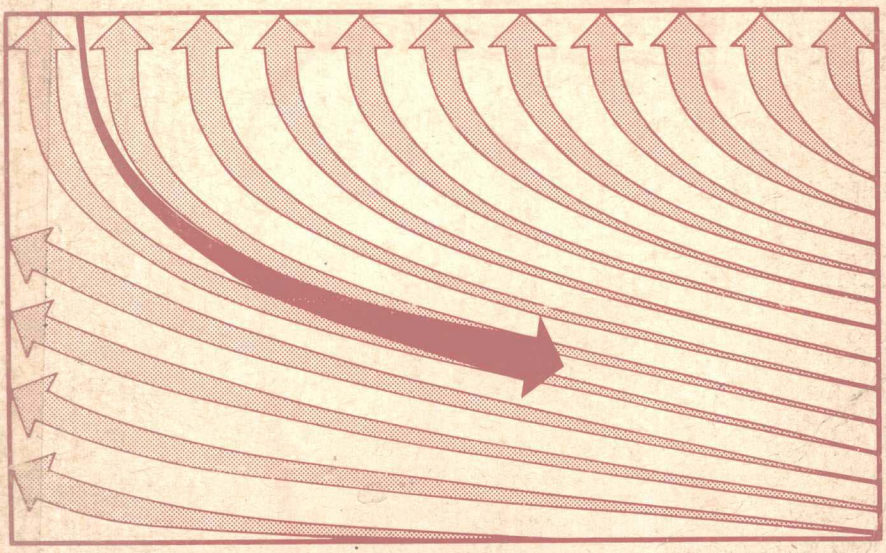
SAGE Annual Reviews of Studies in Deviance, Volume 3

DEVIANCE and DECENCY

The Ethics of Research with Human Subjects

Edited by
CARL B. KLOCKARS
and FINBARR W. O'CONNOR



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CHARLES WINICK
The City College of the City University of New York

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INTRODUCTION
The Reader's Informed Consent

As a student of human conduct proposing to venture into the territory which this volume seeks to explore, you deserve to be forewarned of the risks and hazards you will encounter. The key words of the title of the book, "deviance" and "decency," should set you on your guard. They should inform you of the expanse of the territory before you and of the vagueness of the boundaries which limit and divide it. As well, the moral dimension of these words (neither is neutral) combined with their lack of specificity should suggest that disputes over portions of that territory—issues of trespass and access, claims of privacy and freedom, and even lies, thefts, and swindles—will be met along your way.

If you have not been alerted to these possibilities or the passions that may prompt them by the key words of the title, you will find most of them detailed in Section I. The gatekeeper of this first section, Jack Douglas, lays his claim to the territory, all of it, in fighting words. He calls colleagues to join in "guerrilla warfare" against intruders. He proves willing to take on all comers, though bureaucratic regulators, orthodox colleagues, and purveyors of absolute moral claims draw his heaviest fire. In order to intro-

duce you to the range of position and opinion we have in Section I juxtaposed the fighting and freewheeling words of Douglas with an essay by a no less passionate philosopher, Jeffrey Reiman. Set firmly in that position in philosophy known as "respect for persons," Reiman specifies "a series of unique and stringent moral obligations on those who would engage in research on deviant subjects." These conditions would bar a good deal of the research Douglas has been doing over the past decade.

We have allowed Douglas and Reiman to establish their polar positions early on the assumption that you will enjoy the opportunity to take sides. If you do, and if you then choose to continue through the territory of the text, the essay by Albert Reiss in Section II will invite you to put it to four demanding tests. Reiss demonstrates that it is in the very nature of regulations that the consequences produced by them often turn out to be the opposite of those intended. It may well be that after the four trials of Reiss—the paradox of presumption, the paradox of privacy, the paradox of privilege, and the paradox of policing—you who began as an ally of Douglas or Reiman may wish to change sides.

By all means do so if you wish, but we suggest you wait. In Section III Leslie Wilkins, speaking from long experience in the Home Office bureaucracy and equally long experience as a researcher outside it, suggests that the failures of regulation to protect human subjects from harm may arise more from bureaucratic "muddle" than from malevolence. Likewise, if you had chosen the side of the researcher in the pursuit of the demands of scholarship, the companion essay by Peter Manning and Lawrence Redlinger may force you to a more mercenary view of new institutional arrangements in the scholarly vocation.

In Section IV, Immunity and Anonymity, we invite you to consider two special contrasts, the first an inside account by a social researcher in a government bureaucracy of attempts within the agency to use "ethical objections" for the control of politically sensitive material. In order to protect herself from agency reprisals one author of this contribution has chosen to remain anonymous and alter portions of the account which might reveal her true identity. Edward Sagarin and James Moneymaker then follow Nom de Plume and her co-author, philosopher Don Nilson, with considerations of the dilemmas involved in enacting legislation that would support us in our promise to her that we will not divulge it.

In Section V two essays are given to the work of the National Commission for the Protection of Human Subjects—a review of its work by Bradford Gray, a sociologist and the only social scientist on its staff, and a philosophical analysis of the implications of its principal ethical regulations by Finbarr O'Connor. If the recommendations of the Commission are adopted by Congress and prevail as ethical guidelines for all federally funded research,

their capacity to shape research and permit or limit funding, may make it the most influential ethical document of the twentieth century.

If you have weathered the passions of Douglas and Reiman, the paradoxes of Reiss, the alternatives of muddle and malevolence in Wilkins, the mercenary views in Manning and Redlinger, the worries of Nom de Plume and Nilson, and the ironies of Sagarin and Moneymaker with the expectation that some comforting resolution will emerge from the National Commission, you will, we fear, be disappointed. Gray's essay will leave you, at best, uneasy. O'Connor will, if you follow him to the end, scare you.

The last essay in this volume will complete your hazardous tour through the territory you now propose to enter. It seeks to find some common grounds on which the likes of Douglas and Reiman might live in peace. It finds a few in what you may consider the most unlikely places.

Having said this much we feel we have fulfilled our duty to warn you of the risks and hazards in the territory beyond this introduction. We have not made a full disclosure but we do believe it to be a fair one. Now, of course, the choice is left to you.

–Carl B. Klockars
–Finbarr W. O'Connor