full financial potential of the test program: "You could be making $300 to $400 a month." He ultimately volunteered to a special study conducted by the US Army: "I was given 'a talk' that described a test of **[End page 4]** 'experimental stuff,' but nothing too specific. I believe I received an injection of a substance 'ten times stronger than LSD.' Except for the "trip" he has no recollection of his actions during that period. He explained that despite occasional "strawberry rashes," overall, he felt fine, helped by the fact that he walked out of Holmesburg "$1,500 richer because of the drug study." Compared with the 15 cents a day prisoners were paid to make shoes, knit socks and shirts, sew trousers, and work in the plumbing shop, the appeal of big research money was enough "to tempt and convert anyone, including those opposed to human experimentation." Apart from money, inmates also expected better food, cleaner, safer and more comfortable living conditions, a brief reprieve from the eternal boredom of prison confinement and from threats of violence, and a sentence reduction. There were also altruistic feelings of doing something worthwhile.  Prisoners admitted that they were not always passive "guinea pigs." They cheated with "patch tests," which they could easily take off upon return to their cells, and with liquid diet tests, which they could supplement with contraband food. Yet, surprisingly, no one seemed to care about these insults to study protocol, nor did scientists ever question their "trust" in confined subjects, which is necessary for the conduct of valid and reliable research. Prisoners could also bargain for more pay. For example, when they were offered $50 for having their nails pulled out, they demanded (and obtained) three time more per nail after experiencing excruciating pain.  Hornblum meticulously recounts appalling stories of prominent manufacturers testing their products: drugs, chocolate, dioxin, tobacco. From 1962 to 1966, a total of 33 pharmaceutical companies tested 153 experimental drugs at Holmesburg prison alone. But most abuses chronicled in the book relate to dermatology experiments at Holmesburg: facial creams, hair lotions, skin moisturizers, suntan products, foot powders, deodorants, detergents, anti-rash treatments, and many, many more. The author recounts the greed and borderline fraudulent research activities of one scientist, the éminence grise of experimental dermatology, Dr. Albert Kligman, Professor of Dermatology at the University of Pennsylvania. When Dr. Kligman entered the aging prison, he was awed by the bare torsos of hundreds of inmates walking aimlessly before him and by the potential they held for his research. In 1966, he recalled in a newspaper interview: "All I saw before me were acres of skin. It was like a farmer seeing a fertile field for the first time." Hence the book's title. But prisoners were also used in eye drop, toothpaste, liquid diet, and regeneration ointment studies and exposed to more hazardous and potentially lethal substances such as psychotropic drugs, radioactive isotopes and chemical warfare agents, often without being informed of the risks, nature and purpose of the experiments. Other experiments involved testicular radiation at Oregon and Washington state prisons (a total of more than 130 prisoners were irradiated), live cancer cell injection at the Ohio state prison, mind control performed by **[End page 5]** the CIA during World War II, antidotes for influenza, malaria, typhus, and dysentery, skin graft techniques, and exotic blood tests. Hornblum reports that in blood test experiments, for example, 64 volunteers were injected with an ounce of purified fraction of beef blood before the experiment was stopped. Twenty of the men became ill from serum sickness, eight seriously, "with high fever, rashes, and joint pain. One died."  Hornblum has first-hand knowledge of all these research activities carried out on willing but poorly informed prisoners from the early 1950's to the mid- l970's. He writes clearly and passionately about the extent and quality (or lack of it) of this clinical research. A former member of the Board of Trustees of the Philadelphia Prison System and the Pennsylvania Crime Commission, Hornblum makes good use of his friendship with the former prisoners he interviewed. Through extensive review of records, obtained thanks to the Freedom of Information Act, and hundreds of interviews of doctors, medical personnel, and prison officials, the author compiles an incredible document on prison research and gives ample examples of moral indifference and greed. Eager doctors, seeking fame and fortune, saw in prisoners the ideal subjects for their experimental works because prisoners were less expensive, more expendable, and more willing to accept risks than free individuals. Moreover, life in prison is subject to few variations so "healthy inmates were under perfect control conditions." Hornblum explains that "for the nascent medical-pharmaceutical industry, the appeal of penal institutions became overwhelming . . . . Public outcries against these experiments were few."  *Acres of Skin* begins with the Nuremberg Code and its set of 10 moral and legal requirements for permissible human experimentation. The Nuremberg Code was formulated in August 1947, in Nuremberg, Germany, by American judges sitting in judgment of 23 physicians and scientists accused of murder and torture in the conduct of medical experiments in the concentration camps (the Doctors' Trial). The Code has rightly been characterized as the most authoritative set of rules for the protection of human subjects in research, the first of which is that consent of the human subject must be obtained without coercion in any form:  The voluntary consent of the human subject is absolutely essential. This means that the person involved should have legal capacity to give consent; *should be so situated as to be able to exercise free power of choice, without the intervention of any element of force, fraud, deceit, duress, overreaching or other ulterior form of constraint or coercion; and should have sufficient knowledge and comprehension of the elements of the subject matter involved as to enable him to make an understanding and enlightened decision*. (emphasis added)  Hornblum rightly argues that the Code's first moral and legal requirement makes it impossible to conduct research on prisoners. This is because the very nature **[End page 6]** of incarceration creates a "forcible situation" that prevents them from exercising free, voluntary, and informed choice. Against this background, Hornblum then proceeds to compare the Holmesburg experiments to those conducted by Nazi doctors on concentration camp inmates.  It is certainly legitimate to write a history of human experiments in prison against a background of moral ideas and legal structures. But can one write such a history against the background of the concentration camp crimes committed by Nazi doctors in World War II? At Nuremberg, 23 Nazi doctors and scientists were condemned for conducting gruesome medical experiments where death was the endpoint. Concentration camp inmates could not refuse to participate in these terminal experiments. They were not paid and never benefitted from their participation in research. They were tortured to death. The research conducted at Holmesburg bears no resemblance to that conducted in Nazi concentration camps. Contrary to what the author seems to imply, there is a difference in kind, not only in degree, between the murderous and tortuous Nazi experiments and the experiments conducted at Holmesburg. The Nazi analogy simply does not apply.  Holmesburg prison closed in 1977. Prison research ended when states began to limit, if not forbid, research involving prisoners. On November 16, 1978, the Department of Health and Human Services (DHHS) provided guidelines for "Protection Pertaining to Biomedical and Behavioral Research Involving Prisoners as Subjects." Revised in 1991, these guidelines state that "inasmuch as prisoners may be under constraints because of their incarceration which could affect their ability to make a truly voluntary and uncoerced decision whether or not to participate as subjects in research, it is the purpose of this Subpart to provide additional safeguards for the protection of prisoners involved in research activities:"  1. The Institutional Review Boards (which review experimental protocols) shall have no association with the prison(s) involved, apart from their membership on the Board;  2. At least one member of the Board shall be a prisoner, or a prisoner representative with appropriate background and experience to serve in that capacity...  a) biomedical or behavioral research conducted or supported by DHHS may involve prisoners as subjects only if:  1) the institution responsible for the conduct of the research has certified to the Secretary that the Institutional Review Board has approved the research.  2) in the judgment of the Secretary the proposed research involves solely the following:  A) study of the possible causes, effects and processes of incarceration, and of **[End page 7]** criminal behavior, provided that the study presents no more than inconvenience to the subjects;  B) study of prisons as institutional structures or of prisoners as incarcerated persons, provided that the study presents no more than minimal risk and no more than inconvenience to the subjects;  C) research on conditions particularly affecting prisoners as a class (for example, vaccine trials and other research on hepatitis which is much more prevalent in prisons than elsewhere; and research on social and psychological problems such as alcoholism, drug addition, sexual assaults) provided that the study may proceed only after the Secretary has consulted appropriate experts in penology medicine and ethics, and published notice in the **Federal Register** of his intent to approve such research; or  D) research on practices, both innovative and accepted, which have the intent and reasonable probability of improving the health and well- being of the subjects....  b) except as provided in the paragraph (a) of this section, biomedical or behavioral research conducted or supported by DHHS shall not involve prisoners as subjects.  Federal regulation makes it much more difficult for investigators to use prisoners as subjects in medical research, and little research is currently conducted in US prisons.  Because this book reminds us of the potential for abuses inherent to prison research, it deserves to be read, particularly by those concerned with the rights and welfare of prisoners. Hornblum is deeply troubled (and rightly so) when confined individuals are used as research subjects. As a result, he describes the whole effects of prison research in negative terms: it exploits, harms, abuses, censors, abstracts, masks and conceals. But, in fact, it also "produces:" it produces "domains of objects and ritual of truth." For example, dermatology was a minor medical specialty before Dr. Kligman transformed it into a major cosmetic enterprise; and Hornblum credits research at Holmesburg with making possible the marketing of retinoic acid, "Retin-A," the anti-wrinkle cream, and Dr.Kligman's greatest accomplishment. **[End page 8]**  The very abuses and violation of human rights which Hornblum describes in his book cannot be repeated. Information systems and strict regulations in our democratic country no longer permit such a gross violation of human rights. Far more important, I think, is the danger of being overly confident in the informed consent requirement. Obtaining informed consent is crucial and necessary. But it is not sufficient to justify research on human beings. Informed consent is the beginning of the protection of human subjects, not the end.  Prisoners of poverty rather than of stone are the current favorites of researchers. This is particularly true in contemporary global research sponsored by developed countries and conducted in developing nations. Like prisoners, subjects in developing nations are vulnerable. Before gaining access to these subjects, a number of human rights questions must be answered: Can the research be conducted on less vulnerable subjects? Do developing nations have a health care system that may ensure access to care? Will research be perceived by subjects as the only way to get medical attention for their conditions? Will the benefit of research be made available to the communities where the research is conducted? Like research in prisons, these questions extend beyond the mere research-subject relationships to the political, cultural, economic and social context of research, none of which is specifically addressed by the Nuremberg Code or contemporary international guidelines (i.e., the Helsinki Declaration). Considerable progress in the regulation of human research has been made, yet contemporary global research may still lack adequate informed consent procedures, and the risks to the study population may still be disproportionate to the social benefits. The chapter on prison research is now closed. But if we take human rights seriously, contemporary medical research on human subjects cannot afford to replace prisoners of stone with prisoners of poverty -- the poorest members of the poorest nations.  Evelyne Shuster, PhD Philosopher and Medical Ethicist Veterans Affairs Medical Center Philadelphia, Pennsylvania  **[End page 9]** |