

BOOK REVIEW/COMPTE RENDU

Zachary M. Schrag, *Ethical Imperialism: Institutional Review Boards and the Social Sciences, 1965–2009*. Baltimore: Johns Hopkins University Press, 2010, 264 pp. \$US 45. 00 hardcover (978-0-8018-9490-9)

Ethical Imperialism is about the power exercised by federal ethics regulators and ethics committees in American universities (and hospitals). This power has stymied social research through broken promises, the exclusion of social researchers from decision making, threats and suspensions, distrust, and reliance on medical and psychological practices to nullify the concerns of social researchers.

Relying on meticulously researched archives and recorded interviews, Zachary Schrag documents the labyrinthian history of the Institutional Review Board (IRB) oversight system that invokes controversies as "empirical evidence" of the untrustworthiness of social scientists. *Ethical Imperialism* resonates with anyone who has wrestled with his or her research-ethics board. Schrag's objective is not to rehearse familiar complaints; instead he wants to know how legislation and regulation have generated discouragement and anger among social (and even medical) researchers. He concludes, "IRB review of the social sciences and the humanities was founded on *ignorance, haste, and disrespect*. The more people understand the current system as a product of this history, the more they will see it as capable of change" [emphasis mine] (p. 192).

Schrag takes the reader through the bureaucracy's jungle like an explorer, cutting a path to the personalities, the power of some disciplines, and the zealotry of IRBs. Several narratives inhabit Schrag's analysis. First, medicine and psychology formed the backbone of federal ethics codes, excluding social scientists. Second, although federal lawmakers spoke about "biomedical and behavioral research," the regulations by default began to include the social sciences and humanities. Third, the power relations between federal regulators and university IRBs meant that regulators could threaten to withhold funds from universities, and IRBs themselves could threaten researchers. Problems with a medical experiment invariably meant that regulators would make good on a threat, leaving social researchers to "pay" the consequences through stiffer regulations.

Social researchers were not asleep at the switch when federal rules came into force. "Peripheral to the main action, they stumbled on stage and off, neglected or despised by the main characters and destined for a bad end" (p. 8). Schrag points out that the IRB review system has not always been the draconian culture of paper (rather than a culture of ethics) that it is today. The ebb and flow of ethics regulations followed 5 tides. In the first period (1966-1974), ethics codes spread to many disciplines, but social scientists had no chance to shape them. Humphreys' *Tea-Room Trade* and the Tuskegee experiment led chagrined federal regulators to place restrictions on social research. Ethics regulators threatened to shut down research operations at the Universities of Colorado-Boulder, Berkeley, and Georgia if they could not force researchers to submit their proposals to the IRB. Failure to comply would lead to denial of university facilities and of graduate degrees.

The second period (1974-1981) was an era of moderate protectionism. In 1974, the newly established National Commission worked without any social-science representation, as its key figure, Robert Levine, simply refused to consider social research. In the shadow of new measures, all surveys, fieldwork, "even all conversation" became fair game for IRBs. The only light was a new idea: expedited review. During this time regulators celebrated *The 1978 Belmont Report* as the apex of ethical research conduct, and it came to "wield totemic influence over the practice of research ethics." Those "who wrote the *Belmont Report* were willing neither to listen to social scientists nor to leave them alone." *The Report* inaugurated "the Draft Regulation of 1979," which led to the most intense social-science opposition to the codes. As many as 300 critics registered their consternation and anger, including University of California Law professor Antonin Scalia, who as an IRB member was "disturbed by the authority I find myself and my colleagues wielding over the most innocuous sorts of intellectual inquiry." The opposition was headed by Ithiel de Sola Pool of MIT, who used the media and politics to try to rescue the social sciences, resulting in "The Compromise of 1981."

The era of compromise from 1981-1995 followed the Presidential Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research (1980), which seemed responsive to the anger and concerns of social scientists. To no avail. Charles McCarthy of the Office for Protection from Research Risks (OPRR), whom Schrag describes as a "hardened bureaucrat" ensured that no changes were made. Social scientists and researchers in the humanities saw the rules as a "necessary evil"; it was they who compromised. The tide against social researchers (or the dismissal of their concerns) was rising, paving

the way for a fundamentally changed relations among researchers, institutions, and federal government from 1995-2002.

In 1995, the OPRR “came roaring back into life.” Even previously exempted research now fell under IRB review. Unprecedented enforcement activity in 1998, when officials singled out eight universities and hospitals, resulted in panic at universities. Social researchers were once again made to pay for the sins of medical research. The death of a clinical-trial participant at Johns Hopkins provoked further control measures, and a subsequent rise in the workload of university IRBs. Ethics staff in one university increased from 2 to 22. Control was extended to non-funded research and included graduate students and coursework. Significantly, IRBs were now in the hands of professionals and staff who were unfamiliar or inexperienced with research.

The ethics-review landscape changed radically. The system of control “was done quietly, [with] little opportunity for public comments, no outreach to social science organizations.” The gradualism of regulators and individual correspondence with universities ensured the creeping promulgation of regulations, beyond the ken of researchers. The “second battle” for the social sciences looked ill-fated, as the old protagonists had either died or retired, and the new social sciences lacked the unity to mount a battle. Increasingly, some wanted accommodation. Surprising elements were the American Anthropological Association and anthropologists who increasingly sided with attempts at review: many had found work in the government and found it hard to “obey the old prohibition against secret research.” The American Sociological Association softened its anti-IRB stance, and the 1997 code was presented as positive. In the rising climate of anger, Jonathan Knight of AAUP took the lead, asking organizations to inquire into their members’ stances on ethics review. Historians were the angriest, followed closely by political scientists. (Schrag fails to mention his own “Institutional Review Blog,” one of the most stalwart critiques of research-ethics review, which also reports the latest developments in the field [<http://www.institutionalreviewblog.com/>]).

Ethical Imperialism is a remarkable accomplishment and a must-read for researchers and policy makers. It persuasively weaves together the scholarly, disciplinary, regulatory, and bureaucratic strands that account for today’s “omnipresent threat” to social research. His archival research sheds light on the personalities and interagency struggles that led the system of paper ethics to triumph over the culture of ethics. Unfortunately for social scientists, Schrag shows that the battle to be heard or seen is lost.

While *Ethical Imperialism* pertains exclusively to America's system of ethics review, it is highly relevant to Canada. Social researchers should remain alert to the continuing influence and meddling of medical researchers and psychologists, and their ethics paradigms. The secrecy of regulators that has undermined social research takes on new meaning as governments increasingly shed transparency for secrecy. A growing army of ethics professionals whose conference circuit includes the United States are wont to Americanize the Canadian ethics regime.

Thankfully, Canada's choice of developing ethics codes as guidelines rather than as law has proven to be amenable to changes in the codes, paying more attention to social researchers. However, social research has become "tame," a paper tiger. We can expect a further pauperization of the social sciences even in Canada. *Ethical Imperialism* is an object lesson and warning for social researchers everywhere. Social research, especially ethnographic research, occupies a worthy spot in the proposed new ethics guidelines in Canada. *Ethical Imperialism* offers a caution to those who believe that the power of ethics committees can be easily transmuted to benefit the social sciences.

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