

# Moral sanctions and their limits for social and behavioral research with human subjects

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**Synopsis:** An exploration of the morally relevant ways in which studying people is like and unlike those primordial, fundamental human activities, sanctioned by the very nature of human beings and human society, simply watching and talking with them. Along with timeless moral considerations, some historical and technological constraints on current practice will be described.

## 1. *My charge and background*

I was asked to talk about ethical principles, moral reasoning rooted in philosophy, and to offer ethical guidance concerning social and behavioral research with human subjects.

Before I do so, I should explain that I am not a philosopher. My undergraduate degrees are in English and mathematics, and I hold the M.A. and Ph.D. in folklore. My credentials for talking about morality are rooted in parochial school, Jesuit high school and college, my own research experiences, service on two IRBs, one IACUC, and one misconduct committee, and nearly 15 years of on-the-job training at the Poynter Center for the Study of Ethics and American Institutions at Indiana University-Bloomington.

Although I am familiar with philosophical ethical theory, I concentrate on practical ethics – that is, ethics as a tool for wrestling with (and sometimes solving) real-world problems, rather than philosophical problems. In this case, I've opted to explore the moral sanctions and limits on research with human subjects in the behavioral and social sciences. "Sanction" is one of those odd words that's it's own opposite; today I am not using "sanction" to mean "penalty," but rather "warrant" or "license" – that which makes a given activity legitimate. So one of our questions is, "What makes us think we can get away with this stuff at all?"

## 2. *Biomedical versus behavioral and social*

In discussions of research with human subjects, behavioral and social research are conventionally balanced against biomedical research. I confess that, being somewhat literal-minded, for some time I was confused by the word "biomedical." What other kind of "medical" could there be – geomedical, perhaps? But eventually I learned that some people in the field take the prefix "bio" to distinguish research that involves treating human subjects from research on

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other aspects of medical endeavor. Under this interpretation, an ethnographic study of a hospital would rightly be called medical, but not biomedical.

By the way, I am aware of the current discussion about whether we should use the term “human subject” or replace it with something like “human research participant.” I will continue to use “subject,” but I will return to this terminological question near the end of this talk.

Returning, then, to the conventional distinction between biomedical research on the one hand and behavioral and social research<sup>1</sup> on the other:

My use of the word “conventional” no doubt signals that I find the distinction less than satisfactory. The division does suggest what I take to be the key difference between these modes of research, but it does so in a somewhat misleading way.

In crude terms, in biomedical research the subjects are poked, prodded, cut open, or fed drugs, whereas in social and behavioral research the subjects’ bodies are neither touched nor invaded.

I call this crude because there are lines of research that are not medical, but in which the body is implicated. Three actual examples:

- A psychologist asks subjects to consume alcohol so he can record and evaluate their performance in various activities.
- A sports researcher uses electrodes to monitor the heart and respiration rates of subjects on treadmills.
- A sex researcher applies monitors to other parts of the body to measure response to erotic stimuli.

These examples all directly implicate the body, none of them strike me as medical, and they all demand a degree of physical intimacy with the subject – even when, as in the case of the sex research, the subject applies the monitor him- or herself and the researcher never touches the subject.

To me, the key moral difference does not conform to disciplinary boundaries. It follows methodology more closely, but probably not faithfully. That’s because when you’re studying someone’s body you’ve got to be careful about a host of things that aren’t concerns when you’re only studying his words or his actions. Is the subject taking any medication which makes drinking alcohol dangerous? Is there a risk the subject will pass out on the treadmill, and if she does, is first aid available? Should your monitoring devices be sterilized, or merely disinfected?

Since the question is whether the research implicates the body, we might call it the distinction between somatic and non-somatic research.

I hope you will accept this less-than-satisfactory terminology for the remainder of this talk, and that you will not adopt it for future use. There’s got to be a better way to put it, but this is the best I’ve been able to come up with.

Of course, many – perhaps all – of the concerns of non-somatic research are also concerns in somatic research, such as informed consent and confidentiality. Also, the difference does not turn on the magnitude of risk. Some somatic research carries no greater risk than slight discomfort from EKG leads, and some non-somatic research carries a risk of imprisonment or loss of a job.

In sum, somatic research is like touching, drugging, and cutting people; non-somatic research is like watching and talking with people.

Now I set aside somatic research as the topic for some other conference, for most – though not all – behavioral and social research is non-somatic. I am thus freed from having to consider the right to bodily integrity, injunctions against assault and battery, and the like, narrowing our current field of moral inquiry from mind-boggling to merely enormous.

### 3. *Discipline less salient than method*

I mentioned a moment ago that the moral fault line follows methodology closer than discipline. This point is probably also obvious: Sociology and anthropology, for example, both embrace multiple methodologies, and share many of them, so that although the moral differences between, say, survey research and ethnographic research are fairly clear, these differences do not map consistently onto the disciplines of sociology and anthropology. To say the same thing in a slightly different way, the similarities between a sociologist and an anthropologist doing ethnographic research are more significant than the similarities between one sociologist doing survey research and another sociologist doing ethnographic research.

Academic discipline and theoretical perspective are less salient than methodology, all in all, because methodology, or at least a key aspect of methodology, consists of human interaction – the social relationship that's established, however briefly or superficially, between the researcher and the subject.

### 4. *Our social nature and morality*

Indeed, our relationships with other people, our social nature – including our fundamental need to watch and talk with other people – can be argued to be at the core of morality. William James, in his essay, “The Moral Philosopher and the Moral Life,” writes that moral words like obligation, good, and ill

can have no application or relevancy in a world in which no sentient life exists. . . . [But] Were all other things, gods and men and starry heavens, blotted out from this universe, and were there left but one rock with two loving souls upon it, that rock would have as thoroughly moral a constitution as any possible world which the eternities and immensities could harbor.

Morality can almost – perhaps entirely – be reduced to the proper balancing of claims and obligations, which cannot exist outside of social relationships. All other things being equal, I have a claim to bodily integrity, and you have an obligation not to harm me. The non-human universe has no such obligation. A storm that kills a person cannot rightly be called immoral, and while my daughters have a claim on me for food and protection, but they have no such claim on the world. As James writes,

Claim and obligation are, in fact, coextensive terms. . . . Take any demand, however slight, which any creature, however weak, may make. Ought it not, for its own sole sake, to be satisfied? If not, prove why not. The only possible kind of proof you could adduce would be the exhibition of another creature who should make a demand the other way.

James did not mean to imply that a claim must be overtly expressed to be legitimate; if that were the case, infants, being unable to say outright “Take care of me!” would have no claim on our care. To be sure, some claims exist only if they are overtly expressed, but others are simply features of our physical and social selves, such as the infant’s need for care and the adult’s reasonable expectation that promises will be kept.

I take it that “moral claims” and “reasonable expectations” are roughly coextensive terms, but for some reason I find it a bit easier to think in terms of reasonable expectations, and I will use that phrase for a bit.

### 5. *Promises*

Promises offer a quite straightforward example of reasonable expectations and their moral currency. After all, a promise, by its very nature, creates an expectation that it will be kept. Even a person who makes a promise insincerely, without meaning to keep it, understands this, for the only reason to make an insincere promise is to create a particular expectation.

Truth telling is another example. St. Augustine argued that lying is always wrong because it violates the very purpose of language, which is to share information. There are actually many other purposes of language that Augustine did not consider, but he was onto something. When I make a statement of fact, as opposed to a joke or a greeting, you have a reasonable expectation that I believe my statement to be true.

Again, both promises and truth-telling are fundamental to our moral and social lives. If statements of fact were rarely true, if promises were kept only infrequently, two of our most important tools for creating and sustaining social life would be useless. Lying is immoral because we need to be able to understand each other; breaking promises is immoral because we need to be able to depend on each other. If there were no truth-telling or promise-keeping, we would find ourselves in a situation very like the state of nature described by Thomas Hobbes in Leviathan (part 1, chapter 13):

No arts; no letters; no society; and which is worst of all, continual fear, and danger of violent death; and the life of man, solitary, poor, nasty, brutish, and short.

### 6. *Natural law*

These examples fall along the lines of natural law theory, which rests on a two-part assumption or assertion.

Part A: The operation or composition or design of something reveals its purpose. This is easy to see in artifacts; it’s why archeologists can look at ancient stones and determine that they are knives or scrapers or what-have-you.

Part B: Using or treating a thing in accord with its purpose is morally acceptable, and using or treating a thing in a manner contrary to its purpose is immoral.

To take a well-known example, consider sexual intercourse among humans. Part A: It’s obvious that the purpose of sexual intercourse is procreation. Part B: Using sexual intercourse for procreation is morally acceptable and using it for other reasons is unacceptable.

This bit of medieval reasoning is logically valid – that is, the conclusion follows logically from the premise – but it's not necessarily true. It illustrates one of the shortcomings of natural law theory, namely how easy it is to overlook salient purposes. I hinted at this when I mentioned the distinction between statements of fact, jokes, and greetings. Similarly, upon further examination, it's obvious to everyone – except perhaps celibate church leaders – that another purpose of sexual intercourse is sensual pleasure. That being the case, a natural law theorist could argue that the Catholic Church's teaching that sexual intercourse should only be undertaken with the intention of procreation, and not with an intent to have or share pleasure, is itself a violation of natural law.

There are other problems with natural law theory, including the simple empirical problem of learning enough about the nature of a thing or action to determine its purpose. The non-empirical, logical task of extrapolating to moral judgments raises its own difficulties.

Natural law theory can be called an ethic of purpose or ends; it's rooted in part in Aristotelian ethical theory, which is often called a teleological theory. Aristotle put a heavy emphasis on virtue, including moral virtue. He lived in a social world that had a fairly clear sense of which people were to be admired and emulated – men who had the intelligence, social consciousness, and leisure to engage in politics – and which people were to be held in less esteem – women, slaves, merchants, craftsmen, and anyone else not engaged in the life of the mind and of the polis. Being a good citizen called for certain character traits, including, for example, temperance and courage. Being a good citizen was considered the purpose or telos of life, and the cultivation of certain virtues was necessary to fulfill or reach that telos.

For my part, I hold that a good understanding of the nature of a thing is quite useful in understanding it, but is probably not sufficient. On the other hand, misunderstanding the nature of a thing is likely to lead to error.

#### *7. Watching and talking with people*

All of this is simply by way of asserting that understanding the nature and purpose of watching and talking with people, and of non-somatic research, will be helpful in understanding moral sanctions and their limits on both (or all three).

Thus non-somatic research is morally sanctioned – and limited – insofar as it resembles our everyday activities of watching and talking with people, and approximately in the same way and degree. Naturally the “insofar as” clause will require some attention before we're through, but I want to brood on this a moment longer.

I've already mentioned two moral constraints on talking – lies and promises – and I think it's clear that any researcher who wishes to violate those constraints faces an uphill battle. Like the rest of us, researchers should keep their promises and should not lie.

#### *8. Honoring confidences*

Now, promise-keeping is related to a range of behaviors and customs that might be clustered under the quaint heading of “keeping faith.” Today I only want to mention one, namely honoring confidences. As is obvious to everyone here, researchers should not violate any explicit or implicit promises of confidentiality.

It might be less obvious, though, that in research, as in everyday life, it's morally problematic – at least – to coerce, encourage, or entice someone else into betraying a confidence. The reason isn't hard to find. Fidelity adds much-needed stability to social life, and undermining fidelity – by violating it myself or causing someone else to violate it – is, all other things being equal, contrary to the common good.

Of course, all other things are not equal, and it may be profitable here to consider whether the prohibition on suborning to violate a confidence is stronger or weaker in non-somatic research compared to everyday life, which will also let me say a word or two about the differences between everyday behavior and research – so far I have concentrated on the similarities.

At this point I should probably clarify that when I mention “everyday behavior,” I am thinking about informal behavior between adults, not formal behavior between professionals and clients. Confidentiality between a lawyer and her client is clearly of a different order than between a woman and her friend, if for no other reason than that non-lawyers don’t think about confidentiality as often as lawyers do – or at least as they should.

In everyday behavior, it's important to honor confidences because we need to be able safely to complain about our spouses, to criticize the neighbors' character, to make tentative plans for major life changes – in short, to confide delicate personal matters. If I learn that my friend has broken my confidence, he will not be my confidant for long. If I live in the Oceania of George Orwell's 1984 and know that all of my confidences are likely to be violated with the worst imaginable consequences for me, I will be too frightened to confide in anyone and will lead a pathologically isolated existence, even in over-crowded London.

Since the ability to confide is a moral and social good, attempting to lead someone to break a confidence is morally and socially undesirable. Confidentiality, like truth-telling and promise-keeping, is an institution that should be honored by all, both directly and indirectly.

Concerns about confidentiality in everyday life take two major forms, and I've already alluded to both of them. First is the dependability of our confidants. If they are not trustworthy, we must seek others. Second is the consequences of having a confidence broken – of my wife or neighbor learning what I confided.

Notice that both of these concerns are more acute the more constrained my social circle. If I have only a few friends, finding a new confidant is difficult, and if everyone knows everyone else, opportunities for violating confidences, intentionally or not, are multiplied. It follows that in small communities, getting someone else to violate a confidence is a serious breach.

Contrast this with the typical research project in which the researcher and the subject don't know each other, won't see each other again, and don't share any acquaintances. In this case, there's little fear that a confidence will be broken in a way that has direct consequences to the subject. To be a bit more concrete, consider a researcher who asks a subject to violate a confidence by talking about intimate details of her family life. Both the researcher and the subject know that it's unlikely this will get back to the subject's family because the researcher doesn't know her family. In fact, the subject doesn't much care what the researcher knows or says about her precisely because the researcher is a stranger.

Probably everyone here has had the experience of sitting next to a stranger on an airplane or bus or train and getting into a conversation in which you and the stranger share the most intimate and astonishing details of your personal lives. It doesn't even seem astonishing until you reflect

on it later. What does it matter if someone you've never seen before and will never see again knows these things? The personal is only sensitive in our own social circles.

I do not in any way mean to imply that it's acceptable for researchers to violate the confidences of their subjects. I am talking about the other half of confidence, that is, asking other people to violate confidences. The relationship between a researcher and a subject is different from that between a person and her neighbor to such a degree and in such kind that asking a research subject to violate a confidence is unlikely even to be perceived as such.

Here's one difference between the research relationship and ordinary human relationships: Researchers are not as limited in asking questions as neighbors.

This dovetails quite nicely with the regular IRB practice of asking researchers to maintain high levels of confidentiality and anonymity of data whenever possible. In non-somatic research, there's generally no moral barrier to asking a subject to break her confidences, as long as steps have been made to ensure that it doesn't get back to her neighbors, co-workers, and family.

And, as we know, there are kinds of personal information that are of interest to non-acquaintances, such as information about illicit use of drugs, on which the premium for maintaining confidentiality is rightly quite high.

#### *9. Familiarity*

I have made a subtle shift here from talking about the purpose of a thing or process to the consequences of an action. Before I explore this in depth, I want very briefly to mention one other difference between non-somatic research and everyday behavior: Familiarity.

I've characterized non-somatic research as watching and talking with people, implying that it's no big deal – it isn't like cutting into someone. But of course it isn't as if these are non-problematic activities in everyday life. There are plenty of ways to act immorally and to do harm that involve only watching and talking with other people. But most competent adults are familiar with the ways of doing mischief in everyday life and have some defenses against them. In contrast, however, relatively few people are familiar with non-somatic research, its methods, its aims, its dangers. This lack of familiarity means that researchers should spell things out for their subjects just as, in everyday life, we spell things out for a child or a visitor from another culture.

#### *10. Consequences*

So much for familiarity; returning, now, to the distinction between the purpose of a thing or process and the consequences of an action.

If my knowing something about you causes no harm, and may do some good – by advancing research, for example – then, arguably, my knowing that thing is good. The difference between an ethic of purpose and an ethic of consequence is subtle. Having the virtues of courage and honesty is good in itself, even if exercising those virtues sometimes results in bad consequences for the actor or others. Greek tragedy typically exploits this contrast to extremely good effect: We feel for Oedipus because he willingly endures great hardship and privation in a virtuous (though doomed) attempt to avoid killing his own father and marrying his own mother, and we feel for him in spite of the havoc that's the consequence of his actions.

I don't believe there's any moral theory that's indifferent to consequences, but some move consequences front-and-center. The best known of these is utilitarianism, which probably does not require elaboration because it's the characteristic moral theory of modern life, of the United States, and of IRBs. It's the moral theory that asserts that the morality of an action can be judged on the basis of its good and bad consequences. It's the moral theory of the cost-benefit analysis, of minimizing harms and maximizing benefits, or good, or utility. It's probably also the first answer that came to your mind when I asked what makes us think we can get away with this stuff at all: Because it does little or no harm and it has the potential to do some good.

This is another reason why biomedical research is typically contrasted to social and behavioral research. It's obvious to everyone that research with very sick people that might kill them and might lead to a cure for their condition runs very high risks and might have very significant benefits. The stakes in social and behavioral research are typically much lower than this – and, parenthetically, I'm not at all sure that this represents the majority of biomedical research.

Most forms of utilitarianism emphasize that risks and benefits are to be considered in relation to everyone involved, not just the actor. The exception is egoistic utilitarianism, in which the morality of my action is to be judged based on the risks and benefits to me, without regard to anyone else. Egoism is easily equated with selfishness and generally stands in contrast to everything that is morally praiseworthy. But the other extreme, in which the consequences to me don't matter at all, is problematic in its own ways, and mainstream utilitarianism wisely holds that what happens to me does matter even though it isn't the only thing that matters, and it may not be the thing that matters the most.

Among other things, this means that when a researcher calculates the overall utility of a project, she's allowed to include its utility to herself, but she must not give it unwarranted weight.

In spite of the term "consequentialism," actions are not actually judged by their consequences, but by their intentions. If the consequences were really the measure of the morality of an action, our ability reliably to act morally would be as limited as our ability to foretell the future. Instead, actions are judged on the basis of their intended and likely outcome.<sup>2</sup>

### *11. Watching people*

I have spoken about truth-telling, promise-keeping, and confidence-keeping, all of which concern talking with people. What about watching them?

Imagine a research project that involves merely watching people in the privacy of their own homes. All the data are anonymous, and the method of observation is so subtle that they don't even know they're being watched. Also assume that the data collected would likely promote some significant social good without harming the subjects in the least.

It would seem that a utilitarian would have no problem with this project, and if it weren't for the furtive nature of the observation, the rest of us would probably agree. But there's something creepy about it, at best; the researcher is like a peeping Tom. Even if there are no actual consequences of peeping – none outside of the peeper's head, anyway – we find the idea disturbing and morally unacceptable. It's a violation of privacy, and we all know it's wrong. But why?

I grant that it's easy to see what harms could arise from peeping. Just because this peeper is harmless doesn't mean that all peepers are – or that this one will continue to be. The peeper could use his observations for nefarious purposes like blackmail, or robbery, or rape. Even if he doesn't, his peeping would cause real harm if the residents, or even their neighbors, noticed him. They would fear that he had evil intent and their sense of safety in their own homes would be compromised.

## *12. Deontology and the categorical imperative*

I grant these possible harms, but I am not satisfied that they account for the wrong involved in peeping. Fortunately there's another ethical theory, the last I will mention today, that helps quite a bit. It's called deontology, from the Greek deon, which means "obligation" or "necessity." If utilitarianism is a theory of good and bad, deontology is a theory of right and wrong. Some actions are wrong no matter what the consequences, and peeping is one of them.

I'm not sure whether the Ten Commandments can properly be called deontological, but their form resembles the kind of pronouncement you would expect from a deontologist – "thou shalt" and "thou shalt not," period; no equivocation, no exceptions. The best-known deontologist is Immanuel Kant, the German Enlightenment philosopher who gave us the categorical imperative, which is, according to Kant, the ruling moral principle that governs all other moral decisions. He gave three formulations of the Categorical Imperative, but I will only mention one: "Act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end."

This imperative is called "categorical" in contrast to hypothetical imperatives, which take the form "If you want to accomplish A, then do X." The categorical imperative has no "if" clause; you've got to follow it all the time, no matter how you feel about it, no matter the circumstances, no matter what you want to accomplish.

Kant's claim is that the one quality that distinguishes human beings from all other beings is our ability to live our lives in accord with reason. We are not bound, like the animals, to obey our base instincts and appetites. We alone are free to choose our goals – our ends – and the means we will use to reach them.

This being the case, the most serious moral transgression – indeed, the only moral transgression – is intentionally to impede the ability of any human being to act freely; that is, to interfere with another person's autonomy. I can treat another person as a means – by, say, getting him to help me carry a heavy load – but only when I also respect his autonomy. So I can ask him or pay him to help me, but I can't, morally, force him to do so against his will.

Like Augustine, Kant held that lying is wrong in all circumstances, but for Kant the issue isn't that it's a violation of the purpose of language, but that the liar treats other people as a means only. Insofar as my understanding of the world is flawed, my freedom is impaired. If I were to break my glasses on this trip, my freedom to act would be seriously compromised because the information I get from my eyes would be diminished; it would be dangerous for me even to cross a street. Similarly, if the information I get from you is inaccurate because you lied to me, any action I take based on that lie is unjustly constrained. To some degree, perhaps to a very large degree, when you lie to me, you thrust me into a false world where I cannot make truly autonomous decisions.

The peeping Tom is obviously treating the people upon whom he spies as a means only, and not as an end. He does not treat them as autonomous human beings who act freely to create and reach their own ends, but as a kind of puppet show, as if they exist only for his own amusement. Furthermore, whether they know it or not, their freedom is diminished by his peeping because he knows something that they think no one else knows – their understanding of the world is flawed.

### 13. *Informed consent*

A deontological approach goes a long way toward explaining why informed consent is so important in research. In order to treat our subjects as autonomous beings, as ends in themselves, we have to give them the chance to understand the research project and we have to give them a chance to agree, or decline, to participate. Failing to do so amounts to treating them as a means only – as if they were laboratory rats or test tubes – even if the research is wholly innocuous.

### 14. *"Human subjects"*

Early in this talk I mentioned the current discussion over whether we should call the people we study “human subjects” or “human research participants” or some such. The concern here resembles a deontological concern, namely that the term “human subject” portrays them as things rather than as people. This is unfortunate because the subjects may feel insulted, but more importantly because the use of the term may create – or reinforce – in researchers a proclivity to treat human subjects as objects they can manipulate. The move to using “participant” is intended to signal the active involvement of the human subjects.

You may have noticed my perverse insistence on using the term “human subjects” even as I explained why it was objectionable. It’s because I’m suspicious of this move. If it succeeds in getting researchers to treat the people they study better, I’m all for it. But I doubt that it will have any such effect, especially if it’s adopted because it seems politically correct. My worry is that researchers will simply be fooling themselves; that the change in terminology is mostly for PR; and that we aren’t being honest even with ourselves about it.

It may be useful, however, to consider other terms for the people we study. A short, solo brainstorming session yielded these possibilities, which I’ve organized thematically. We might think of the people we study as

- subjects, objects, participants, collaborators, informants, or informers; as
- neighbors, friends, siblings, compatriots, or allies; as
- data points or victims; as
- patrons, masters, or bosses; as
- constituents or clients.

I submit that all of these terms are appropriate in one way or another, even if none of them are quite accurate. I won’t go through the whole list, but thinking of the subjects of non-somatic research as our neighbors emphasizes our common lot; as victims emphasizes, much too strongly, that researchers do manipulate and use them; as patrons emphasizes that we are beholden to them; as constituents emphasizes that, to some degree, the research is done for them and for people like them.

Some somatic research can claim two warrants: Benefit to society and benefit to subjects. Clinical trials sometimes result in direct therapeutic benefit to subjects, and generally result in incrementally better medical care. In contrast, most non-somatic research does not result in a direct benefit to subjects, and has to satisfy itself with the possibility of benefit to society. Another, admittedly crude, way of saying this is that in much non-somatic research, researchers don't really care about individual subjects; they care about populations, and individual subjects serve as the data points necessary to create an accurate picture of the population.

I leave you, then, with a suggestion for a new term for human subjects of non-somatic research for your contemplation, but not your active use. Perhaps it would be fruitful to think of the people we study as client population surrogates. It's unwieldy, I know, and it won't do any good PR work, but I think it implies some important moral considerations.

Thinking of them as clients emphasizes the service orientation and the fiduciary obligations researchers have toward them.

Including the word population emphasizes that the benefits of the research, if any, are most likely to accrue to the population, not just (perhaps not at all) to the particular members studied.

Thinking of them as surrogates acknowledges, in a kinder way than "data point," that they are standing in for something else.

Thus, thinking of the people we study as client population surrogates emphasizes our fiduciary obligations to them and to the population they represent, and acknowledges the importance and the limitations of each individual we actually study. I think it puts things in a good, and proper, perspective.

### *15. Conclusion*

I have offered some thoughts on the moral sanctions for social and behavioral research with humans subjects and the limits to those sanctions. My approach has been a bit piecemeal and certainly incomplete. This is because I wanted, along the way, to demonstrate a variety of kinds of ethical theory and then to describe each of them. I am sure that there are important issues that I have not mentioned, and I hope they will come up in discussion; but I think and hope that what I have said can easily be extrapolated to most of the other issues.

Thank you for your attention.

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<sup>1</sup> Here and elsewhere in this paper, the word "research" should be assumed to apply only to research with human subjects.

<sup>2</sup> In his little book, Utilitarianism, John Stuart Mill distinguishes between intention and motivation. On the one hand,

He who saves a fellow creature from drowning does what is morally right, whether his motive be duty, or the hope of being paid for his trouble; he who betrays the friend that trusts him, is guilty of a crime, even if his object be to serve another friend to whom he is under greater obligations.

In a note, Mill quotes an objection to this passage raised by "the Rev. J. Llewellyn Davies."

“Surely the rightness or wrongness of saving a man from drowning does depend very much upon the motive with which it is done. Suppose a tyrant, when his enemy jumped into the sea to escape from him, saved him from drowning simply in order that he might inflict upon him more exquisite tortures?”

To this objection, Mill replies:

The morality of an action depends entirely upon the intention – that is, upon what the agent wills to do. But the motive, that is, the feeling which makes him will so to do, if it makes no difference in the act, makes none in the morality: though it makes a great difference in our moral estimation of the agent, especially if it indicates a good or bad disposition – a bent of character from which useful, or from which hurtful actions are likely to arise.

This last passage shows that although utilitarians focus on consequences, they are not necessarily indifferent to other considerations, such as character, which is more generally associated with Aristotelian ethical theory.