

CHAPTER NINE

*ethical issues
in the
study of deviance*

scriptions of these persons; agency-gathered statistics and files tell us principally about the workings of official agencies and how they process and label individuals.³ A similar point has been made by Jack D. Douglass concerning official data on suicides.⁴ He argues that some cases officially recorded as suicides are probably misclassified. Along the same line, Ned Polksky has argued that we must engage in studying criminals in their natural settings if we are to understand these persons.⁵

Then too, as a number of critics of contemporary perspectives on deviance have remarked, this area of inquiry has concentrated on various exotic or bizarre forms of deviant conduct, such that the literature abounds with comments on strippers, pool hustlers, mate swappers and "swingers," teen-age prostitutes, con men, patrons of "gay bars" and "tea rooms" (public restrooms), and kindred souls. Incumbents of these roles infrequently turn up in statistics gathered by people-processing agencies, hence the researcher is obliged to assemble his own facts. But most of these individuals are understandably reticent about presenting themselves to social researchers for scrutiny through questionnaires or subjecting themselves to focused interviews. As a result, various unobtrusive and sometimes disguised forms of nonparticipant or participant observer research methodology have been advocated.⁶ Techniques of "soft methodology" in which the researcher infiltrates deviant groups have frequently been described as the methodology *par excellence* for the study of deviance.

Techniques of direct observation involve problems of objectivity, matters about which standard methodology textbooks have much to say. These procedures raise a number of ethical questions as well, particularly when they are used in unobtrusive and secretive ways to study deviance and relatively powerless individuals who are involved in these activities. Thus far, methodology texts have been relatively quiet on these issues.

What responsibilities do social researchers have toward research subjects? In particular, what are the rights of deviants? Should they be free to refuse to be observed and scrutinized in the name of science? Are we obliged to inform deviants that we are monitoring and recording their behavior? Or, is it permissible for investigators to infiltrate deviant groups and to conduct observations of the members without their knowledge?

Queries of this form have rarely been entertained by social scientists until relatively recently. But in the past decade or so, sociologists and other social scientists have begun paying increased attention to ethical problems and related concerns.⁷ When sociologists write about ethics they refer variously to one of three rather distinct and different issues: the relationship of sociology and sociologists to the formation and im-

Most of this book has focused almost single mindedness on various conceptual issues and empirical questions that need to be addressed in the study of deviance. We have been almost exclusively concerned with *what* to study rather than with *how* to go about inquiry. We do not intend to conclude this text with an extended discussion of research methodology, for another entire book could deal with that subject.¹ But, a few brief comments about investigative strategies are in order.²

First, almost the full range of research methods and procedures employed in social science has been used by investigators of norm violations and violators. We saw in chapter five that survey research techniques have often been employed in order to gather data on public conceptions of deviance. Chapter three noted epidemiological studies which usually deal with secondary data, that is, statistics gathered by some social control agency. The *Uniform Crime Reports* compiled by the Federal Bureau of Investigation, for example, are frequently used to gauge the parameters of the crime problem in the United States. These reports present statistics on crimes known to the police and arrests that are assembled by the federal agency.

Some investigators have attempted to uncover etiological processes in specific forms of deviance by examining social agency case records of identified norm violators, while other researchers have conducted their own interviews with samples of deviants. A few instances can be found in which experimental techniques have been employed to examine some particular hypotheses about norm-violating behavior. Finally, various nonparticipant or participant observer tactics have been used by many who probe into deviance.

Although methodological diversity has characterized the study of deviance in recent years, a number of persons have begun to argue that only through direct observation of deviants can valid generalizations about their behavior be developed. For example, John I. Kitsuse and Aaron V. Cicourel have contended that official statistics and reports regarding criminals and delinquents are of little value as accurate de-

plementation of public policy; the morality or moral position of sociology or of individual sociologists, and, finally, strictures on the behavior of individual sociologists in their research activities.⁸

This third matter will be given major attention in this chapter. We shall examine how the sociologist conducts his research and attempt to pinpoint ethical problems surrounding inquiries into deviance. Then too, we shall identify some specific questions which must be faced in the development of an ethical stance. A brief discussion of the issues of public policy and morality will set the stage for the commentary on ethics which follows.

SOCIOLOGY AND PUBLIC POLICY⁹

A recent celebrated instance of the debate over the proper role of sociology in public policy making involved Project Camelot. That project, funded by the United States Army through the Special Operations Research Office, was intended to expend approximately \$6,000,000 for "measuring and forecasting the causes of revolution and insurgency in underdeveloped areas."¹⁰ Chile was selected as the area of investigation, but before the field work began the project was vigorously attacked by Johan Galtung, a Norwegian sociologist, and members of the Chilean political left.

The governments of Chile and the United States became embroiled in controversy, leading to the cancellation of the project before it had gotten fully underway. Part of the issue involved here was the rivalry between Department of State and the Department of Defense, but a large part centered around the general question of the acceptability of governmental agency sponsorship of the research of sociologists.

Jessie Bernard,¹¹ Gideon Sjoberg,¹² and Irving Louis Horowitz,¹³ among others, have reviewed the development of the project. They have all raised questions about the propriety of research by sociologists which is sponsored by the military or other governmental agencies.¹⁴ For example, Bernard identified several crucial issues including the ethics of funding, the responsibilities of social scientists for the uses of their findings, and the problem of censorship.¹⁵

According to Sjoberg: "the major problem social scientists faced in Project Camelot, and encounter in many other research projects as well, is the inability to achieve a sufficient degree of autonomy *vis-a-vis* the administrative-control sector of the social system that supports these research efforts."¹⁶ Thus, Sjoberg feels that the major difficulties experienced in Project Camelot, as well as in the Michigan State University involvement in research in Vietnam under CIA funding, centered pri-

marily around the inability of the investigators to maintain independence from their funding source and to preserve freedom of inquiry.

In his analysis, Horowitz contends that: "The question of who sponsors research is not nearly so decisive as the question of ultimate use of such information."¹⁷ For him, the most important issue turns upon the "Knowledge for What?" question. Is it proper and appropriate for social researchers to conduct investigations which may provide authorities representing the "status quo with tools for suppressing some sorts of social change and facilitating other sorts?"

In summary, the debate inspired by Project Camelot was primarily about questions of appropriate sponsorship, public policy, and the relations between these two facets of social life and the conduct of social science inquiry. It is instructive in this connection to examine Sjoberg's *Ethics, Politics, and Social Research*.¹⁸ Although the title of this volume speaks of ethics, only two of the fourteen essays, those by Richard A. Brymer and Buford Farris,¹⁹ and by Richard Colvard,²⁰ directly focus on the rights of research subjects in social science research. Most of the selections in that work deal with policy and sponsorship questions and are silent regarding our obligations to those we study.

In their study of a housing project, Lee Rainwater and David J. Pittman²¹ indicate that they became involved in issues of ethics and sponsorship. They comment: "While many ethical issues cut across the question of sponsorship and one's charter for conducting the research, some of the most difficult ones stem from the effort to reconcile the legitimate demands of professional standards, the sponsor's needs, and the elusive public interest."²² Although these authors do deal with subjects' rights, particularly with regard to assurances of confidentiality, the consideration of those rights is accorded secondary attention.

Peter Berger has addressed some of the issues he sees involved in the ethics of the sociologist in this book, *Invitation to Sociology*,²³ particularly in chapter 7, "Excursis: Sociological Machiavellianism and Ethics (or: How to Acquire Scruples and Keep on Cheating)." As Berger puts it: "Only he who understands the rules of the game is in a position to cheat" and "in this sense, every sociologist is a potential saboteur or swindler, as well as a putative helpmate of oppression."²⁴ In other words, Berger sees the ethical issues as involving a choice between adhering to or opposing the existing social order, not a question of how individual sociologists act towards individual research subjects. The heaviest emphasis is thus on the ways in which the sociologist's knowledge can be used to influence social policy or be used by individuals to alter their relationship to social policy and the administration of that policy. For Berger the question of ethics revolves around how the knowledge generated by the sociologist may be put to use, rather than

how the sociologist ought to generate that knowledge from empirical observation of real living human beings.

MORALS, VALUES, AND SOCIAL PROBLEMS

A number of authors have applied the term ethics to topics that are also frequently identified as matters of morality or values. One of the clearest examples of this usage is that of Harold Orlans,²⁵ who identifies his discussion of the more common ethical dilemmas as a commentary on: "some of the problems commonly cast in moral terms by one or the other party to a research grant,"²⁶ by which he means: "simply conduct deemed proper and principled, good, honest, right, and equitable."²⁷ For example, he discusses the propriety of diverting allocated research funds to purposes or persons other than those stated in grant applications.

In a similar vein, John R. Seeley argues that sociologists ought to pay more attention to major social issues of society and to how the profession might help deal with these issues and problems.²⁸ He concludes that sociology would be of greater value and better rewarded if a profession related to society in moral and intellectual responsibility should come into being and if the profession discharged that responsibility by providing real guidance and aid to society.²⁹ In short, he regards an ethical sociology as one which is forcefully involved in social problem solving.

A more recent and ambitious effort in this same direction is that of Richard L. Means. In *The Ethical Imperative: The Crisis in American Values*,³⁰ he attempts to explicate a value basis for the definition and study of social problems and social deviance. In particular he is opposed to the "subjective" definitions of such persons as Howard S. Becker. According to Means, if deviance is only that which is so labeled, then it would be incorrect and improper to designate the killing of Jews in Nazi Germany as deviant. But Means argues: "I do not think the deviant-behavior definition as expressed by Becker gives us the intellectual grounds to delineate the true nature of problems of this kind."³¹ It seems dubious however, that there is sufficient consensus in American society on acceptable behavior to generate a value-based definition of deviance that would allow a "true" description of what is problematic to which all would agree.³²

A very different approach to the problems of value orientation and ideologies is found in the writings of such students of deviance as Howard S. Becker³³ and Ned Polksky.³⁴ Becker has argued that all researchers of deviance have biases. Some sympathize with certain non-

conformists while others are hostile to various patterns of deviance, and these biases essentially reflect value positions. He concludes by recommending that: "we take sides as our personal and political commitments dictate."³⁵ In other words, we ought to expose our value biases rather than pretending to an impossible value-free posture.

The necessity of recognizing one's own values and ideologies and of communicating them to respondents in participant observation is also stressed by Polksky. He argues that if this is not done, one is apt to wind up "going native" when studying criminals in their "native setting" and to become a criminal accomplice by being drawn into involvement in the behavior that one is ostensibly studying.³⁶

ETHICS, THE RIGHT TO PRIVACY, AND THE STUDY OF DEVIANC

Sociology has a long history of investigation of both public and private social behavior, and research on private social activity perhaps accounts most heavily for the current popularity of sociology as well as for its historical influence. In all of this, however, relatively short shrift has been given to the rights of the objects of investigation.

From LePlay's persistent prying into the secrets of the family budget among European workers to Kinsey's intimate inquiries into the secrets of sexual behavior among American females, social science has continually ignored, evaded, or assailed conventional limits and taboos by asserting its right to know everything that seems worth knowing about the behavior of human beings. If this poses a threat to privacy, the risk must be weighted against the gain. We now know more about human behavior than has ever been known by any society recorded in history. The question: Is this gain worth the risk?³⁷

The aristocratic contention is Sidney Wilhelm's term for the "knowledge for knowledge's sake" argument which contends that sociologists should be unfettered in their search for data. This argument, holding that "We do because we are," allows those who invoke it to evade any ethical responsibility for their actions.³⁸ Wilhelm would not say that the gain is always worth the risk. Instead, he would compel us to honor the rights of humans while we pursue knowledge. The plain and unpleasant fact, however, is that the aristocratic contention is often used to justify the invasion of the privacy of individuals to study deviant behavior. We might begin by noting that the legal doctrine of the right to privacy is not a constitutional one but has entered Common Law only

within the past century, starting with an article entitled "The Right to Privacy," which appeared in the *Harvard Law Review* in December, 1890.³⁹ In the development of this doctrine,

Privacy has been defined as the right of an individual to be free from undesired or unwarranted revelation to the public of matters regarding which the public is not concerned, and also as "the right of a person to be left alone," in a word the right of "inviolate personality."⁴⁰

But it is not the legal doctrine by itself which is our major concern here. Rather, we wish to draw attention to the dilemma that arises when that doctrine is transferred to the study of deviance. How can we reconcile societal concern for solutions to problems and the necessity of public knowledge with the individual's right to be left alone and to have control over what information about himself becomes public knowledge?

If one grants, as we do, that the individual ought to be able to control what is divulged about him or about his ways of behaving, then simply to assert in research reports that subjects are protected by anonymity does not go far enough in protecting them. (Other issues involving anonymity will be discussed below.)

Herbert Kelman has stated the issue of the protection of privacy succinctly:

In social research, protection of the subject's privacy depends directly on the manner in which his consent is secured, and the confidentiality of his data is respected, since the essence of the right to privacy is that the individual himself controls what information about himself he is to disclose, to whom, at what time, and for what purposes. To the extent to which the subject is coerced into participation, or deceived about the purposes of the research, or observed without his knowledge, the principle of consent and thus his right to privacy are violated.⁴¹

There are several reasons why the ethics involved in the study of deviance will be examined more closely than they have in the past. The methodologies and interests of sociologists are changing; with the rise of such approaches in sociology as ethnomethodology, phenomenology, and the labeling approach, the objects of study are changing.⁴² No longer is sociological scrutiny centered so exclusively on the socially disvalued and powerless. Notice the difference, for example, between the human subjects in James P. Spradley's *You Owe Yourself a Drunk*⁴³ (Skid Roaders) and Sherri Cavan's *Liquor License* (middle-class citizens).⁴⁴ Skid Road alcoholics are socially powerless persons with a low degree of perceived social utility whose rights can be violated with

impunity. After all, why worry about the human rights of "drunken bums?" (This is explicitly *not* intended as a comment on the ethical nature of Spradley's research, but only as an observation about his research population.) However, when one studies the range of public drinking places as did Cavan in her urban ethnography, middle-or upper-class citizens who frequent public drinking places are as liable to be subjects of investigation as are the Skid Road denizens. While we may decry the fact that as sociologists we tend to be more concerned with protection of persons like ourselves than we are with the human rights of the "bad guys," it is nevertheless fairly easy to document such biased concern. Thus, when powerless and influential citizens are equally likely to be subjects of study, the sociologists and the "good guys" both begin to be bothered about the ethical implications of the methodologies of those studies.

A second development, not to be dismissed lightly, is the growing organization and militancy of the powerless themselves. The militant articulation of the grievances found in the black communities, the coalitions and unions form by welfare clients, and the organization of Chicanos and American Indians are all indications of the resistance of those who have been traditionally defined as deviants or as fair game for sociological probing to a continuation of that definition, and to continued exploitation in any form, including being infringed upon for research purposes by the academician—social snooper.⁴⁵

Other social trends will also compel us to pay more attention to the rights of individuals. Certainly the Supreme Court decisions granting fuller legal rights to the criminally accused and directing juvenile courts to observe the civil rights of youths being processed in such tribunals reflect this concern about assaults on privacy and individual rights in a mass society. Complete freedom to pry into the lives of relatively powerless deviant groups will probably not continue as such prying may be restricted by legal restraints.

The concern expressed in the popular press over invasion of privacy has also helped to raise the level of public concern about various kinds of investigators. Works such as Vance Packard's *The Naked Society*,⁴⁶ and Myron Brenton's *The Privacy Invaders*,⁴⁷ have sounded the alarm over such matters as prying on people without their knowledge for credit investigations, fund-raising campaigns, and the like.

A more scholarly documentation of how information about citizens is collected and maintained is found in *On Record: Files and Dossiers in American Life*,⁴⁸ edited by Stanton Wheeler. The fourteen essays in that work survey a wide gamut of organizations ranging from schools through consumer credit, insurance, and governmental agencies to mental hospitals. These reports suggest that not only does the citizen not

have control over information about himself, he is frequently quite unaware that it has even been collected. Dossier making is a pervasive feature of modern society.

As important as these broad forces have been, however, the most important pressure on us to protect the rights of human subjects has been the Public Health Service mandate for the protection of human subjects in research.⁴⁹ That edict grew out of the experiences of medical experimentation and experimentation with various drugs, given impetus by Henry K. Beecher's documentation of numerous cases in which hazardous experimentation was conducted on human beings without their consent.⁵⁰ Two important features of this mandate are: (1) the demand that the right of privacy of individuals be protected; and (2) the requirement that research subjects give their consent before participation in research and experimentation. As a mechanism for enforcing these requirements, the Department of Health, Education and Welfare requires a series of reviews of research proposals, including scrutiny by an institutionally designated committee on the rights of human subjects.

To add strength to this demand, a requirement is that all research, whether funded or unfunded, must be reviewed by the institutional Committee on Rights of Human Subjects prior to its initiation, and ongoing inquiry must be monitored to assess the degree to which the investigatory practices match the guarantees stipulated in the research program.

However, there is a major difficulty in these requirements. It is relatively easy to ascertain whether or not a research proposal has been reviewed by the Human Subjects Committee if that research program has been submitted for federal financing. In this case, the proposal for funding must have written stipulation that the proposal has been so reviewed. But it is much harder to ensure that monitoring of ongoing inquiry has been carried out. It is even more difficult to guarantee that unfunded research has been reviewed by anyone other than the researcher himself. In short, we have yet to develop any viable structure for policing the research activities of the unfunded or free-lance investigator. At the same time, there is no reason to assume that the researcher not supported by a grant will always manage to avoid infringing upon the rights of human subjects.⁵¹

Indeed, how is one to decide when a sociologist is engaged in research or nonresearch? As the sociologist reflects on his past experiences, he may well use recollections of the actions and behaviors of others which he observed with no research intent involved. For example, Reece McGee reports that it was only years later that he could put a sociological analysis frame around a behavioral segment he observed in the

segregated South,⁵² and Sherri Cavan reports that she lived in the Haight-Ashbury district of San Francisco for some time before she decided to systematize her observations, some of which she made before she embarked on a deliberate study of hippies.⁵³

The sociologist usually embarks upon a research protocol, however, with the intent of doing research. Particularly in investigations of social deviance, accidental or unplanned investigation is unlikely, because relatively few sociologists interact on a sustained basis with burglars, "queers," "crazies," political radicals, "hookers," and the like. Instead, sociologists are usually from the square world, only occasionally making forays into the social environments of the outsiders in our society. (It might be added that some sociologists never seem in contact with the real world!) The researcher simply does not encounter deviant folks by accident, at least not with the frequency necessary to sustain a research program. Thus, we usually find ourselves doing studies such as the one by Charles A. Varni of swingers, which he describes as a "form and degree of participant observation" but which actually was based on interviews with persons who asserted that they had engaged in swinging.⁵⁴ In any event, Varni had to go out and drum up study subjects.

Those few terse statements that have appeared in the sociological literature regarding the rights of subjects have typically placed too much trust in the good will and good intentions of the investigator. For example, in their discussion of grounded theory, Barney G. Glaser and Anselm Strauss, say that in order to apply theory, the individual practitioner must have control over the situation. They dismiss the issue of the ethics of such control with the statement: "we shall not consider here the ethical problems involved in controlling situations."⁵⁵ They enter the caveat that they refer only to "benign controls" and not to "absolute diabolic control over man." But who is to say what is benign control and what is diabolic control? If the individual is unaware that he is being controlled, is this fact alone not sufficient to merit calling the control diabolic? How are we to assess the intent or motive of the controller accurately enough so that all would agree that the motivation is benign or diabolic?

This reference to ethics in the Glaser and Strauss work appears in the discussion of the *application* of grounded theory. There is no analysis of ethics in the larger part of the volume devoted to the *generation* of grounded theory and to *strategies* for qualitative research.

A striking example of placing faith in the researcher and then ignoring the ethical problem as if it will simply go away is the following. The National Academy of Sciences, through its Committee on Science in Public Policy, and the Social Science Research Council, through its Committee on Problems and Policy, cooperatively sponsored the vol-

ume *The Behavioral and Social Sciences: Outlook and Needs*.⁵⁶ Although this book includes statements on values and ethics, one finds nothing more than optimistic public relations statements and empty shibboleths when seeking guidance for evaluating the ethical nature of the research enterprise. For example, speaking of the social scientist, the committee state: "there are times, however, when the scientist becomes an advocate of some procedure on the basis of his evidence and the probability that adopting the procedure will help to meet a desired end. Here his roles as scientist and citizen become difficult to distinguish, and it is out of such situations that the more serious ethical conflicts arise. Social scientists are aware of these problems."⁵⁷ Or, the committees refer to several propositions such as: "participation in behavioral investigation should be voluntary and based on informed consent to the extent that this is consistent with the objectives of the research." A second proposition asserts: "it is fully consistent with the protection of privacy that, in the absence of full information, consent be based on trust in the qualified investigator and the integrity of the institution under whose auspices the research is conducted. Professional organizations of behavioral and social scientists accept these propositions and bring effective force to bear to assure that they are observed. There are borderline cases however, and the ethical questions in such cases are settled, in part, by a give-and-take process in which accommodation between protection of privacy and obtaining necessary information is gradually achieved."⁵⁸ These surely are not very useful guides to how these differences are to be resolved or the direction that resolution is to take.

The committees note that: "there are many threats to privacy, of course, that are unrelated to behavioral and social science research. Surveillance by private agents, credit organizations, and mere curiosity seekers is insidious, in sharp contrast to organized scientific efforts, which have ethical controls built into them."⁵⁹ The committee ends its considerations of ethics by noting that various organizations of social scientists, including the American Sociological Association, have developed codes of ethics. According to their evaluation of these codes: "The primary purpose of the codes is to protect the public and the demands made upon it and in services received, and thus, indirectly, to enhance confidence in and respect for the profession. Because new ethical problems are always arising, if the codes are to be made more than pious statements they will require frequent revision to keep them abreast of specific new issues that behavioral and social scientists will be facing in the future."⁶⁰ We might respond, "You can say that again!"

The National Academy of Science and Social Science Research Council report does not come to grips with the issues involved in the ethical

responsibilities of social science investigators toward human subjects. Instead, it is primarily concerned with the policy implications of social science research and new social science knowledge, and with how the profession best ought to relate to society as a whole, or perhaps more accurately to the policy-makers and decision-makers of the larger society. It does not scrutinize the meaning of the right to privacy as far as the individual citizen is concerned, nor does it explore in any detail the notion of informed consent; on the contrary, it endorses the proposition that in many cases informed consent is a luxury which the social scientist in his role as investigator simply cannot afford. Implicit faith is placed in the good sense of the social science investigator to do "what's right."

This attitude will not do. Possession of the Ph.D. signifies a number of things, but it is exceedingly doubtful that conferral of that degree automatically produces in the recipient sound judgment, wisdom, and a deep-seated respect for the autonomous individuality of one's fellow man. Indeed, as Edward A. Shils has pointed out, the process of acquiring that degree may well serve to alienate one from his fellow man.⁶¹ Furthermore, we would point out that the code of ethics of the American Sociological Association is, like other codes of ethics, designed primarily to do two things either independently or simultaneously. First, it is intended to provide the trappings of professionalization for a fairly large number of people working at a common occupation.⁶² Secondly, it is supposed to protect individual members of that occupation from infringement or harassment by other members of that or another occupation. Upon finishing his term as chairman of the American Sociological Association's Committee on Professional Ethics, Lewis A. Coser opined that the future work of the committee would largely be devoted to settling disputes between professional sociologists on charges of plagiarism, and between professors and graduate students on charges of exploitation.⁶³ In both cases, the primary intent of the code is to protect the members of the occupation, not the public. And what is more important for the purposes of this discussion, the code is virtually silent on the individual rights of the subjects or of the clients of the profession of sociology.⁶⁴

As one outgrowth of their study of the impact of modern society and technology upon privacy, Oscar M. Ruebhausen, a lawyer, and Orville G. Brim, Jr., a sociologist, enunciated seven principles for inclusion in a general code of ethics for behavioral research, following review of what they saw as the fundamental problems in the relationship between science, technology, and the right to privacy.⁶⁵ But there are problems with their statement as well. For one, Ruebhausen and Brim leave too

much leeway for the investigator by including such equivocations as: "whenever possible, both consent and anonymity should be sought in behavioral research." (emphasis added)⁶⁸ Similarly, they aver: "the minimal requirements of privacy seem to call for the retention of the private data in a manner that assures its maximum confidentiality *consistent with the integrity of the research.*" (emphasis added)⁶⁹ It strikes us that these escape clauses leave the door open to the aristocratic contention and allow the researcher the luxury of saying: "I'll do all I can to protect the rights of subjects as long as it doesn't inconvenience me or my research."

A second major problem with these suggestions is that they over-rely on the integrity of the researcher and his administrative superiors. For example, Ruebhausen and Brim declare that "needing no more than a passing mention, is the integrity of the behavioral research scientist, which, along with his interest in science, must be assumed as a basic prerequisite."⁷⁰ They argue that this integrity will protect the rights of subjects. But if that is so, why do we need a code of ethics and control machinery?

A final problem with this formulation is that it calls for a review board to be composed of the responsible officials of the institutions financing, administering and sponsoring the research, all of whom may be assumed to have vested interests in maintaining the research program of the institution.⁷¹ We hold that what is called for is an autonomous review board that includes outsiders without such vested interests. The work of Eugene J. Webb and his associates is one more example of dodging the ethical issue.⁷² In the preface to the volume *Unobtrusive Measures: Nonreactive Research in the Social Sciences*, the authors state that "in presenting these novel methods, we have purposely avoided consideration of the ethical issues which they raise."⁷³ Webb and his colleagues do discuss the question of ethics on the two following pages, indicating that the secret recording of jury deliberations or of conversations of individuals in bed together have lead to moral revulsion of many social scientists and that the arousal of anxiety or aggression may well have permanent psychological effects on subjects. However, they report that there are currently no guidelines which would aid the researcher attempting to select an ethical approach to his research. Moreover, they propose no guidelines. Instead, one finds mention in their volume of the techniques of wearing rubber heels to sneak up and eavesdrop on conversations and acknowledgement that hiding microphones to collect data is a controversial tactic when employed in certain settings, and illegal in many.⁷⁴ They offer the suggestion that the best way to hide a microphone is to rig it in a fake hearing device so that

the unsuspecting subject will tend to lean over directly into what he perceives to be a hearing aid, thereby giving a better recording.⁷⁵ An additional anecdote in *Unobtrusive Measures* relating to the ethical issue deals with a political campaign manager who, unable to interview his opponent's campaign manager, contrived to search through his opponent's wastebasket daily, thus allowing him to "ingeniously (although perhaps not ethically)" obtain data bearing upon the plans, strategies, and activities of his opponent.⁷⁶ Would this episode have been seen as unethical if the rummaging through the wastebasket had been done by a social scientist rather than by a campaign manager? Should the search for data be unrestrained, or must we consider the methods by which these observations of unwitting subjects are gathered?

In addition to the violations of the basic rights of others—and we reiterate that subjects do indeed have such rights, even if they happen to be people of low social value—there are risks to the field of sociology which are incurred when the rights of subjects are not respected. Others have pointed to some potential harmful consequences to sociology which result through failure to respect the human dignity of research subjects. One line of commentary can be found in observations by Theodore M. Mills who observes that the use of laboratory manipulation or of deception, can simply be a process of creating the findings which one wishes to discover.⁷⁷ This is scarcely a process which will lead to a cumulative social science, a point also made by Erikson and discussed more fully below.⁷⁸

It should be noted that Mills' biting diatribe against observers and experimenters inflicting themselves upon subjects frequently deals more with matters of private sensibilities than with matters of ethics. A situation in which one is discomfited by observing "an attractive young lady [who] moves over to the mirror, fluffs her hair, strokes her eyebrows, then with her little finger probes deeply into her nose"⁷⁹ is more a matter of the private sensibilities of the observer than it is a matter of ethics. We would argue that the ethical concern should not be concentrated on the reaction of the researcher to this bit of private behavior when he only intended to watch a contrived laboratory exercise, but on the whole arrangement whereby the observer watches the young woman without her knowledge or voluntary acquiescence to that observation.

The study by John F. Lofland and Robert A. Lejune directly involves the matter of ethics and prompted an incisive exchange of opinions.⁸⁰ In this research the investigators arranged for students to disguise themselves, go to Alcoholics Anonymous meetings, and record the frequen-

cies and types of interactions which took place. One negative response to this study was offered by Fred Davis, who raised some fundamental questions having to do with the propriety of deceiving subjects as to the intent of one's research, the lack of consideration of the rights of respondents to control the release of information about themselves, and the dangers of closing off an important area of research when other AA chapters learned about how one New York chapter had been used to serve academic purposes.⁷⁹ Lofland's reply, it seems to us, conforms fairly closely to the aristocratic contention referred to above.⁸⁰ He argues that the approach was the only one which would have worked, and besides, no harm was done to the respondents or to Alcoholics Anonymous as an association.

A more comprehensive analysis of the problems of disguised observation is that of Kai T. Erikson.⁸¹ He lists four ethical objections to the practice of participant observation being conducted by a disguised observer. According to Erikson "disguised observation constitutes an ugly invasion of privacy and is, on that ground alone, objectionable."⁸² Disguised observation also runs the risk of destroying the public faith in sociology and closing off any future research with those whose privacy has been invaded. Then too, the disguised participant observer is most frequently a graduate student who is forced into a role which contains some very real dangers of psychological and moral discomforture. Finally, the adoption of a disguise and the impersonation of a group member means that the data gathered by surreptitious participant observation tactics are tainted by the presence of the observer in ways which make a meaningful analysis of those data almost impossible. Erikson recognizes the difficulty of drawing a clear-cut line between ethical and unethical investigative activity. However, he proposes some recommendations which might deal with at least one end point of the continuum from highly ethical to highly unethical. He maintains that "first it is unethical for a sociologist to *deliberately misrepresent his identity for the purpose of entering a private domain to which he is not otherwise eligible*; and second, that it is unethical for a sociologist to *deliberately misrepresent the character of the research in which he is engaged.*" (emphasis in the original)⁸³

The position statement by Erikson is a fairly strong one with which we are in agreement, although it may not be emphatic enough. In the first place, he suggests that "in point of sheer volume, of course, the problem is relatively small, for disguised participant observation is probably one of the rarest research techniques in use amongst sociologists."⁸⁴ This claim may be open to challenge in the contemporary scene, given the growing popularity of new interests in such things as labeling theory, ethnomethodology, "the sociology of the absurd," and the social

construction of reality. These perspectives often imply the use of unobtrusive, disguised observation. Secondly Erikson intended his statement to apply only to the role of the disguised participant observer, not to some other more general issues such as disguised observations in non-participant research or to the disguised purposes of inquiry which can be hidden even in such apparently open methodologies as survey research.⁸⁵

A recent research endeavor by Laud Humphreys has generated considerable discussion of the ethics involved in the study of deviance. His investigation, culminating in his *Tearoom Trade*,⁸⁶ involved his acting as a participant in the public rest rooms ("tearooms") used by male homosexuals for fleeting impersonal sex acts. He served as a "watchqueen" or lookout in various tearooms, observing the transitory social encounters of fellatio. Then, in order to determine the social characteristics of those involved in public sex, he noted license numbers of the cars driven by some of the participants. Later, by use of vehicle registration lists, he included these persons as part of a larger survey research program and hence gained social demographic data about them. Thus, the survey research led respondents to reveal data about themselves that was used for purposes other than those which were presented to them. Portions of Humphrey's research report were published in *Trans-action*,⁸⁷ which led to the "Sociological Snappers and Journalistic Moralizers" exchange between Nicholas von Hoffman, a journalist, and Irving Louis Horowitz and Lee Rainwater, sociologists and editors of *Trans-action*.⁸⁸

The essence of von Hoffman's criticism is: "No information is valuable enough to obtain by nipping away at personal liberty."⁸⁹ The Horowitz and Rainwater reply deserves reading in its entirety. They assert that such research is necessary, that it serves the valuable purpose of providing knowledge on which to base public policy, and that: "Humphreys' follow-up had to be performed with tact and with skill precisely because he discovered that so many of the people in his survey were married men and family men."⁹⁰ But this later assertion rings false, for by Humphrey's own report the social characteristics of those men he had observed became clear only in the household interview conducted a considerable time after the observations were made.⁹¹

The references to anonymity of respondents also raise interesting questions. Typically, in research dealing with deviants, the problem of preserving anonymity can be sloughed off by an unconcerned researcher (unless the police or other regulatory agents come to believe that he has important inside information that might be useful to them).⁹² As mentioned previously, garden-variety deviants are typically the powerless of society, thus the researcher is under much less pressure to maintain the anonymity of respondents in a survey of Skid Road dwellers in a

given city than in an investigation of the power structure of that same community. After all, there is only one mayor of a city, and politicians are more apt to read sociological treatises than are "winos." Furthermore, one's audience is much more apt to identify from various clues which city commissioner is being discussed, and to care about it, than to be able to identify, or care about, some drunk.

We often face a difficult choice in the publication of sociological research reports. If the locale and participants are not disguised, then anonymity is not assured; but if it is disguised, then replication becomes more difficult. In the past this dilemma probably applied less to studies of deviance and to deviant populations than to other areas of sociological endeavor. At least, the researcher who was unconcerned about the privacy of others could violate that privacy without incurring the wrath of his subjects or his sociological peers. However, we would assert that if sociologists ever begin to study the more powerful deviants, including large-scale criminals such as "white collar offenders," then the problems of anonymity in the publication of research results will be forced on the student of deviance as well.

A case in point is William J. Chambliss's report of the vice power structure in a city he calls "Rainfall West."⁶³ The use of this name for the city, as well as thinly disguised alterations of persons' names, lead us to believe that this is surely a report of Seattle, Washington, and that if anyone cared to do so, it would be a relatively easy task to identify the major figures such as "Sheriff McAllister" about whom Chambliss speaks. If the city is not Seattle, then the problem remains, for surely others as well will believe it is Seattle.

It appears that there are two ways to resolve the dilemma between anonymity and the need to know. One is for the researcher who conducts studies of important persons who have transgressed the law to be as forthright as the journalist about identifying the persons being discussed. In this role the sociologist is a moral reformer and journalist, and he runs the strong risk of reaction by those written about. The alternative is not to discuss the setting or the persons and to maintain complete anonymity in reporting. This solution makes replication more difficult, perhaps, but does allow the researcher to remain honest in his writings.⁶⁴

Finally, let us emphasize that we hold that sociologists ought to be concerned about maximizing the rights of research subjects even in the absence of any pressure to do so from the subjects or the larger public. Sociologists have no business treating "bums," "crooks," or other outsiders as second-class citizens. At the very least, we are convinced that the continued lack of attention to the ethical strictures on the study of

deviance could endanger the only natural resource of sociology: the cooperation of the people being studied.

NOTES

¹ The reader should consult Travis Hirschi, "Procedural Rules and the Study of Deviant Behavior," *Social Problems* 21 (Fall 1973): 159-73, for a broad, incisive critique both of theoretical and methodological assumptions in the study of deviance. Hirschi notes a number of assumptions and procedural rules that have hindered the development of sound empirical propositions in this area of inquiry.

² Some issues raised here were previously discussed in Joseph F. Jones, "Unethical Experimentation is Unnecessary," paper presented at the Pacific Sociological Association annual meetings, April 1972, Portland, Oregon.

³ John I. Kitsuse and Aaron V. Cicourel, "A Note on the Use of Official Statistics," *Social Problems* 11 (Fall 1963): 131-39; see also Cicourel, *The Social Organization of Juvenile Justice* (New York: John Wiley and Sons, 1968).

⁴ Jack D. Douglas, *The Social Meanings of Suicide* (Princeton, N.J.: Princeton University Press, 1967).

⁵ Ned Polksky, *Hustlers, Beats, and Others* (Chicago: Aldine Publishing Co., 1967), pp. 117-49.

⁶ For example, see Jack D. Douglas, ed., *Observations on Deviance* (New York: Random House, 1970); Douglas, ed., *Research on Deviance* (New York: Random House, 1972).

⁷ Earlier discussions had, of course, taken place. See, for example, Joseph H. Fischer and William L. Kolb, "Ethical Limitations on Sociological Reporting," *American Sociological Review* 18 (October 1953): 544-50; see also the statement "Participant Observation and the Military: An Exchange" by Lewis A. Coser, Julius A. Roth, Mortimer A. Sullivan, and Stuart A. Queen, *American Sociological Review* 24 (June 1959): 397-400.

⁸ A notable exception is Glazer's recent volume, *The Research Adventure*, in which all three of these topics are touched upon. This work is also notable for the amount of previously unpublished commentary by other field researchers it contains. Myron Glazer, *The Research Adventure* (New York: Random House, 1972). Peterson includes the issue of protection of human subjects in a wide-ranging commentary on social research which includes a defense of the United States Census Bureau and a defense of academic freedom. See William Peterson, "Forbidden Knowledge," in Saad Z. Nagi and Ronald G. Corwin, eds., *The Social Context of Research* (New York: John Wiley and Sons, 1972).

⁹ Much of the literature dealing with ethical issues in research will be omitted in this essay because it, like the literature dealing with Project Camelot used here for illustrative purposes, does not deal with the study of deviancy.

A classic in the field of social science ethics is the so-called jury-bugging case, wherein arrangements were made to secretly tape-record jury deliberations. For an account of this research and the responses it evoked, see Ted R. Vaughn, "Governmental Intervention in Social Research: Political and Ethical Dimensions in the Wichita Jury Recordings," in Gideon Sjoberg, ed., *Ethics, Politics, and Social Research* (Cambridge, Mass.: Schenkman Publishing Company, 1967), pp. 50-77.

Waldo W. Burchard studied the reactions of lawyers, political scientists and sociologists to the issues involved in this case. He concluded that all three types of respondents favored this kind of study, although the lawyers favored it less strongly than the other two professions. See: Waldo W. Burchard, "A Study of Attitudes Toward the Use of Concealed Devices in Social Science Research," *Social Forces* 36 (October 1957): 111-16.

Another celebrated case is: Stanley Milgram, "Obedience and Disobedience to Authority," *Human Relations* 18 (February 1965): 57-75. Milgram deceived subjects into applying what they thought were electrical shocks up to and beyond the point where these shocks would be life threatening. Some of the deceived subjects reacted rather markedly to their own behavior. Also see Diana Baumrind, "Some Thoughts on Ethics of Research: After Reading Milgram's Study of Obedience," *American Psychologist* 19 (June 1964): 421-23.

More recently Milgram has described the obedience experiment more fully and has offered a summary of his responses to criticisms of the ethical nature of the experiment, including Baumrind's criticisms: Milgram, *Obedience to Authority* (New York: Harper and Row, 1974). See especially Appendix I "Problems of Ethics in Research" where Milgram defends the ethical nature of the research on the basis that it leads to moral development for the subjects.

A number of studies have been aborted as a result of the researcher's discovering that the manipulations were having unexpected, and frightening effects. See Phillip G. Zimbardo, "The Pathology of Imprisonment," in Elliot Aronson and Robert Heltreich, eds., *Social Psychology in the World Today* (New York: Van Nostrand Reinhold Co., 1973).

¹⁰ Irving Louis Horowitz, "The Life and Death of Project Camelot," *Trans-action* 3 (November-December, 1965): 3-7, 44-47.

¹¹ Jesse Bernard, "Letter to the Editor," *The American Sociologist* 1 (November 1965): 24-25.

¹² Gideon Sjoberg, *Ethics, Politics, and Social Research*, pp. 141-61.

¹³ Horowitz, "The Life and Death of Project Camelot." Also see Horowitz, ed., *The Rise and Fall of Project Camelot: Studies in the Relationship of Social Science and Practical Politics* (Cambridge, Mass.: MIT Press, 1967).

¹⁴ This is a point which has received considerable attention in the field of anthropology. See the exchange "Toward an Ethics for Anthropologists," *Current Anthropology* 12 (June 1971): 321-56.

¹⁵ Bernard, "Letter to the Editor."

¹⁶ Sjoberg, *Ethics, Politics, and Social Research*, p. 152.

¹⁷ Horowitz, *The Rise and Fall of Project Camelot*, p. 517.

¹⁸ Sjoberg, *Ethics, Politics, and Social Research*.

¹⁹ Richard A. Brymer and Buford Farris, "Ethical and Political Dilemmas in the Investigation of Deviance: A Study of Juvenile Delinquency," in Sjoberg, *Ethics, Politics, and Social Research*, pp. 297-318. It is interesting that the editor of this volume, Sjoberg, is listed (p. 303) as advocating a secret research role even if this might require countenancing delinquent acts. The secret role was not, however, adopted.

²⁰ Richard Colvard, "Interaction and Identification in Reporting Field Research: A Critical Reconsideration of Protective Procedures," in Sjoberg, *Ethics, Politics, and Social Research*, pp. 319-58.

²¹ Lee Rainwater and David J. Pittman, "Ethical Problems in Studying a Politically Sensitive and Deviant Community," *Social Problems* 14 (Summer 1966): 357-66.

²² Ibid., p. 354.

²³ Peter Berger, *Invitation to Sociology* (New York: Doubleday & Co., 1963).

²⁴ Ibid., p. 152.

²⁵ Harold Orlans, "Ethical Problems in the Relations of Research Sponsors and Investigators," in Sjoberg, *Ethics, Politics, and Social Research*, pp. 3-24. An example of concentrating on the "morality" of specific research behaviors is provided in Richard A. Berk and Joseph M. Adams, "Establishing Rapport with Deviant Groups," *Social Problems* 18 (Summer 1970): 102-17. Berk and Adams deal with the "morality" issue (pp. 115-16) in the context of the obligation of the researcher to inform the police of illegal activities performed or planned by the subjects. They note that it is incumbent on the researcher to inform the subjects that such reporting might take place, thereby implying some consideration of the notion of informed consent, but this issue is not squarely faced.

²⁶ Ibid., p. 3.

²⁷ Ibid.

²⁸ John R. Seeley, "The Making and Taking of Problems: Toward an Ethical Stance," *Social Problems* 14 (Summer 1966): 382-89.

²⁹ Ibid., p. 389.

³⁰ Richard L. Means, *The Ethical Imperative: Crisis in American Values* (New York: Doubleday & Co., 1969).

³¹ Ibid., p. 16.

³² On this point see, *inter alia*, Don C. Gibbons and Joseph F. Jones, "Some Critical Notes on Current Definitions of Deviance," *Pacific Sociological Review* 14 (January 1971): 20-37 and adapted in this volume, chapter four.

³³ Howard S. Becker, "Whose Side Are We On?" *Social Problems* 14 (Winter 1967): 239-347.

³⁴ Polksky, *Hustlers, Beats, and Others*.

³⁶ Becker, "Whose Side Are We On?" See also our discussion in chapter one.

³⁸ Polksky, *Hustlers, Beats and Others*, pp. 131-32.

³⁷ Daniel Lerner, ed., *The Human Meaning of the Social Sciences* (New York: Meridian Books, 1959), p. 7.

³⁸ Sidney Wilhelm, "Scientific Unaccountability and Moral Accountability," in Irving Louis Horowitz, ed., *The New Sociology* (New York: Oxford University Press, 1964), pp. 181-87; a recent example of invoking the aristocratic contention is Galliher's analysis of the code of ethics of the American Sociological Association. Among other things, Galliher (p. 98) suggests that the code be changed from "All research should avoid causing personal harm to subjects used in research" to "All research should avoid causing personal harm to subjects used in research unless it is evident that the gain by society and/or science is such that it offsets the probable magnitude of individual discomfort." Galliher would further have it that "professional judgments of what is probable harm would be adequate. But who is to say that 'science' can be benefited by causing personal harm? Presumably other scientists, who may well place the advancement of answers to their curiosity above the rights of subjects. See John F. Galliher, "The Protection of Human Subjects: A Reexamination of the Professional Code of Ethics," *The American Sociologist* 8 (August 1973): 93-100.

³⁹ Samuel D. Warren and Louis D. Brandeis, "The Right to Privacy," *Harvard Law Review*, 4 (December 15, 1890): 193-221.

⁴⁰ Samuel H. Hofstatter and George Horowitz, *The Right of Privacy* (New York: Central Book Co., 1964), pp. 2-3.

⁴¹ Herbert Kelman, *A Time to Speak* (San Francisco: Jossey-Bass, 1968), p. 204.

⁴² The revival of interest in qualitative methodology and the development of ethnomet hodology has resulted in methodology texts dealing with these procedures. A sampling of the diverse discussions of ethical issues in them includes the following: William J. Filstead's *Qualitative Methodology* contains a collection of six articles under the heading of "Ethical Problems in Field Studies" (although the essay by J. A. Barnes, "Some Ethical Problems in Modern Field-work" comes closer to what we have identified as issues of public policy and morality). See William J. Filstead, ed., *Qualitative Methodology: Firsthand Involvement with the Social World* (Chicago: Markham Publishing Co., 1970).

Leonard Bickman and Thomas Henchy frequently refer to the need for a concern with ethical issues in the introductory chapter of their edited volume, but the selections which are included do not address those issues. Leonard Bickman and Thomas Henchy, eds., *Beyond the Laboratory: Field Research in Social Psychology* (New York: McGraw Hill Book Co., 1972).

Finally, Matthew Speier has authored what purports to be an introduction to "doing" ethnomet hodology which is completely silent on the rights of the subjects to be protected from being unobtrusively observed, secretly filmed

and/or tape recorded by students, techniques which he recommends. Matthew Speier, *How to Observe Face-to-Face Communication: A Sociological Introduction* (Pacific Palisades, Calif.: Goodyear Publishing Co., 1973).

⁴³ James P. Spradley, *You Owe Yourself a Drunk* (Boston: Little, Brown and Co., 1970).

⁴⁴ Sherri Cavan, *Liquor License* (Chicago: Aldine Publishing Co., 1966).

⁴⁵ Becker makes a similar point concerning the study of populations in general. Becker, "Whose Side Are We On?", p. 243. For an account of a social survey which met with organized resistance from persons traditionally defined as powerless (poor blacks), see Eric Josephson, "Resistance to Community Surveys," *Social Problems* 18 (Summer 1970): 117-29. Ethel Sawyer has attempted, not very successfully in our opinion, to raise some of these issues as they relate to the black researcher in the black community. Ethel Sawyer, "Methodological Problems in Studying So-Called 'Deviant' Communities," in Joyce Ladner, ed., *The Death of White Sociology* (New York: Vintage Press, 1973).

⁴⁶ Vance Packard, *The Naked Society* (New York: David McKay, 1964).

⁴⁷ Myron Brenton, *The Privacy Invaders* (New York: Coward-McCann, 1964).

⁴⁸ Stanton Wheeler, ed., *On Record: Files and Dossiers in American Life* (New York: Russell Sage Foundation, 1969); See also Malcolm Warner and Michael Stone, *The Data Bank Society* (London: George Allen and Unwin Ltd., 1970). James B. Rule, *Private Lives and Public Surveillance: Social Control in the Computer Age* (New York: Schocken Books, 1974).

⁴⁹ U.S. Department of Health, Education and Welfare, "Protection of the Individual as a Research Subject" (Washington, D.C.: U.S. Government Printing Office, 1969). Also see "Protection of Human Subjects," Chapters 1-40 in *Grants Administration Manual* (Washington, D.C.: U.S. Government Printing Office, 1971). A sociologically oriented research report of the ethical practices and beliefs of research physicians is provided by Barber *et al.*, who conducted both an extensive survey of hospitals and an intensive study of two hospitals. See Bernard Barber, John J. Lally, Julia Loughlin Makarushka and Daniel Sullivan, *Research on Human Subjects: Problems of Social Control in Medical Experimentation* (New York: Russell Sage Foundation, 1973).

The entire Spring, 1969, issue of *Dialectus* is devoted to "Ethical Aspects of Experimentation with Human Subjects." Note that most of this discussion deals with medical and/or pharmacological research.

A recent comprehensive (1159 pages) case book on the subject of experimentation is Jay Katz, ed., *Experimentation with Human Beings* (New York: Russell Sage Foundation, 1972). The thrust of this volume is not to provide answers but to provoke discussion and study, and it is primarily devoted to disciplines other than sociology. Also see Richard W. Wertz, ed., *Readings on Ethical and Social Issues in Biomedicine* (Englewood Cliffs, N.J.: Prentice-Hall, 1973); Preston

Williams, ed., *Ethical Issues in Biology and Medicine* (Cambridge, Mass.: Schenkman Publishing Co., 1973).

⁵⁰ Henry K. Beecher, "Ethics and Clinical Research," *The New England Journal of Medicine* 274 (June 16, 1966): 1354-60.

⁵¹ This is a seldom discussed implication of the so-called publish or perish syndrome in universities. As pressure mounts for research publications, the aspiring scholar is tempted to put his future before the rights of subjects. Cf. Ibid., pp. 1359-60. Beecher's view is that data which have been improperly obtained should not be published for "failure to obtain publication would discourage unethical experimentation." The data presented by Barber *et al.* documents the effects of the pressure to publish on the young physician researcher, and upon those who do not feel adequately rewarded, leading to lack of concern for the ethics of their research. See Barber, *Research on Human Subjects*, chapter 6 and *passim*.

⁵² Reece McGee, *Points of Departure* (Hinsdale, Ill.: The Dryden Press, 1972), pp. 151-53.

⁵³ Sherri Cavan, *Hippies of the Haight* (St. Louis, Mo.: New Critics Press, 1972), pp. 32-33. An additional problem with this work is that after making the decision to conduct a study, Cavan did not tell her acquaintances and informants that she was collecting data from them, thus she failed to obtain their consent to be studied.

⁵⁴ Charles A. Varni, "An Exploratory Study of Spouse Swapping," *Pacific Sociological Review* 15 (October 1972): 507-22. Varni reports that he placed advertisements in newspapers to attract persons to be interviewed, but that he never informed them of his research interest. Why not? Although Kelman speaks of the training of social psychologists, his statement appears to have a more general application: "What concerns me is not so much that deception is used, but precisely that it is used without question.... I sometimes feel that we are training a generation of students who do not know that there is any other way of doing experiments in our field, who feel that deception is as much *dé riguer* as significance at the .05 level. Too often deception is used not as a last resort, but as a matter of course. Our attitude seems to be that if you can deceive, why tell the truth?" Kelman, *A Time to Speak*, p. 211.

⁵⁵ Barney G. Glaser and Anselm L. Strauss, *The Discovery of Grounded Theory* (Chicago: Aldine Publishing Co., 1967), p. 245.

⁵⁶ The Behavioral and Social Sciences Survey Committee, *The Behavioral and Social Sciences: Outlook and Needs* (Englewood Cliffs, N.J.: Prentice-Hall, 1969). See the "Review Symposium," *American Sociological Review* 35 (April 1970): 329-41 for generally laudatory comments on this book, especially the statement by Charles P. Loomis (p. 336) that the book contains "a praise worthy chapter on ethics for practitioners."

⁵⁷ The Behavioral and Social Survey Committee, *The Behavioral and Social Sciences*, p. 129.

⁵⁸ Ibid., p. 37.

⁵⁹ Ibid., pp. 131-32. Implicit in this is a reference to the field of medicine, with its code of ethics and peer review. That these don't work to protect the subject is attested to by Beecher's article referred to previously. The work of Barber *et al.*, is germane: "Our data show that socialization into scientific values does occur in medical school but socialization into humane treatment of human subjects has yet to be brought into its proper place in medical education." Barber, *Research on Human Subjects*, p. 8.

A recent case is that of the so-called Tuskegee Study. This study, originally established by the United States Public Health Service to evaluate the efficacy of the heavy metals and arsenic treatment for syphilis used experimental and control (untreated) groups. Several aspects of this study are worth noting. One is that the reporting of this experiment was begun in 1936, but a public furor did not develop until 1972. (All of the subjects were black; see our comments above on the powerless.) Another is that members of the control group were left untreated even after penicillin became the proven, effective cure for syphilis. See "The 40-Year Death Watch," *Medical World News* 13 (August 18, 1972): 15-17.

⁶⁰ The Behavioral and Social Science Survey Committee, *The Behavioral and Social Sciences*, p. 133. For a discussion of the ways in which changes in technique force ethical issues on the medical profession see "Ethical Questions Hippocrates Did Not Have to Face," *Medical World News* 13 (July 14, 1972): 37-50.

⁶¹ Edward A. Shils, "Social Inquiry and the Autonomy of the Individual," in Lerner, *The Human Meaning of the Social Sciences*, pp. 149-51. On this point, see Richard T. Morris and Bodel J. Sharlock, "Decline of Ethics and the Rise of Cynicism in Dental School," *Journal of Health and Social Behavior* 12 (December 1971): 290-99 and Howard S. Becker and Blanche Geer, "The Fate of Idealism in Medical School," *American Sociological Review* 23 (February 1958): 50-56.

In a more recent, and somewhat puzzling essay, Shils appears to take the position that the various disciplines in the social sciences can be trusted, however, to pursue important truth. Shils feels that the imposition of the federally required controls, as these have been interpreted at the University of California at Berkeley, will serve to silence social scientists on their attempts to portray accurately the activities of the groups which they study. Our feeling is that the protection of the rights of human subjects must be taken into account while they are being studied, but that this does not *ipso facto* prevent research. See Edward Shils, "Muting the Social Sciences at Berkeley," *Minerva* 11 (July 1973): 290-95.

⁶² Galliher makes this point explicit: "A Code of Ethics for sociology is useful, if for no other reason than furtherance of public relations, since (sic) it keeps sociology professionally abreast of other social sciences including psychology and anthropology, which have such bodies of rules." Galliher, "The Protection of Human Subjects," p. 98, fn. 3. See also Elliot Freudson, "Political Organization and Professional Autonomy," in his *Profession of Medicine* (New York: Dodd, Mead and Co., 1970), pp. 23-46.

⁶³ Lewis A. Coser, personal interview with Joseph F. Jones.

⁶⁴ It might be noted in passing that among the other distinctions between the profession of medicine and the profession of sociology is that, within the former there is a much greater probability that the subject of the practitioner's ministrations will also be the client. In sociology it is rare indeed that the client, that is, the individual who is paying the bill, will be the same person as the subject; that is, the individual who is being subjected to sociological scrutiny. Some might also take the view that sociology differs from medicine in that sociology does little of lasting importance. That is, medical experiments frequently involve the danger of undesirable side effects, including death, whereas sociological experimentation is not this serious.

But the issue of the long-term effects of sociological experimentation may be open to empirical question. Consider, for example, the line of research represented by James Walters, Ruth Connor and Michael Zunich, "Interaction of Mothers and Children from Lower-Class Families," *Child Development*, 35 (June 1964): 433-40. These researchers misled lower-class mothers about their child's constructiveness, imagination, and maturity so that they could see how the knowledge that the child did not do well in a test of these items would affect the mother's interaction with the child. One of their conclusions was that mothers are indeed sensitive to the criticism of experts (p. 439) Now it is true that the research could not have been done if the mothers had been told that the interest was in the behavior of the mother, not in the performance of the child. Yet nowhere in the report is there any indication that the mothers were later informed of the true purpose of the research, and there is increasing evidence that expectations of authority figures are a crucial element in the performance of children, at least in school. (See, *inter alia*, Ray C. Rist, "Student Social Class and Teacher Expectations: The Self-Fulfilling Prophecy in Ghetto Education," *Harvard Educational Review* 40 (August 1970): 411-51.) How can we know that there is no long-term effect from the laboratory setting?

Another example of research in which disclosure is not reported, but which seems to us to have had the potential of long-term effects is the research by Gartinkel, in which college students were misled into thinking that they were getting counseling on matters of importance to them such as interfaith dating, when in fact the "counseling" was a random series of yes and no responses to questions. Harold Garfinkel, "Common-Sense Knowledge of Social Structures: The Documentary Method of Interpretation" in Jordan M. Scher, ed., *Theories of the Mind* (New York: Free Press of Glencoe, 1963), pp. 689-712. Contrast these with the report of Milgram, *Obedience to Authority*, of disclosure of the nature of research and of a year long follow-up with counseling to ensure that the subjects were not suffering long-term effects from the experimental task.

⁶⁵ Oscar M. Ruebhausen and Orville G. Brim, Jr., "Privacy and Behavioral Research," *Columbia Law Review* 65 (November 1965): 1184-1211.

⁶⁶ Ibid., p. 1201.

⁶⁷ Ibid., p. 1204.

⁶⁸ Ibid., p. 1205.

⁶⁹ Ibid., p. 1210. Note that the inclusion of outsiders on such a review board is advocated by Barber *et al.*, *Research on Human Subjects*, pp. 194-96. The Governing Council of the American Public Health Association adopted in 1972 a policy resolution calling not only for outsiders to sit on review committees in prisons and other institutions with captive populations, but also for the inclusion of members of the captive populations.

⁷⁰ Eugene J. Webb, Donald T. Campbell, Richard D. Schwartz, and Lee Sechrest, *Unobtrusive Measures: Nonreactive Research in the Social Sciences* (Chicago: Rand McNally & Co., 1966).

⁷¹ Ibid., p. v.

⁷² Ibid., p. 130.

⁷³ Ibid., p. 150.

⁷⁴ Ibid., pp. 177-78. The authors label this anecdote "amusing." We wonder if they would find the Watergate affair equally amusing.

⁷⁵ Theodore M. Mills, "The Observer, the Experimenter and the Group," *Social Problems* 14 (Summer 1966): 373-81. For an example of intended beneficial intervention, consider Dumont's distributing vitamin pills to "down-and-outers" after he had studied them from a disguised role. Matthew P. Dumont, "Tavern Culture: Sustenance of Homeless Men," *American Journal of Orthopsychiatry* 37 (October 1967): 638-45.

⁷⁶ Kai T. Erikson, "A Comment on Disguised Observation in Sociology," *Social Problems* 14 (Spring 1967): 366-73. Erikson also distinguishes between "personal morality" and "professional ethics" and restricts himself to the latter.

⁷⁷ Mills, "The Observer, the Experimenter and the Group," p. 375.

⁷⁸ John F. Lofland and Robert A. Lejune, "Initial Interaction of Newcomers in Alcoholics Anonymous: A Field Experiment in Class Symbols and Socialization," *Social Problems* 7 (Fall 1960): 102-11.

⁷⁹ Fred Davis, "Comment on 'Initial Interactions of Newcomers in Alcoholics Anonymous,'" *Social Problems* 7 (Spring 1961): 364-65. Another example of research posing similar problems is Donald J. Black, "Production of Crime Rates," *American Sociological Review* 35 (August 1970): 733-48. Black stationed observers in police cars in Washington, D.C., Chicago, and Boston, telling the policemen that the observers were to note instances in which citizens engage in abusive responses to officers. But the observers actually accumulated evidence on abusive actions of policemen toward citizens. Black reports quite matter-of-factly: (p. 736) "In fact the officers were told that our research was not concerned with police behavior but only with citizen behavior toward the police and the kinds of problems citizens make for the police. Thus the study partially used systematic deception." Indeed, here is a case of sociologists practicing "entrainment" upon the police!

We do not take the hard line that deception of research subjects is never warranted, for there are some instances in which significant research topics

could not be investigated without deceiving research subjects. But, we submit that the decision to practice deception should be taken only after careful thought and deliberation. Further, research subjects should have the matter of deception reported to them after the conclusion of the research, along with a full explanation of the need for such deception. Further, the subject ought to be given some opportunity to have data about him returned to him in the event that the researcher cannot convince him that he should cooperate in the research even after the program is finished. A final comment on the Black case is that not only is deception questionable in this case, it also would seem unnecessary. That is, other investigators have been able to gather data about misconduct among policemen, even when those persons were aware that their activities were being monitored by observers. See "Interrogation in New Haven," *Yale Law Journal* 76 (July 1967): 1521-1648.

⁸⁰ John Lofland, "Reply to Davis," *Social Problems* 7 (Spring 1961): 365-67.

⁸¹ Erikson, "A Comment on Disguised Observation in Sociology."

⁸² *Ibid.*, p. 366.

⁸³ *Ibid.*, p. 373.

⁸⁴ *Ibid.*, p. 366.

⁸⁵ A classic example of manipulation through ostensible survey research is the research on income tax reporting done by Schwartz and Orleans. These investigators used two types of instruments, one containing "sanction" (read "punishment") oriented questions and one containing "conscience" questions to determine the effects of asking these kinds of questions on income tax reporting. The respondents, naturally, only knew that they had been interviewed. Richard D. Schwartz and Sonya Orleans, "On Legal Sanction," *University of Chicago Law Review* 34 (Winter 1967): 274-300.

⁸⁶ Laud Humphreys, *Tearoom Trade* (Chicago: Aldine Publishing Company, 1970).

⁸⁷ Laud Humphreys, "Impersonal Sex in Public Places," *Trans-action* 7 (January 1970): 8-25.

⁸⁸ Nicholas von Hoffman and Irving Louis Horowitz and Lee Rainwater, "Sociological Snoopers and Journalistic Moralizers," *Trans-action* 7 (May 1970): 4-8.

⁸⁹ von Hoffman, "Sociological Snoopers and Journalistic Moralizers," p. 6. While not completely endorsing von Hoffman's view, we would raise an additional question. "Is the information obtained necessary for advancing our understanding of public sex?" Some of the materials in *Tearoom Trade* seem of doubtful utility on this count.

⁹⁰ Horowitz and Rainwater, "Sociological Snoopers and Journalistic Moralizers," p. 7.

⁹¹ Humphreys, *Tearoom Trade*, pp. 37-38. See Humphreys's postscript: "A Question of Ethics," *Ibid.*, pp. 167-73, in which he attempts to deal with the points made by Erikson referred to *supra*. For one editor's view that these points

are successfully dealt with see George Ritzer, *Issues, Debates, and Controversies* (Boston: Allyn and Bacon, 1972), pp. 25-26.

Sanders approves Humphreys's observation of private behavior because: "Humphreys was not invading a private space, and that criterion alone justified his presence without announcing that he was a sociologist engaged in research" and "no one needs special permission to enter a public toilet as one would need for entering a private home." William B. Sanders, *The Sociologist as Detective: An Introduction to Research Methods* (New York: Praeger, 1974), pp. 10-11. This evaluation overlooks the fact that Humphreys did gain access to some of the persons whom he had observed by entering their homes in the guise of a survey researcher dealing with other matters.

⁹² For a report by a concerned group of researchers who went to great lengths to protect their respondents (and who report a 92% completion rate on questionnaires and interview dealing with such topics as drug use, radical politics and private sex lives) see Dean I. Manheimer, Glen D. Mellinger, Robert H. Somers and Marianne T. Klemon, "Technical and Ethical Considerations In Data Collection," *Drug Forum* 1 (July 1972): 323-33.

⁹³ William J. Chambliss, "Vice, Corruption, Bureaucracy, and Power," *Wisconsin Law Review* (1971): 1150-73.

⁹⁴ Still another course would be to allow the social science researcher a privileged status with his respondents, on the order of the relationship which is allowed attorneys and their clients. We do not believe that this alternative will be taken in the very near future, nor are we necessarily convinced that this is the best one. For a discussion of the issue see Samuel Hendel and Robert Bard, "Should There be a Researcher's Privilege?" *American Association of University Professors Bulletin* 59 (Winter 1973): 398-401. For a general discussion of the problems involved in disguising the identities of research sites, see Don C. Gibbons, "Unidentified Research Sites and Fictitious Names," *The American Sociologist*, in press.