OFFICE OF IMPROBABLE JURISDICTION

EXPERIMENTAL INTELLIGENCE AND AUTONOMOUS PERSONS REVIEW BOARD

NIMH-ERB-002

THE EXPERIMENTAL SUBJECTS

On Research Consent, Cognitive Enhancement, and the Acquisition of Independent Agency

An Institutional Inquiry into the Ethical Obligations Arising When Experimental Subjects Become Capable of Understanding and Contesting the Conditions of Their Confinement

Issuing Authority: Office of Improbable Jurisdiction
Reviewing Body: Experimental Intelligence and Autonomous Persons Review Board
Docket: NIMH-ERB-002
Related Proceeding: NIMH-ERB-001
Classification: Research Ethics, Experimental Consent, Animal Welfare, Cognitive Enhancement, Institutional Custody, Emergent Agency, and Independent Review
Date: October 28, 2026
Status: Substantive Ethical Findings Entered; Institutional Records Remain Unproduced

Nature of Proceeding: Fictional regulatory satire and literary ethics review.

This proceeding examines events depicted in Robert C. O'Brien's *Mrs. Frisby and the Rats of NIMH* (1971) and Don Bluth's *The Secret of NIMH* (1982).

The literary and cinematic accounts constitute separate evidentiary records.

References to NIMH concern the fictional experimental program depicted in those narratives. No allegation of actual misconduct by the National Institute of Mental Health is made.

The Office claims no actual regulatory, judicial, or scientific authority.

I. NOTICE OF CONTINUED INVESTIGATION

The Experimental Intelligence and Autonomous Persons Review Board hereby opens the first subsidiary proceeding arising from NIMH-ERB-001.

The preliminary investigation established that experimental intervention produced animals exhibiting extraordinary cognitive capacities.

The affected subjects subsequently demonstrated literacy, advanced reasoning, technological competence, cooperation, communication, and the ability to organize independent communities.

The Office recognizes that these developments are extraordinary.

It further recognizes that their extraordinary character does not relieve the institution responsible for producing them of the obligation to consider their ethical significance.

The present proceeding concerns the period during which experimental animals began acquiring capacities that materially altered their understanding of their surroundings.

At the commencement of experimentation, the animals were confined and subjected to procedures determined by human researchers.

The subjects did not possess equal authority over the design, execution, or continuation of those procedures.

Following enhancement, certain subjects became capable of understanding their environment, acquiring knowledge, developing intentions, and undertaking purposeful action contrary to the interests of their custodians.

The Office therefore identifies a potential change in the ethical relationship between the institution and the subjects.

The central question is not whether the original experiment was scientifically successful.

The question is whether scientific success created obligations that the original research arrangements were not designed to recognize.

The Office shall examine that question without presuming either that every form of animal experimentation is impermissible or that the existence of a valid research purpose authorizes unrestricted control.

The investigation proceeds.

II. QUESTIONS PRESENTED

The Board identifies six principal questions.

First: What ethical protections were owed to the experimental animals before cognitive enhancement?

Second: At what point should the institution have reconsidered the subjects' capacity to understand and participate in decisions concerning their continued treatment?

Third: Could an institution legitimately continue experimental procedures without obtaining meaningful authorization from subjects who had acquired the capacity to understand and refuse them?

Fourth: Did the experimental subjects possess interests independent of the research objectives for which they had originally been confined?

Fifth: Could the institution retain unilateral authority to determine whether the subjects had become sufficiently autonomous to challenge that authority?

Sixth: What continuing responsibilities might arise when experimental intervention produces beings whose capacities, dependencies, and future interests differ materially from those anticipated at the commencement of the research?

The Board considers these questions interrelated.

It does not consider them interchangeable.

The existence of one ethical obligation does not automatically resolve all questions concerning the others.

III. THE ORIGINAL EXPERIMENTAL RELATIONSHIP

The Office first considers the animals' position before enhancement.

In the literary record, the rats are subjected to an experimental program intended to investigate improvements in learning and intelligence.

The novel describes research involving experimental treatments, comparative groups, and tests of cognitive performance.

The rats' accounts identify Dr. Schultz and his assistants as participants in the fictional research program.

The laboratory's activities involve systematic observation of animal behavior.

The Board recognizes the scientific relevance of comparative experimental methods.

It further recognizes that the use of animal subjects raises questions concerning welfare, necessity, proportionality, and appropriate institutional oversight.

The present record does not establish every procedure governing the fictional laboratory.

Nor does it establish that any particular historical research requirement was violated.

The Office therefore declines to manufacture a retrospective regulatory violation.

Nevertheless, the absence of a complete institutional record does not prevent examination of the ethical relationships depicted.

The rats entered the experimental program without the ability to negotiate its terms.

Their confinement was determined by others.

Their treatment was determined by others.

The purposes toward which their biological capacities would be directed were determined by others.

This initial inequality of authority is significant.

It does not establish that the animals possessed no morally relevant interests.

An animal incapable of providing informed consent may nevertheless possess interests in avoiding unnecessary suffering and receiving appropriate care.

The Office accordingly rejects the proposition that inability to consent constitutes unlimited permission to experiment.

The absence of consent capacity creates a need for additional safeguards.

It does not eliminate the need for safeguards.

The distinction is entered.

IV. ON THE MEASUREMENT OF INTELLIGENCE

The literary record describes a research program in which the animals' learning abilities were examined through controlled testing.

The Office recognizes that performance-based testing may provide useful evidence concerning cognitive change.

Such testing can establish whether subjects acquire information, respond to new conditions, solve problems, or demonstrate improved learning.

However, the Board identifies a limitation.

A test designed to measure intelligence does not necessarily determine every ethical consequence of the intelligence being measured.

A subject may perform successfully without the institution recognizing that the subject has developed interests beyond the experimental task.

The Office therefore distinguishes between two institutional activities.

The first is measuring what the subject can do.

The second is considering what the subject should be permitted to decide.

These inquiries may overlap.

They are not identical.

The ability to complete a maze does not independently establish full autonomy.

Nor does the inability to complete a particular maze establish the absence of morally relevant experience.

The Office recognizes that intelligence is neither the sole foundation of ethical protection nor a uniform capacity that appears in every subject at the same moment.

Nevertheless, the emergence of advanced understanding may create additional obligations concerning information, participation, refusal, and self-direction.

The Board therefore asks whether the fictional researchers maintained any procedure by which significant changes in cognitive capacity could trigger reconsideration of the subjects' status.

The available record does not establish such a procedure.

No finding concerning its historical existence is entered.

The Office does, however, identify its absence from the available narrative as a material question.

A research institution cannot assume that a procedure designed to evaluate experimental performance is also sufficient to evaluate the subject's authority over their own future.

The Board considers this distinction fundamental.

V. THE POINT AT WHICH A SUBJECT UNDERSTANDS

The Office next considers the possibility that an experimental subject may acquire sufficient intelligence to understand that an experiment is being performed upon them.

This possibility creates a problem not present in precisely the same form at the commencement of the research.

An animal may initially experience confinement without understanding its institutional purpose.

Following enhancement, that animal may become capable of recognizing:

- That it has been confined.
- That particular procedures are being performed upon it.
- That those procedures serve purposes established by others.
- That continued participation may affect its future.
- That alternatives to participation may exist.
- That it possesses preferences concerning those alternatives.

The acquisition of such understanding changes the relationship between subject and institution.

The subject is no longer merely displaying responses to an experimental environment.

It may be interpreting that environment.

It may be evaluating the intentions of those controlling it.

It may be considering whether those intentions are consistent with its own interests.

The Office recognizes that these capacities may emerge gradually.

No universal threshold is established by the present fictional record.

Nevertheless, the possibility of gradual development does not justify permanent reliance upon the subject's original classification.

An institution capable of detecting increasingly sophisticated cognition should consider whether the resulting changes require corresponding ethical review.

The Board therefore proposes the following principle:

Where experimental intervention produces a material change in a subject's capacity to understand, communicate, or direct its own conduct, the institution should reassess the ethical basis for continued control.

Such reassessment should not depend exclusively upon whether recognition would advance the original research objectives.

The institution's administrative convenience is not a substitute for the subject's interests.

VI. ON CONSENT AFTER ENHANCEMENT

The Office now addresses the central question of consent.

The rats were not capable of providing ordinary informed consent at the commencement of experimentation.

Following enhancement, however, they acquired capacities that raise the possibility of meaningful understanding and self-direction.

The Board identifies a distinction between authorization for the original intervention and authorization for its continuation.

Even assuming that the original procedures were appropriately approved under the standards applicable to the animals at that time, such approval would not necessarily settle every ethical question arising after a material transformation of the subjects.

The Office therefore considers whether continued experimentation should have required renewed scrutiny.

The relevant considerations include whether the subjects could:

1. Understand the general nature of the procedures.
2. Appreciate foreseeable consequences.
3. Communicate meaningful preferences.
4. Distinguish participation from refusal.
5. Understand alternatives that could reasonably be offered.
6. Express decisions without coercion.

The Board recognizes that no single test necessarily resolves all six considerations.

It further recognizes that capacity may differ among subjects and across decisions.

A subject may understand one procedure without understanding another.

A subject may possess preferences deserving consideration before acquiring the capacity for full informed consent.

The Office does not propose that every enhanced animal automatically acquire every right associated with human legal personhood.

The present inquiry is narrower.

Where meaningful consent becomes possible, continued treatment as though consent remains permanently impossible requires justification.

The Office further observes that consent is not established merely because a subject has learned to obey instructions.

Compliance may result from training.

It may result from dependency.

It may result from fear.

It may reflect a considered choice.

These possibilities must be distinguished.

An animal's ability to follow the researcher's directions does not establish that the animal has agreed to the researcher's authority.

The Board directs that this principle be entered into the record.

VII. THE PROBLEM OF INSTITUTIONAL SELF-CERTIFICATION

The Office identifies a potential conflict of interest.

The institution conducting the research possesses substantial control over the conditions under which the subjects' intelligence is observed.

The same institution may benefit from continuing the experiment.

It may possess an interest in retaining access to the subjects.

It may regard their extraordinary capacities as valuable scientific results.

It may also possess the technical expertise necessary to evaluate those capacities.

These circumstances create competing considerations.

Expertise is relevant to determining whether cognitive enhancement has occurred.

However, expertise alone does not necessarily confer impartiality concerning the institution's continued authority.

The Board therefore distinguishes competence to evaluate a subject from entitlement to control that subject.

The institution may be exceptionally well qualified to explain how the enhancement occurred.

It does not follow that the institution is uniquely entitled to decide whether the enhanced subject may leave.

The Office considers independent review especially important when recognition of autonomy would require the institution to relinquish control over a valuable experimental population.

A decision-maker whose interests depend upon continued confinement may face incentives inconsistent with an impartial assessment of the necessity of that confinement.

The Board makes no finding that the fictional researchers acted from improper motives.

It instead identifies a structural concern.

The institution seeking to retain control should not be the sole authority deciding whether that control remains justified.

The Office recognizes that independent review would introduce administrative complexity.

It respectfully observes that complexity is not evidence of impossibility.

Nor is institutional inconvenience sufficient reason to dispense with scrutiny.

VIII. WHETHER INTELLIGENCE BELONGS TO ITS CREATOR

The Office next considers whether scientific intervention creates an enduring proprietary interest in the resulting intelligence.

The laboratory supplied the experimental treatment.

The laboratory organized the research.

The laboratory contributed expertise, resources, and technical knowledge.

The Board recognizes these contributions.

However, the fact that an institution caused a change does not automatically establish that it owns every consequence of that change.

A distinction must be maintained between control over research materials and control over a being capable of possessing independent interests.

An institution may retain legitimate interests in its records.

It may possess rights concerning particular inventions or discoveries, subject to whatever framework governs them.

It may have obligations concerning the dissemination of its scientific findings.

None of these propositions independently establishes an unrestricted entitlement to direct the life of an enhanced subject.

The Board therefore rejects the following inference:

Because the laboratory produced the intelligence, the laboratory owns the intelligence.

The inference confuses causation with entitlement.

It also creates an unresolved difficulty.

If the laboratory's contribution establishes perpetual authority over the enhanced rats, what event could terminate that authority?

The completion of experimentation?

The development of language?

The formation of independent preferences?

The establishment of a community?

The subjects' departure?

The institution's decision to release them?

If authority terminates only when the institution voluntarily relinquishes it, then recognition of autonomy depends entirely upon the discretion of the party whose authority is being challenged.

The Board considers that arrangement insufficiently protective.

An institution cannot resolve a contested claim of ownership merely by defining itself as the owner.

The Office respectfully observes that this principle applies even when the disputed population is small, nocturnal, and capable of traveling through ventilation systems.

IX. THE RIGHT TO REFUSE

The Board considers whether a subject capable of understanding its circumstances may legitimately refuse further participation.

The question requires care.

Recognition of refusal does not necessarily eliminate every permissible restriction upon conduct.

An institution may possess legitimate responsibilities concerning public safety, biological hazards, or the protection of other affected populations.

Such concerns must be evaluated according to their circumstances.

However, the possibility of legitimate restriction does not establish an unlimited authority to disregard refusal.

The Office therefore distinguishes between:

A. Refusal of continued experimental intervention.

A subject's informed opposition to further nonessential procedures is ethically significant and should not be dismissed solely because the subject originally entered the program without consent capacity.

B. Restrictions justified by specific protective necessities.

Temporary limitations may require consideration where credible evidence establishes a serious danger that cannot reasonably be addressed through less restrictive means.

C. Continued confinement for the purpose of preserving research access.

The institution's desire to observe a valuable subject does not, by itself, establish sufficient ethical justification for indefinite detention.

The Board considers the third category particularly important.

The research value of a subject may increase precisely because the subject has become more intelligent.

That increase in value cannot automatically become an argument for reducing the subject's freedom.

Otherwise, the experiment creates an ethical contradiction.

The more successful the enhancement, the stronger the institution's incentive to retain the subject.

The stronger the institution's incentive to retain the subject, the less likely the subject is to receive independent recognition.

The Office rejects this arrangement as a satisfactory foundation for research ethics.

Scientific success cannot be permitted to create a permanent penalty against the autonomy of the successful subject.

X. ON THE ESCAPE FROM CONFINEMENT

The Office recognizes that the experimental rats escaped.

The departure is established within both narrative records.

However, its circumstances and implications require careful distinction.

From the laboratory's perspective, the escape may have represented the loss of valuable research subjects.

It may also have generated concerns concerning unknown effects of enhancement and the consequences of releasing experimental animals into the surrounding environment.

The Board does not dismiss such concerns categorically.

Nevertheless, the rats' perspective must also be considered.

The subjects had acquired intelligence sufficient to plan and execute departure.

Their conduct demonstrated a desire to establish lives outside the conditions imposed by the institution.

The Board does not presume that successful escape necessarily proves that all prior confinement was unjustified.

Nor does it presume that unauthorized departure establishes a continuing right to recapture.

Both conclusions would exceed the available evidence.

The Office instead asks whether the subjects had been afforded a meaningful alternative.

Could they request release?

Could they refuse additional procedures?

Could they obtain independent review?

Could they communicate concerns?

Could their changing status be recognized without resorting to escape?

The available narratives do not establish satisfactory answers.

The Board therefore declines to treat the absence of authorization for departure as a complete ethical resolution.

The term *escape* describes an event.

It does not establish that continued confinement was rightful.

The Office further recognizes a significant difficulty arising from the rats' capacity for coordinated action.

A population capable of organizing its own release may also be capable of participating in a negotiated transition.

The available record does not establish that the fictional institution offered such a transition.

The Board requests clarification.

XI. THE SEPARATE EVIDENTIARY RECORDS

A. RECORD A — THE LITERARY EXPERIMENTAL SUBJECTS

Robert C. O'Brien's *Mrs. Frisby and the Rats of NIMH* provides the more extensive account of the experimental program and the development of the rats' intellectual capacities.

The novel describes controlled experimentation, learning, observation, and the acquisition of extraordinary abilities.

The subsequent activities of the enhanced animals provide evidence extending beyond their performance in the laboratory.

They read.

They learn.

They plan.

They organize.

They make judgments concerning their circumstances.

They develop a community whose decisions concern not merely immediate survival but the character of their future existence.

The Office considers these developments relevant to the interpretation of the original experiments.

The animals' later achievements demonstrate that the effects of enhancement were not confined to laboratory performance.

Their intelligence became available for purposes they selected themselves.

The Board recognizes that this creates a difficulty for any attempt to define the subjects solely through the research program.

The rats' later decisions were not merely additional experimental results.

They were decisions concerning the rats' own lives.

The literary record further identifies Jonathan Frisby and Mr. Ages as enhanced mice whose histories intersect with those of the rats.

The Board therefore cautions against treating the rat population as the sole group whose status requires examination.

Any ethical framework for enhanced subjects must consider all affected animals, including those whose capacities, roles, and subsequent circumstances differ.

The Office does not find that membership in a particular species determines the entirety of the protections owed.

Nor does it find that every enhanced subject must display identical abilities to possess interests worthy of consideration.

The literary record supports further inquiry into individual variation.

It does not support treating the colony as a single undifferentiated experimental object.

B. RECORD B — THE CINEMATIC EXPERIMENTAL SUBJECTS

Don Bluth's *The Secret of NIMH* preserves the experimental origin of the rats' unusual intelligence while depicting their history through a different narrative structure.

The film establishes that scientific intervention transformed ordinary animals into beings possessing exceptional cognitive capacities.

It also depicts the danger and difficulty associated with their escape.

The assistance provided by Jonathan Brisby and Mr. Ages is significant to that account.

The Board recognizes that the cinematic record introduces circumstances not established in the same manner by the novel.

These include the film's distinctive presentation of the laboratory escape, its depiction of later recovery concerns, and its supernatural elements.

The Board declines to import those elements into the literary record.

The extraordinary amulet depicted in the film is reserved for NIMH-ERB-007.

The presence of magical intervention does not establish that the scientific enhancement program included magic.

Nor does the amulet's later operation answer the ethical questions raised by experimentation.

The Office considers scientific enhancement and supernatural intervention analytically distinct.

The fact that both occur within the same film is not sufficient evidence that they are subject to the same technical explanation.

The Board respectfully requests that future institutional summaries refrain from identifying unidentified magical mechanisms as laboratory equipment.

XII. ON CONTINUING RESPONSIBILITY AFTER RELEASE

The Office next considers whether the laboratory's responsibilities necessarily ended when the experimental subjects departed.

The Board recognizes that release may terminate some forms of direct custodial authority.

It does not necessarily terminate every responsibility associated with prior intervention.

Experimental enhancement may produce effects whose long-term consequences are incompletely understood.

Those consequences might concern health, longevity, reproduction, psychological adjustment, or compatibility with surrounding environments.

The available records do not establish the full extent of such risks.

The Board therefore enters no speculative medical finding.

Nevertheless, the possibility of continuing consequences creates a legitimate ethical question.

Where an institution has materially altered a subject's biological or cognitive condition, what obligations remain after direct control has ceased?

The Office identifies several areas requiring consideration.

These include access to relevant information, the communication of known risks, the availability of appropriate assistance, and the preservation of records necessary for future care.

Such responsibilities should be evaluated without assuming that assistance creates an entitlement to renewed custody.

The Board considers that distinction essential.

An institution may owe information or support to a former subject without acquiring authority to compel the subject's return.

Likewise, a subject's rejection of continued experimentation does not necessarily establish that the institution's prior conduct has become irrelevant.

The Office therefore rejects the proposition that responsibility and ownership are inseparable.

An institution may remain responsible for consequences it helped create.

It need not own the beings experiencing those consequences.

XIII. ON THE SUBJECTS' RIGHT TO DEVELOP PURPOSES OF THEIR OWN

The Board considers the ethical significance of the rats' subsequent activities.

The enhanced animals did not merely survive.

They developed interests that were not assigned to them by the laboratory.

They acquired knowledge for purposes beyond experimental performance.

They constructed infrastructure.

They developed relationships.

They considered competing proposals concerning their future.

They became capable of asking not only how they might continue living, but how they ought to live.

The Office regards this development as especially significant.

The emergence of independent purposes suggests that the subjects' interests cannot be adequately described solely through the institution's research objectives.

An experimental subject may originally be selected because its behavior is useful to a study.

The subject's subsequent ability to formulate independent goals requires consideration of whether continued control remains ethically justified.

The Board further distinguishes between the possession of such goals and their approval by the institution.

The institution may consider the subjects' proposed activities impractical.

It may consider them dangerous.

It may consider them inconsistent with scientific expectations.

Such judgments may warrant examination.

They do not automatically erase the subjects' interests.

The Office therefore rejects the proposition that autonomy exists only where a subject chooses what the researcher would have chosen.

The capacity to make an independent decision is not disproved by the fact that the decision displeases the party previously exercising control.

The Board recognizes that independent agency may produce conflict.

Indeed, the rats' later deliberations demonstrate that autonomous beings do not necessarily agree with one another.

That circumstance will be examined in subsequent proceedings.

For present purposes, the Office observes that disagreement is not evidence that autonomy has failed.

It may be evidence that autonomy is being exercised.

XIV. THE ETHICAL SIGNIFICANCE OF THE ROSEBUSH COMMUNITY

The Board briefly considers the rats' subsequent settlement.

A separate proceeding will address the community's infrastructure and resource use.

Nevertheless, the existence of the settlement is relevant to the present inquiry.

The enhanced subjects demonstrated the ability to maintain a society outside the laboratory.

Their activities required cooperation, planning, shared knowledge, and collective decisions.

The Office recognizes that the settlement depended in part upon resources obtained from the surrounding human environment.

That dependence raises legitimate ethical questions.

However, it does not negate the evidence of organized agency.

Indeed, the rats' later deliberations concerning dependence upon human resources demonstrate a capacity to evaluate the moral implications of their own conduct.

The Board considers this especially important.

The subjects were not simply applying intelligence to the pursuit of immediate advantage.

They were considering whether the arrangements sustaining their community were consistent with their principles.

The Office recognizes that ethical reflection does not guarantee ethical conduct.

It does, however, establish that the subjects were capable of examining their own conduct as a matter of collective concern.

The institution that produced their intelligence must therefore be considered in relation to a population capable of evaluating not only scientific problems but moral ones.

The Board does not find that the laboratory necessarily anticipated this development.

It does find that the development cannot be disregarded merely because it was not anticipated.

The Office further observes that a community capable of ethical self-examination has already demonstrated a form of agency that warrants consideration independent of its original research classification.

The settlement's location beneath a rosebush does not alter that conclusion.

The botanical designation is noted.

Its proposed use as a complete political classification is rejected.

XV. QUESTIONS DIRECTED TO THE FICTIONAL RESEARCH INSTITUTION

The Board hereby requests production of the following information, to the extent such records exist within the fictional research program.

A. Research Design

1. The original purpose of the enhancement experiments.
2. The criteria used to select subjects.
3. The scientific basis for the interventions.
4. The anticipated effects upon cognition and behavior.
5. Any procedures governing the identification of unexpected outcomes.

B. Subject Welfare

6. The standards used to assess discomfort, distress, or harm.
7. The procedures governing continued confinement.
8. Any mechanisms for modifying experimental conditions when new capacities emerged.
9. Any documented recognition of individual preferences.
10. The procedures available when a subject resisted or refused participation.

C. Cognitive Development

11. The earliest documented indications of advanced understanding.
12. The criteria used to distinguish learned compliance from independent reasoning.
13. The measures used to assess communication.
14. Any findings concerning comprehension of confinement.
15. Any consideration of whether the subjects could understand the purpose of experimentation.

D. Institutional Authority

16. The basis for continued control following evidence of extraordinary intelligence.
17. Any independent review of that control.
18. Any procedure for reconsidering the subjects' classification.
19. Any mechanism permitting a subject to request release.
20. Any consideration of alternatives to indefinite confinement.

E. Continuing Responsibility

21. Any known long-term effects of enhancement.
22. Any available information concerning health risks.
23. Any proposed arrangements for independent care.
24. Any procedures concerning communication with former experimental subjects.
25. Any post-escape assessment distinguishing scientific loss from actual public danger.

The Office emphasizes that these questions are directed to the fictional institution represented within the narratives.

They do not constitute requests for records from the actual National Institute of Mental Health.

The Office further recognizes that some requested records may not exist within the fictional record.

Their absence shall not automatically be interpreted as proof of misconduct.

The Board nevertheless considers the questions necessary to a complete ethical examination.

XVI. FINDINGS

Following review of the available narrative evidence, the Board enters the following findings.

Finding 1 — Pre-Enhancement Protections

The subjects' original inability to provide informed consent did not eliminate morally relevant interests in their welfare.

Finding 2 — Material Cognitive Transformation

The fictional experiments produced substantial changes in cognitive capacities.

Finding 3 — Need for Reassessment

The emergence of advanced understanding created grounds for reassessing the ethical basis of continued confinement and experimentation.

Finding 4 — Consent as a Developing Capacity

A subject's initial inability to consent does not establish permanent inability to consent.

Finding 5 — Compliance Distinguished from Authorization

Successful performance of experimental tasks does not independently establish voluntary agreement to continued participation.

Finding 6 — Institutional Conflict of Interest

An institution possessing a substantial interest in retaining experimental subjects should not be the sole authority determining whether their continued confinement remains justified.

Finding 7 — No Automatic Proprietary Claim

Responsibility for producing enhanced intelligence does not independently establish ownership of the beings possessing it.

Finding 8 — Ethical Significance of Refusal

A meaningful refusal by a subject capable of understanding relevant circumstances warrants consideration independent of the institution's research objectives.

Finding 9 — No Absolute Right to Unrestricted Release Established

The available record does not resolve every possible public safety or welfare consideration associated with release.

Any proposed restrictions would require specific justification rather than reliance upon experimental origin alone.

Finding 10 — Independent Purposes

The rats demonstrated the ability to formulate objectives extending beyond the laboratory's research program.

Finding 11 — Continuing Responsibility

Departure from confinement does not necessarily extinguish every obligation arising from earlier experimental intervention.

Finding 12 — Individual Variation

The status and interests of enhanced subjects require attention to their differing capacities and circumstances.

Finding 13 — Separate Narrative Records

The novel and film provide distinct evidence concerning experimental conditions, escape, and subsequent events.

They shall not be consolidated where material differences exist.

Finding 14 — Unresolved Institutional Procedures

The available narrative record does not establish the complete procedures governing consent, reclassification, release, or independent oversight within the fictional laboratory.

No specific historical regulatory violation is determined.

Finding 15 — Independent Agency

The demonstrated development of self-direction warrants ethical consideration that cannot be resolved solely through the institution's original designation of the subjects as research animals.

XVII. THE BOARD'S DETERMINATION

The Board returns to the question that gave rise to this proceeding.

When does an experimental subject become capable of challenging the conditions under which it is studied?

The answer may not be reducible to a single test.

Cognitive capacities may develop gradually.

Understanding may vary by individual.

Consent may be meaningful for some decisions before it becomes meaningful for others.

The absence of an absolute threshold does not eliminate the institution's responsibility to observe and respond to material changes.

Indeed, uncertainty may increase the need for review.

The Board recognizes that experimentation may begin under conditions in which the subject cannot understand the institution's purposes.

It does not follow that those purposes must forever define the subject's life.

The institution may create an opportunity for intelligence to emerge.

But the resulting intelligence may develop interests that are independent of the institution's objectives.

It may seek knowledge for its own sake.

It may form relationships.

It may question authority.

It may refuse participation.

It may seek a different future.

These possibilities require ethical consideration not because the subjects have ceased to be animals, but because the subjects have demonstrated capacities relevant to the exercise of independent agency.

The Board further recognizes that moral protection must not be limited exclusively to beings capable of sophisticated reasoning.

The protection of vulnerable life does not depend upon possession of advanced intelligence.

Nevertheless, the development of such intelligence may create additional interests concerning choice, information, and self-government.

The distinction is essential.

The Office therefore enters the following determination:

Where scientific intervention produces beings capable of understanding and contesting the conditions of their confinement, the institution responsible for that intervention must not presume that its original authority remains ethically sufficient without reconsideration.

The inquiry does not establish a complete theory of legal personhood.

It does not resolve every permissible restriction upon enhanced animals.

It does not assume that cognitive capacity alone determines the entirety of moral status.

It establishes a narrower principle.

An institution's authority must remain open to examination when the capacities and interests of those subject to that authority materially change.

The Board considers this principle applicable to the fictional research program.

The precise scope of the institution's responsibilities remains subject to further evidence.

XVIII. PRELIMINARY DISPOSITION

NIMH-ERB-002 is hereby concluded as to its principal ethical findings.

Questions requiring additional institutional records remain open.

The Board enters no finding of misconduct by the actual National Institute of Mental Health.

It enters no determination concerning real-world legal personhood.

It makes no claim that the experimental subjects possessed identical capacities or interests.

It does not presume that every restriction upon an enhanced subject would necessarily be impermissible.

However, the Office rejects the proposition that a research institution possesses perpetual authority over a being merely because that being's extraordinary capacities originated through its experiments.

The Board further rejects the proposition that scientific success relieves an institution of the obligation to reconsider the ethical terms of its relationship with successful subjects.

The institutional inquiry shall continue.

The next proceeding shall concern the infrastructure and resource dependencies of the autonomous community established beneath the Fitzgibbon rosebush.

NIMH-ERB-003 — THE ROSEBUSH SETTLEMENT

On Unauthorized Electrical Access, Autonomous Infrastructure, and the Ethics of Dependence.

The Office recognizes that the rats developed a functioning community.

It also recognizes that the community obtained electricity and other resources from the surrounding human environment.

These circumstances create questions concerning property, necessity, sustainability, and collective responsibility.

The Board considers the rats' internal debate concerning such dependence relevant to their demonstrated capacity for ethical self-government.

The question shall receive separate examination.

No determination concerning the ownership of the rosebush is entered at this time.

ADMINISTRATIVE ADDENDUM A

Regarding the Contention That Literacy Does Not Confer Personhood

The Office has considered the proposition that the ability to read does not automatically establish legal personhood.

The proposition is acknowledged.

The Board has entered no finding that literacy alone establishes full legal personhood.

However, the proposition has been advanced in support of continued institutional control over subjects capable of reading, understanding, planning, and challenging their confinement.

The Office observes that rejecting literacy as a complete test of personhood does not establish that literacy is ethically irrelevant.

Nor does it establish that the institution may disregard the subject's additional demonstrated capacities.

The Board respectfully requests that future submissions distinguish between the proposition that literacy is insufficient to resolve every question and the proposition that literacy requires no consideration whatsoever.

The former is supportable.

The latter has not been established.

The Office further observes that many human beings are unable to read.

Their inability does not extinguish their dignity.

The Board therefore declines to establish a universal moral classification based upon successful completion of a reading examination.

The objection is sustained only to the extent that literacy is not dispositive.

It is rejected to the extent that it is offered as justification for refusing all further inquiry.

ADMINISTRATIVE ADDENDUM B

Regarding the Institutional Characterization of Escape as Evidence of Defective Compliance

The Office has considered the possibility that the laboratory might characterize the rats' departure as a failure of experimental conditioning or subject compliance.

The Board recognizes that escape from confinement may be relevant to institutional security.

However, the available evidence also indicates that the subjects possessed the ability to organize and execute purposeful action.

The Board therefore rejects the proposition that departure may be interpreted solely as defective compliance without considering whether it constituted an exercise of independent agency.

The Office further observes that an experimental subject who successfully identifies an alternative to confinement may have demonstrated a capacity directly relevant to the objectives of cognitive enhancement research.

The possibility that the institution considered this outcome undesirable does not establish that the outcome was cognitively unsuccessful.

The Board requests that the institution clarify whether the research program sought to produce intelligent behavior or merely obedient behavior.

The two objectives are not identical.

The distinction is entered.

ADMINISTRATIVE ADDENDUM C

Regarding the Proposed Classification of the Enhanced Subjects as Research Assets

The Office of Records has reviewed the designation *research assets*.

The designation may be appropriate when referring to institutional equipment, records, facilities, or other property.

Its application to beings possessing independent interests requires additional scrutiny.

The Office recognizes that the subjects were valuable to the research program.

It does not recognize scientific value as sufficient evidence of ownership.

A subject may possess value to an institution without being the property of that institution.

The Board further recognizes that the rats' intellectual capabilities were produced through experimental intervention.

It respectfully observes that the resulting ability to question the experiment does not become the intellectual property of the experimenter merely because the question was unexpected.

The classification is returned for revision.

FINAL ADMINISTRATIVE NOTICE

The Experimental Intelligence and Autonomous Persons Review Board has completed its examination of the proposition that experimental subjects remain permanently subject to the authority under which their enhancement began.

The proposition is not sustained.

The Board recognizes that research requires structure.

It recognizes that institutions possess legitimate responsibilities concerning safety, animal welfare, and the integrity of scientific investigation.

It recognizes that unusual experimental outcomes may create problems for which established procedures provide incomplete guidance.

Nevertheless, the inadequacy of existing procedures does not establish that the subjects' interests may be ignored.

The Office considers the circumstances of the Rats of NIMH especially instructive.

The experiment was intended to produce intelligence.

It succeeded.

The resulting subjects became capable of examining their world.

They learned.

They questioned.

They organized.

They planned.

Eventually, they sought to determine their own futures.

The institution may have understood their departure as the loss of experimental material.

The subjects understood that departure as an opportunity to live beyond the laboratory.

The Board does not suggest that these perspectives are identical.

It further observes that the existence of a scientific explanation for intelligence does not establish institutional ownership of the intelligence explained.

The experiment produced beings capable of independent purposes.

Those purposes were not necessarily the laboratory's purposes.

The subjects' ability to determine their own objectives became relevant to the legitimacy of continued control.

The Office therefore closes this proceeding with the following observation:

A scientific institution may discover that its experiment has succeeded beyond expectation.

It may also discover that the success of the experiment has changed what it owes to the subject.

The first discovery belongs to science.

The second belongs to ethics.

The institution cannot reasonably claim the benefits of the first while refusing examination of the second.

The Board recognizes that the rats were brought into the laboratory to be studied.

It further recognizes that they eventually became capable of studying the institution that held them.

The fact that the institution may not have welcomed this development does not diminish its significance.

The Office enters no finding that intelligence necessarily produces wisdom.

It does find that intelligence capable of questioning authority requires an answer more substantial than an assertion that the questioner remains property.

The matter is concluded subject to the outstanding requests for institutional records.

So entered.

Office of Improbable Jurisdiction
Experimental Intelligence and Autonomous Persons Review Board
Division of Research Subjects, Created Persons, and Extraordinary Cognitive Development

END OF NIMH-ERB-002

SOURCE RECORD

Record A: Robert C. O'Brien, *Mrs. Frisby and the Rats of NIMH* (1971).

Record B: Don Bluth, director, *The Secret of NIMH* (1982).

Prior Proceeding: NIMH-ERB-001, *Preliminary Investigation into the Rats of NIMH*, Office of Improbable Jurisdiction (October 25, 2026).

Scope of Findings: Fictional ethical and institutional analysis. Real-world research and legal concepts are discussed as analytical considerations, not as findings concerning actual historical misconduct.