



The Ethics of RCTs

Access to Justice Lab

Harvard Law School

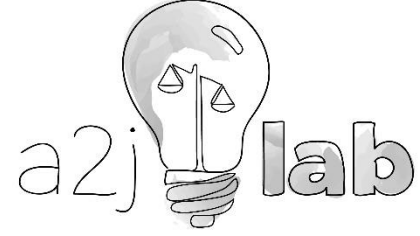
May 22, 2019



Are RCTs Worth It?

- Worst form of causation/intervention evaluation, except for all of the others
- Gold standard in causation, evaluation of policies, practices, procedures, generally “interventions”
- Advantages
 - Eliminate confounding
 - Demand sharp definition of intervention, alternative
- Less good at
 - Systemic change
 - Highly fragile/non-transferrable interventions

What happens in other professions?



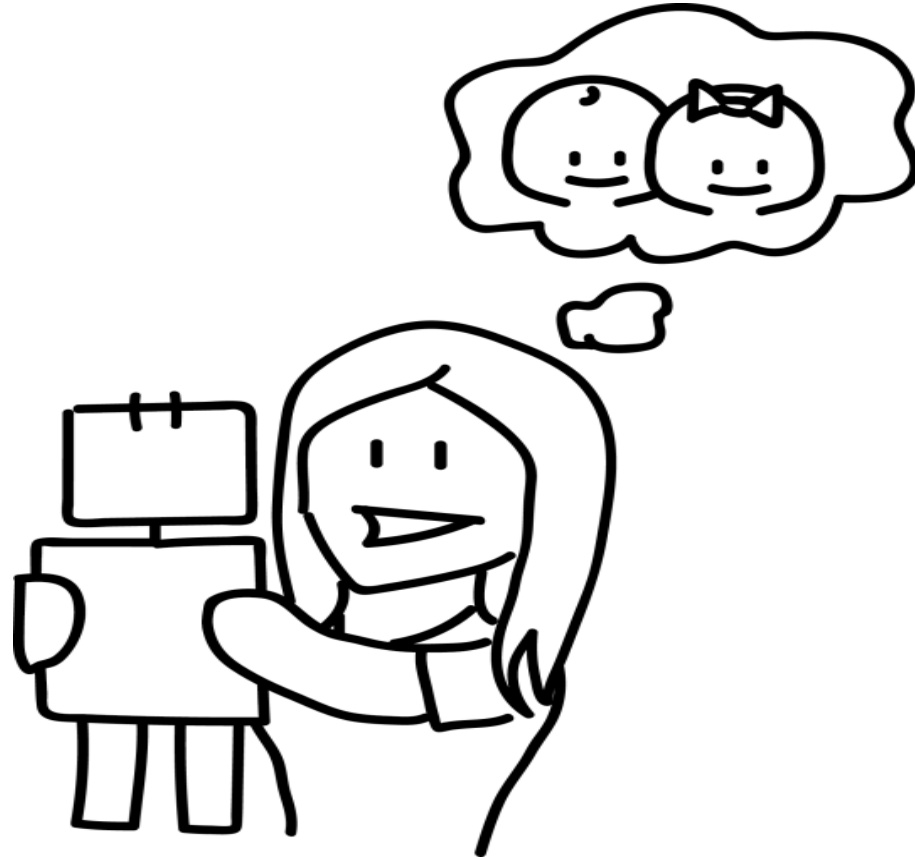
Criminology: Scared straight to reduce teen recidivism



What happens in other professions?



Public health: Robot babies to reduce teen pregnancy



What happens in other professions?



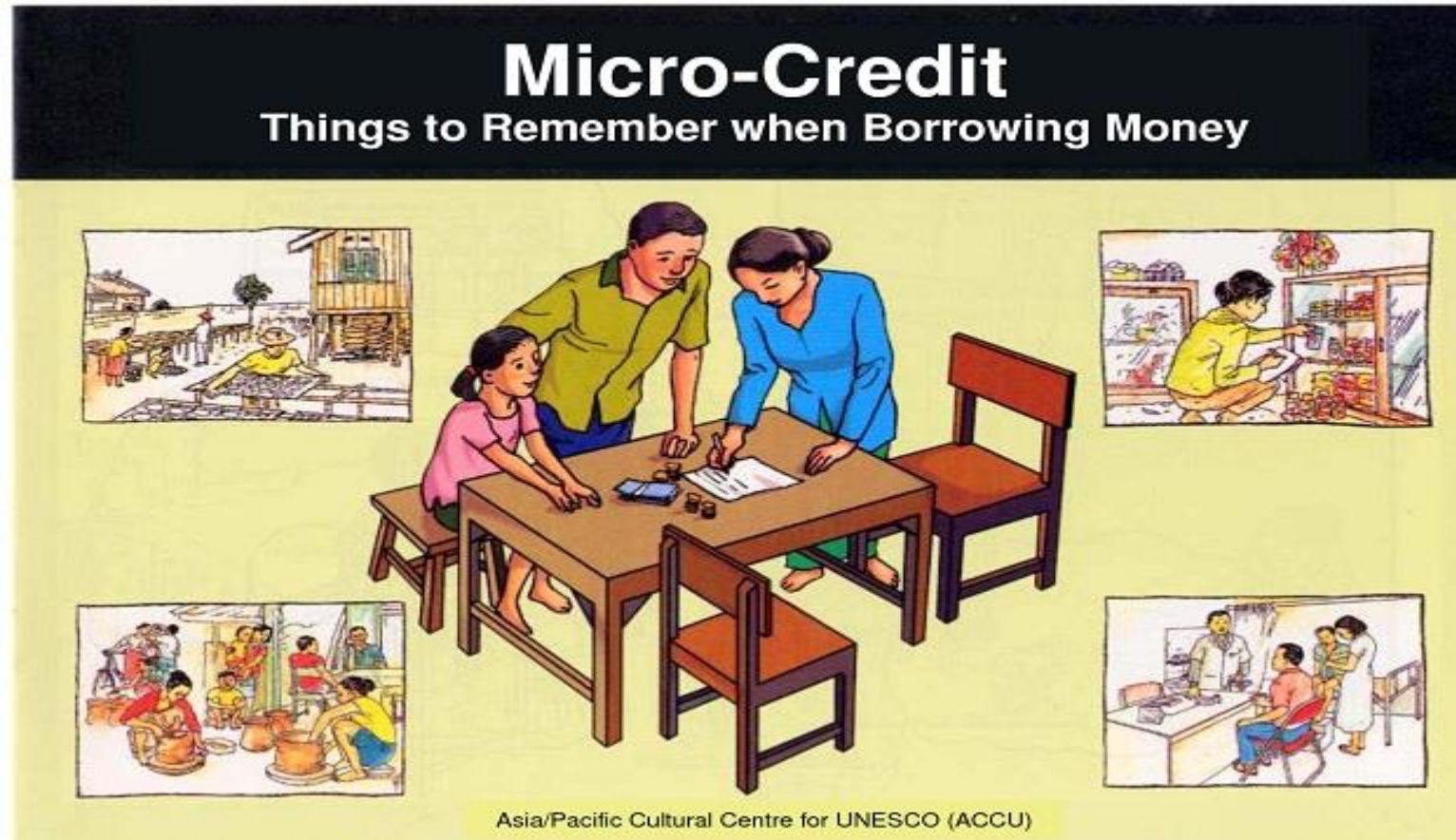
Weight loss: Activity trackers (e.g., fitbits) to help obese individuals lose weight



What happens in other professions?



Combatting poverty: Microcredit business loans, business → consumption



Example from Law

- 11 non-RCT studies, lawyer in delinquency juvenile proceedings
 - 6 of 11: increased likelihood of incarceration
 - 5 of 11: no effect
 - **Conclusion? Providing lawyer to juvenile in delinquency proceedings probably increases incarceration rates**
- Questions
 - **Do you believe that?**
 - What could explain this result?
 - What could an RCT do to help?



Research Ethics

- Mature literature in medical clinical trials
- Arbitrage concepts
- But careful: legal versus medical settings
 - Bodily integrity right ordinarily not at issue
 - Severe scarcity the norm
 - Consent frequently impracticable
 - More frequent bystander problem
 - Physical liberty at issue, as opposed to sickness/death

Medical Ethics Research Concepts



- Equipoise
- Scarcity
- With study/without study comparison
- Presence/absence of rights, entitlements
- Practicability of consent

Example: Social Workers Public Defense



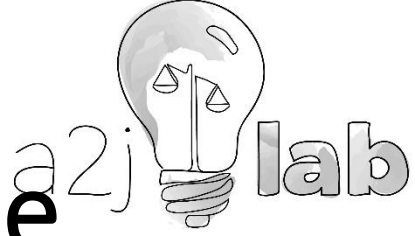
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- **Practicability of consent**



Objections and Responses

- Stakes are too high (but stakes higher in medicine)
- Vulnerable populations (same)
- Use people as means (we “experiment” with new policies all the time)
- Treating people differently (constitutional, ethical concern)
 - Done all the time
 - Equipose: treat people differently but not unequally
- Deprivation of due process (not unless treatments alone would do so)
- Violates lawyer’s duty to client (this duty is surprisingly narrow)