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Regulation of Social Research

At the dawn of federal regulation of use of human subjects in research, Preston Burnham* wrote that he might someday "mark 1966 as the year in which all medical progress ceased." Thus far he has proved a poor prognosticator. Gray and Cooke† recently reported that just over half of 2000 researchers questioned about their views on institutional review boards (IRB's) said that benefits of the review process outweighed difficulties, although nearly half also said that "their research had been impeded in a way that was not balanced by benefits." Burnham's forebodings may yet be prescient, but for research in social science.

The Department of Health, Education, and Welfare (HEW) has proposed regulations that would extend the requirement for prior approval by an IRB to research in any field, HEW-funded or not, that involves collection of information about identifiable persons, living or dead.‡ A political scientist collating *New York Times* stories about individual politicians, a sociologist studying sports, a statistician intent on identifying the authors of the Federalist papers could not proceed without an IRB's consent. A defender of the proposed regulations might say that they would not be applied in such instances, but if that is true then they should be stated so that such cases fall outside their bounds. The regulations clearly require "prior and continuing review and approval by an Institutional Review Board" in these examples.

Harms risked by human subjects of research range from the possibility of sudden death to that of faint embarrassment. No single mechanism can be optimal for all situations. Government intervention should be closely tied to the reality of the risk and to the protection needed. At present, we have little hard data establishing the incidence of harm, let alone its nature or the circumstances in which it occurs. A systematic study of incidence, to date, is appended to the 1978 Report of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research. Interviews revealed "harmful effects" in 79 of 2384 projects surveyed, and these were found to be generally "trivial or only temporarily disabling," although in some medical investigations deaths were reported. For the social sciences, only anecdotes suggest the need for special protection in some situations, but when and what kind of protection are far from clear.

The common ethical problems within social research differ from those in biomedical experiments even as those within biomedicine differ from field to field. In social psychology, there is often a question of use of deception; in documentary research, the question of privacy of records arises; in interview research, the major problem is protecting confidences. These require different solutions. Since hospitals and clinics are legally responsible to their patients, some form of institutional peer review of studies of patients seems reasonable. The same procedure may be inappropriate for interviews or for library research. Indeed, clearing procedures with a review board makes it harder, not easier, for a scholar to protect confidences.

The major professional and university associations, led by the American Council on Education, have urged HEW to abandon its dragnet approach. Instead of prior review of all research involving human subjects (minus a list of specific exceptions), the associations urge that review be limited to significant risks of harm—that is, to research that involves intrusion on a subject's person, deprives subjects of resources, or deceives them.

In research, as in other walks of life, risk exists in interactions that consist of nothing more than open exchange of information. The HEW proposal for protection—by imposing restrictions on who may speak to whom—threatens the freedom of scientist and layman alike. As the Federalist papers argued in regard to a similar proposal to solve a problem by restricting liberty, "it could never be more truly said than of the . . . remedy, that it is worse than the disease."—FREDERICK MOSTELLER, *President, AAAS*

*P. J. Burnham, *Science*, 22 April 1966, p. 448. †B. Gray and R. A. Cooke, *Hastings Center Report*, February 1980, p. 36. ‡*Federal Register*, 14 August 1979.