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INFORMED CONSENT AND DECEPTION IN PSYCHOLOGICAL RESEARCH

Abstract: To obtain reliable results, some psychological experiments need to involve the deception of human subjects. This contradicts the ethical principle of autonomy and the process of informed consent that is required to ensure the subjects' autonomy. Some solutions to this dilemma have been proposed, but all of them have drawbacks. As solution I propose a procedure that combines proxy consent and prior consent.

Stanley Milgram's experiments on obedience at Yale University¹ have sparked a heated discussion on the ethics of experimentation. One of the main issues is deception.² Those arguing against deceptive experiments state that deception is lying and that lying is ethically wrong.

However, some experiments could not be done without deception. Take for instance an experiment where the potential for aggression is measured under different circumstances. If the research subjects knew about the real goal of the experiment, they would behave quite differently and the results of the experiment would not be scientifically valid. People tend to react in a different manner if they know that they are being watched. In some experiments, however, the difference in behavior is so small that it can be ignored. So first of all we must distinguish between necessary and unnecessary deception.

Unnecessary deception is performed in experiments where deception is not required

to keep up with methodological standards. It is ethically wrong because there is no reasonable justification for it.

Necessary deception is used in experiments that would not generate valid results without it.³ So the dilemma here is to either use deception in the experiment or not to carry out the experiment because it could never yield a valid result. But does the necessity of deception in experiments justify its use?

Utilitarian criticism

Diana Baumrind - one of the most prominent critics of Milgram - identifies several negative consequences of deception in experiments from a rule-utilitarian point of view.⁴

She notes the special relationship of trust between researcher and subject. This trust is violated through the use of deception in an experiment. This leads to different costs that such an experiment involves:

a) Harm done to the subject

The experience of being deceived by a seemingly trustworthy scientist can be quite devastating.

b) Harm done to the profession

Costs of deception experiments include diminishing the number of naive subjects, and harming the reputation of the profession: „psychologists are suspected of being tricksters“⁵. By their profession, scientists are committed to truth, and not being trustworthy undermines their reputation.

c) Harm done to society

Baumrind also notes some harm done to society: deception experiments „undermine

¹ cf. Milgram 1974.

² Herrera (1997) rightly states that there has been deception in research before and after Milgram. However Milgram's study is the best known example and has been widely criticized, thus getting more scientists to participate in the discussion of research ethics.

³ e. g. because of the Rosenthal-effect

⁴ cf. Baumrind 1985.

⁵ Baumrind 1985, p. 169.

trust in expert authorities“⁶ and may lead to a „suspicion that pervades daily life“⁷.

I hold that while utilitarian criticism is surely helpful, this position is not the strongest one that speaks against deceptive experiments. While all the costs Baumrind lists definitely are relevant, they may well be accepted if the goal of the study is of high utility. This is the way utilitarians have justified scientific experiments for a long time: the possible gains we get from the experiment (knowledge) outweigh the costs to the subject. My position is that the deontological principle of autonomy has a much stronger case against deception in psychological research.

Autonomy and Informed Consent

We know from the principle of autonomy that it is wrong to disrespect the decisions another person has made for him- or herself. This also means the decision to take part in an experiment should be an autonomous decision. So researchers have to make sure that their experimental subjects consent to the experiment of their own free will and being fully informed.⁸ This informed consent may be analyzed into the following distinct elements⁹:

- a) *Competence*: the subject must have the competence to reach an autonomous decision (e.g. understanding). Subjects who are not competent need special protections if an experiment may be conducted with them at all (e.g. proxy consent, special procedures).
- b) *Voluntariness*: the subject must be free from controlling outside influence (coercion). The decision to take part in the experiment must be his or her own.

c) *Relevant information*: the researcher must give the subject all relevant information about the experiment. Of course, this includes the fact that the subject can ask about things he or she wants to know and can ask additional questions at any time. The process of informed consent is not over after the subject has agreed to participate. Relevant information will include:

- ☞ The fact that the participation in the experiment is voluntary and that the subject can stop at any time without any negative consequences.
- ☞ The fact that the subject can get more information about the experiment at any time. The subject also needs to know whom to ask.
- ☞ What data about the subject will be gathered and how it will be processed and stored (e.g. anonymously).
- ☞ The goal of the experiment.
- ☞ The estimated duration of the experiment.
- ☞ The description of the procedures in the experiment, what the subject will have to do in the experiment.
- ☞ Information about the expected risks and uncomfortable situations the subject will be exposed to.
- ☞ Information about the compensation the subject will get.
- ☞ Information on the person that can be asked about the experiment even after it is over.

d) *Understanding*: the subject must understand the information given. The researcher must make sure that the subject really understands the information. He must use clear and simple language and use open questions to find out if the subject has understood the information. A written form with the relevant information is helpful as the subject can take more time to study it (e.g. overnight).

e) *Decision*: the subject then gives his or her (temporary) consent to take part in the experiment. He or she knows that he or she

⁶ Baumrind 1985, p. 169.

⁷ Baumrind 1985, p. 169.

⁸ cf. Beauchamp & Childress 1994, p. 123; p. 144ff.

⁹ For an in-depth analysis of informed consent cf.: Patry (2002).

can take back this consent at any time without any negative consequences.

We see that especially the information element in the requirements for informed consent would make it wrong to perform any deceptive experiments. Informed consent seems to contradict deception.

Solutions for the dilemma

We again face the dilemma between conducting an experiment with necessary deception and thereby breaking the rule of informed consent or of performing an experiment which cannot generate reliable knowledge and thereby not doing the job properly and therefore wasting valuable resources.

But are there other ways out of this dilemma?

a) If no other method solves the dilemma it is wrong to perform the experiment. No deceptive experiment is allowable.

b) Knowledge about the goal and procedures of an experiment is not relevant. Thus all deceptive experiments are allowable.

The solutions a) and b) are extreme positions. I do not think these solutions are justifiable as we can find a better solution through a more complex experimental process.¹⁰

c) Ex-post-facto consent

In this proposal it is sufficient that the relevant information is given to the subject after the completion of the experiment. It is also the solution Milgram chose. Here it is possible, however, that a subject would not have given his or her consent to the experiment had he or she known all of the relevant information. Thus the „1.3 percent of Milgram's subjects who expressed disapproval afterwards were morally wronged.“¹¹ This is a major drawback to this solution and I think that risking the possibility of breaking a basic right of a person is wrong.

¹⁰ cf. Soble 1978.

¹¹ Soble 1978, p. 43.

d) Presumptive consent

This solution proposes to question a number of „mock-subjects“ whether they would participate in a given experiment, and if an overwhelming majority (Veatch's proposal is 95 %) would consent to the experiment then the experiment may be done on real subjects without informing them completely before the experiment. The same as above can be said about this solution. If you risk wronging up to 5% (or even more) of the subjects you break some basic rights of these persons. And even if all of the „mock-subjects“ agree to the experiment it is not said that all of the real subject would agree to it too.

e) Prior general consent

In this method to satisfy both principles¹² it is suggested to ask the potential subjects to agree not to be informed. The subjects therefore consent to being deceived without knowing how they will be deceived. Of course this increases mistrust and the subjects will suspect deception. This will definitely affect the result of experiments with necessary deception: „In order to show that the knowledge gained in experiments relying on prior general consent is useful, experimenters will have to demonstrate that subjects' foreknowledge of the deception did not interfere with the success of the illusion“¹³. And just this requires yet another deceptive experiment. I do think that the influence of the knowledge about possible deception is minute as quite a number of subjects will know about some deceptive methods in psychology.¹⁴ Another problem of this method is the question whether subjects willing to agree to deception differ in a

¹² cf. Soble 1978, p. 44.

¹³ Soble 1978, p. 44.

¹⁴ Especially students - the group most used in experiments - will know about the possibility of deception. Also some studies have shown that subjects do not behave very differently if they are told to behave *as if* they would not suspect anything.
(cf. Greenberg, Freedman)

relevant way from the general public. I think that this question leads to an overall discussion on the differences between subjects who volunteer for research (deceptive or not) and those who don't. Schuler notes that volunteers tend to be better educated, more intelligent, and have higher social status.¹⁵ As it is definitely morally wrong to recruit subjects that are not volunteers it seems that researchers will just have to make do with the volunteers they get.

f) *Proxy consent:*

In this method it is not the subject himself who consents to the research procedure but a relative. This proxy can then be given all of the relevant information, and if he or she agrees to the experiment the subject can take part. The problem here is that often proxies have different values and needs as the subject him- or herself and may thus decide differently than the subject would have done. In one study 31 % of the proxies consented to an experiment even if they thought their relatives (the subjects) would not have consented to the experiment.¹⁶ Thus proxy consent alone is not sufficient to guarantee the subjects their rights.

Soble finally suggests a combination of proxy consent and prior general consent.¹⁷ Research subjects will only come from a definite pool of potential subjects. To join this pool the volunteers sign a form that they agree to participate in a certain number of experiments within a given period of time (e.g. a year). The subjects have a choice of approving deception or they can decline deceptive experiments. Thus the influence of the knowledge about potential deception on the results is decreased. Soble also suggests a solution to the experimenter bias problem in the prior general consent method: subjects should not be told that only those who agree

to deception will be used in deception experiments; „rather all subjects are candidates for participating in deceptive experiments.“¹⁸ Soble claims that the additional use of proxy consent will render the experiments ethically acceptable as they will assess the risks and dangers of the experiment. I hold that this does not solve the problem as the subjects are again deceived about the role of their consent. Naturally they will believe that only those who agree to deception might be deceived.

If we leave out the element of not telling the subjects that only those who agreed to deception will be used in deceptive experiments, this solution seems suitable with some minor changes and stated more precisely.

How to solve the dilemma

As we have seen, the fact that the subject knows about possible deception seems to interfere only slightly with the validity of the results. However this does not justify researchers to break the subjects' right to autonomy. The subjects therefore must be informed about possible deception and about the reasons for this procedure. Proxy consent gives additional protection to the subjects. Therefore I propose the following procedure to guarantee the subjects' safety and autonomy.¹⁹

Before a specific experiment is conducted, the experimenter goes through the normal process of informed consent described above. For deceptive experiments however, special rules are needed:

The experimenter must show that deception is required to gain the knowledge sought.²⁰

¹⁵ cf. Schuler 1980, p. 35.

¹⁶ cf. Beauchamp & Childress 1994, p. 177.

¹⁷ cf. Soble 1978, p. 45.

¹⁸ Soble 1978, p. 45.

¹⁹ For a full catalogue of proposed necessary ethical conditions in psychological experiments cf. Patry 2001.

²⁰ It is not enough to show that deception is the most efficient way of gaining this knowledge. In

The experimenter needs to acquire proxy consent from a person the potential subject chooses.

The process of informed consent (described above) is changed in the following way as - naturally - not all information can be given to the subject beforehand:

The experimenter must give the following information to the subject before the experiment:

- ☞ The fact that the participation in the experiment is voluntary and that the subject can stop at any time without any negative consequences.²¹
- ☞ The fact that the subject can get more information about the experiment at any time if it is not necessary to hold back the information due to methodological reasons. The subject also needs to know whom to ask.
- ☞ The fact that the subject will possibly get false or incomplete information due to methodological reasons. The subject will be completely informed after the experiment.
- ☞ The estimated duration of the experiment.
- ☞ The description of the procedures in the experiment, what the subject will have to do in the experiment.
- ☞ Information about the expected risks and uncomfortable situations the subject will be exposed to.

In the debriefing session after the experiment two aspects are important.²²

a) *Dehoaxing*: this means fully informing the subject about the goal of the experiment, procedures, data gathered. The subject needs to gain full information as if he or she had participated in a normal informed consent procedure.

b) *Desensitizing*: negative feelings and attitudes created by the experiment (e.g. guilt) need to be neutralized through a considerate and kind discussion with the experimenter.

This procedure is quite more complicated than a normal informed consent process. It is necessary, however, to guarantee the research subjects their rights. It may have another consequence: researchers will try to think of research designs that do not require deception and thus also use their creativity to protect research subjects. We must learn to see the volunteers who help us to gain scientific results not as objects being studied, but as partners in the quest for knowledge and understanding.

Literature

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this case, the more complex method that does not require deception must be used.

²¹ This condition is necessary to guarantee the subject's autonomy.

²² cf. Carroll et al. 1985.