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LIVING MORALITY VERSUS BUREAUCRATIC FIAT

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Professional ethics are generally a deceit and a snare. They rarely accomplish what they are purportedly intended to accomplish: the protection of the public interest. On the contrary, if the public is successfully deceived by the front of professional ethics, the dominant power groups within the profession can more effectively hide their activities from the public and can more successfully milk the public by their monopolistic organization. Even worse for those sincerely committed to the professed goals of the professionalized group are those occasions in which the system of ethics is made to "work" by setting up highly effective forms of enforcement. Professional ethics with the teeth of effective enforcement are used as a political weapon to control the deviance within the group from which springs all worthwhile (and all unfortunate) new ideas and practices. Since creative deviance is most important in the early stages of a science (see Douglas, forthcoming), when scientists are trying to find the most productive foundations for their new science, an effectively enforced system of professional ethics is especially dangerous to new sciences and, ultimately, to the public interests the new scientific knowledge serves.

I do not mean at all that scientists of any kind should be immoral or amoral. Thus far in human evolution no society or subgroup has been able to exist for long without at least a minimal set of effectively enforced rules. (Such a minimal set of social rules is commonly referred to as "liberal individualism.") Rather than proposing scientific immoralism, I propose that basic, minimal morality and law are too important for the public to leave it up to any scientific group to decide what is moral and legal in their work. This does not mean that society should in some way dictate to sociologists (and other scientists) what they should and should not do *as sociologists*. It means that society should, and does already, specify through its basic laws and its basic moral consensus the general outlines of acceptable and unacceptable public behavior. This includes the morals and laws concerning privacy, invasions of privacy, private contract, slander, libel, personal harm, and so on. The "and so on" here is very important because our morals and laws in Western societies have evolved over the centuries into problematic and spontaneous vastly complex natural orders which are continually evolving as individuals reconstruct their moral and legal rules to more effectively deal with their everyday lives. (The best presentation of this basic idea of spontaneous natural social orders, and especially of the parts played in them by morality and law, is Friederich Hayek's *Law, Legislation and Liberty*. I have dealt with the construction of situated moral meanings in such works as Douglas 1970a, 1970b.)

These vastly complex, evolving, and problematic social orders are called "spontaneous" because they are not planned or rationally constructed orders. Certainly each individual commonly, though definitely not always, tries to act rationally in each situation. But social order in any society, and especially in the most complex and rapidly evolving society in the history of the world (our society) is far too complex and problematic for anyone to construct the whole thing or even know what all of the order is at one time. It is the outcome—the output—of the constructive work all of its individuals do in all their everyday situations. Nor does this natural social order grow in some determinate, totally unpredictable way out of basic, shared morals and laws of the members of the society. On the contrary, each individual in each situation must struggle with moral and legal problems, problematically and freely constructing the concrete meanings for that situation out of the general laws and morals he shares with others and out of all his other feelings and beliefs. For example, almost all of us share certain strong commitments to the morals and laws directed at protecting privacy and preventing harm to individuals. We also share certain strong commitments to morals and laws directed at increasing human knowledge and using this knowledge to increase the general welfare. These commitments are almost always in partial conflict with each other in any concrete situation. It is obvious, for example, that

there is a very simple way of totally protecting the privacy of every individual. This could be done by blinding everyone, making them mute and deaf, and preventing them from coming into direct contact with anyone else by anchoring them apart from each other. We would then have a utopia of individual privacy. That might well satisfy—even make ecstatic—some of our sterner privacy-Puritans. But it would, at the best, make everyone else slightly miserable. Aside from the obvious physical pains involved, this privacy utopia would be in conflict with all our basic social motives—sex, love, family, altruism, friendliness, prestige, power, and the simple desire to be seen, heard, and appreciated. It would also obviously be in total conflict with that abstract rule to increase the public welfare. No one, of course, would propose such a privacy "utopia." Instead, each of us assumes that the rules of privacy will be balanced against a whole bunch of other rules. We also assume in everyday life that each of these vastly complex, problematic balancing acts will be done in part by fitting them into the concrete situations that we face in our lives—that is, that we will construct their meanings for the situations at hand. This is what we call the *situated construction of the meanings of social rules*.

I have explained the basic reasons why this is the *necessary* way in which all the members of all societies use their rules in *Introduction to the Sociologies of Everyday Life* (Douglas et al., forthcoming). For our purposes here let us merely note that it *is* necessary.

Moreover, let us note that more such individual construction of meanings is necessary in situations that are rapidly changing. This is true simply because the rules that already exist were evolved to deal with past situations. The rules serve as a partial, very sketchy road map telling us how we were able to solve our problematic balancing acts *in the past* and predicting that some similar balancing acts should work in the future. (All societies have a very few absolute rules that, by definition, are not supposed to vary with any situations. They are totally transsituational or absolute. Incest rules are the most obvious. In addition, most societies obviously present their most general rules—their ten commandments or fifteen injunctions or whatever they call them—as if they were absolute. This led early social scientists astray, making them think of rules as absolute. We have had to do a vast amount of work to show that these are not in fact absolute.)

By their very nature, then, the basic morals and laws in our society have evolved in response to evolving situations. When situations are changing very rapidly, these basic morals and laws normally evolve very rapidly to deal with them, unless force is used to prevent this. If force is used effectively to prevent the situations from changing, then we get social ossification or stagnation. If force is used effectively to prevent changes in the laws or morals, then we get growing hypocrisy, a growing difference between what is

expressed publicly and what is felt and thought privately. But what normally happens in a society like ours with lots of individual freedoms is that, when force is used to prevent the changes publicly, individuals go underground—they become secret deviants—so force does not work to prevent all change.

While great force may well prevent some change, the publicly expressed morals and rules more commonly become a front to deceive outsiders. The deviants may even sternly proclaim the public morals and laws, using them as what Laud Humphreys (1970) calls a “breastplate of righteousness.” Protected from public surveillance and minimal control by the moralistic front, they then set about milking and controlling the public for their own selfish purposes.

PROFESSIONAL ETHICS AS A MONOPOLISTIC FRONT

As moralists, semanticists, and labeling theorists never tire of reminding us, much of human misfortune is the simple result of the failure to be suspicious enough of labels. Thus, we are deceived and defrauded by those who use them. Almost all effective tyrants, dictators, emperors, or whatnots have been carefully presented in the guise of the highest morality, generally some brand of absolute morality. They have assiduously labeled themselves as the “servants” of that absolute morality. When Charlemagne adopted the glorious title of “Holy Roman Emperor,” and in 800 A.D. formally submitted to the coronation by the Pope, himself presented as “the servant of God,” of course, he was merely following the grand old tradition of ferocious warriors bent on gaining more power over the lives of people who could not see through the “holiness” label to the realities behind it. In his fascinating study of *The Twelve Caesars* who first ruled Imperial Rome Michael Grant (1975) has argued that those caesars who openly proclaimed themselves to be all-powerful rather quickly found themselves quite powerless. Often, as was the case with the first Caesar, Julius, they were killed. The senatorial class was no longer capable of ruling itself, but it remained powerful enough, at least when scheming with ambitious military men, to put an end to any ruler who shamed them by flaunting his own dominance over them. The Augustan strategy proved to be the only workable one for these early emperors. Augustus carefully presented himself as just another man of the people, at least of the senatorial people. He lived simply and decently. He always “submitted” to the will of the legally run Republic. The only difference from the grand old days of Republican freedoms was that behind the front of Augustan freedoms and submissiveness was the carefully orchestrated Augustan tyranny. The Medici, Henry VIII, Napoleon, Stalin, Hitler—they all presented themselves in the most idealistic ways they plausibly could in their

particular situations. And they always had a large retinue of intellectuals to broadcast their holiness.

The same is true of groups. When the medieval guilds set out to seize monopolistic powers over a segment of the economy, or later, when they moved to monopolize political power over a city, they did not do so in the name of economic or political monopoly. Quite the contrary, they did so in the name of Christian holiness, the quality of economic production, justice, and so on. They adopted massive religious symbolism. They displayed their Christian purity by denouncing all such “evils” as competition and, worst of all, exploitation. They pronounced their goals as those of preventing dishonest or shoddy work. They presented themselves as the protectors of the public interest. How were they to do those grand but obviously difficult feats? They adopted a code of guild ethics and a system of powerful enforcements to control would-be deviants from within and, of course, to prevent anyone outside from competing with them.

How well did this system of highly enforced guild ethics work in preventing the public from being defrauded by business deviants? Such questions have a deceptive appearance of simplicity. After all, the products they were producing and selling were generally not very problematically defined. Almost anyone could agree on what constitutes a “good” piece of cloth or a “good” metal object. It is not, then, simple to determine whether the guilds prevented “shoddy” work from being produced and/or sold. Let us assume that such physical products can be unproblematically defined and that shoddy products were largely nonexistent in the cities. That obviously does not prove that the guild monopolies’ systems of ethics and their enforcement procedures worked. The relative simplicity of the materials and services being offered were undoubtedly the major block to fraud—the customers would easily spot fraud in most cases and, thus, not pay more than they were worth. More importantly, formal systems of ethics and enforcements are paralleled by vastly complex, informal, or natural webs of morality and enforcement. We shall see further reason below to believe that it is these informal morals and enforcements that work most effectively to constrain what the members of any group define as deviant. The international diamond merchants of today do not have a formal, internal system of ethical controls to enforce honest dealing, but they operate with an extremely high degree of honesty among themselves and in their dealing with the general public. Even from what little I have seen of diamond merchants, I would more willingly trust them to carry out a verbal agreement than I would ever trust any group I know of with professional systems of ethics and enforcement.

Regardless of whether the guild codes were effectively enforced internally, they served as a common front behind which the workers and merchants were able over the short run to set monopolistic prices and milk the public. (Over

the long run the powerful guild regulations and monopolistic pricing destroyed local industries, as is obvious in the case of the strong guilds of the Northern Italian city-states). Professional codes of ethics have served the same purpose for the modern professions. There are, of course, wide variations in the degrees of "purity" or "holiness" found in these codes. Public accountants present themselves as embodiments of total honesty, but not of holiness. The medical profession and the legal profession have always made far stronger claims to the highest virtues, especially when serving the public interest. For example, section 1 of the American Medical Association Principles of Medical Ethics claims baldly: "The principal objective of the medical profession is to render service to humanity with full respect for the dignity of man. Physicians should merit the confidence of patients entrusted to their care, rendering to each a full measure of service and devotion." They could have put it more succinctly as, "Be ye as the Saints!" In addition to laying claim to saintly virtue, such codes commonly lay claim to the ultimate in truth—absolute truth: "A physician should practice a method of healing founded on a scientific basis; and he should not voluntarily associate professionally with anyone who violates this principle." Though I would be among the first to argue that doctors are definitely not as wicked as they are now commonly portrayed in works such as *The Medical Offenders* (Howard and Martha Lewis, 1970), I do not think anyone who knows much about medicine would honestly portray doctors as more saintly than other human beings. Portraying medicine as based entirely on science and going so far as to ostracize any doctors who are not scientists is probably a very successful rhetoric for convincing outsiders of the validity of your claims to superior truth and power in a technological society, but it is hardly the path to effective medical treatment. Anyone who knows what science is and what medicine does knows that effective clinical treatment is generally based as much or more on practical wisdom—art—than on science. After all, a very high percentage of problems presented to doctors for treatment are not directly attributable to physical causes of the sort that can be analyzed and treated by present medical science.

We shall see below that there are other aspects to medical ethics, but the claims to superior virtues and truths are largely fronts. They are idealistic fronts comparable to the claim to holiness made by emperors, popes, evangelists, and every other two-bit religious con man and political dictator. They have the same goal—deceiving the public into granting more monopolistic power to the individual or groups hiding behind the fronts.

This conclusion about claims to superior virtue and truth made by medical ethics and the ethics of other professional groups would be even truer when applied to any such claims made by social scientists. The average social scientist is an academic with very limited human experience. (Approximately

85 percent of sociologists are academics.) While most of them no longer live in ivory towers, they are still partially walled off from society by their own choices. They spend most of their time shuffling coding cards, punching keys and dreaming erotic fantasies about the glories of their cold computers; or rummaging through musty volumes of government-created numbers; or lovingly caressing the glossy pages of books in the libraries. Most of the people they talk to are other academics. They spend endless hours talking with each other about bureaucratic matters in committee jargon, thereby stripping themselves of the last vestiges of humanity. The most successful of them spend much of their lives jet-setting around the world from one academic cocktail party to another, where they talk endlessly about the higher verities of human statistics and, of course, the burning need for professional ethics to protect these paragons of superior virtue and knowledge from those wicked few social scientists who soil their lives by living with the unsubjected "masses" beyond the walls of the computer room. When they do talk to people who are not academics, they almost always begin by enshrouding the real people in the invisible but all too effective communication barrier created by calling them "subjects." As if that were not effective enough in subjugating the real people to these new scientific overlords, the overlords make their subjugation more certain and total by paying them for their services, thereby turning them by social definition into underling employees.

There are, of course, some social scientists who have rich human experience in our societies. But the situations which most of them have chosen to construct for themselves make it unlikely they will have much experience in society. The relative lack of experience in our society leads most of them to have little moral wisdom, little feeling for and understanding of the vastly complex living moralities that people use to partially guide their lives through the vastly complex orderings of our social world. At the least, we would have to expect that any set of professional ethics such people would construct would be useful only as a monopolistic front. Why would they want such a front? Obviously to get more power and money by convincing the people, or the politicians, of their superior virtue and knowledge. If we get professional ethics, I confidently predict that social scientists will soil themselves less by being directly involved with the "masses," that the computers will whirr ever faster, and that jet-setting grantsmen and grantswomen will rapidly approach a state of chronic alcoholism.

THE NATURE AND EFFECTIVENESS OF LIVING MORALITY

Informal effectively enforced rules within a profession are those rules which have evolved in the normal social ways. That is, they have been

constructed over long periods of time to deal with the situations that arise routinely in the everyday practice of the profession. A good example of this are the rules in the medical profession concerning ways doctors should deal with sex in their practice, which are mainly concerned with the ways male doctors should treat female sexuality. Needless to say, these are emotionally charged areas of medicine. They were far more so in earlier, more puritanical centuries when sex was so highly repressed from public view. Male doctors looking and poking around inside the vaginas of women violated certain stern moral rules and laws. Even talking about sex violated some less stern rules. On the other hand, of course, most people in Western nations came very slowly—painfully—to accept these practices as valuable to health. The question was how to balance the needs of medical treatment against the stern rules. Complex situated constructions of meanings were developed in various forms of medical practice to deal with these moral problems and the medical problems. Most of the rules invoked in medicine to deal with problems of sexual morality are merely direct applications of more general rules. This, for example, is the case with an injunction in a medieval English code of medical ethics: “Do not look lecherously on the patient’s wife, daughters, or maid-servants, or kiss them or fondle their breasts, or whisper to them in corners. Such conduct distracts the physician’s mind from his work.” In 1792 when Thomas Percival wrote his “Scheme for Professional Conduct,” from which spring the modern codes of medical ethics, he too enjoined doctors to treat women with full concern for their “delicacy” because “to . . . sport with their feelings is cruelty.” Note that this bit of ethics does not forbid fornication with said subjects, nor does it note that such conduct would not only be distracting but also highly immoral, illegal, and possibly dangerous. But we should not infer that the code of ethics was condoning immorality. It simply did not have to mention those because they were so obviously applied to everyone that they were taken for granted. (Why, then, did they mention any need to be constrained sexually? Probably because doctors were notorious for their lechery. This notoriety was almost certainly more the result of their dealing with female sexuality and being so close to the women than to reality. But Lawrence Stone [1979] gives some extreme cases of lechery among doctors in the seventeenth century, especially those who combined herbalism with astrology.) The other rules, such as the rule about having a female nurse present during gynecological examinations, have been constructed out of earlier, more general rules and beliefs to deal with the new problems posed by the new situations of medicine. One could say, for example, that the nurse serves as a chaperon for the patient and as a potential witness against the doctor, a new form of the medieval two-way policewoman, a medical duenna.

These informally enforced rules are, of course, violated. Deviance is a universal phenomenon. Rules are made only because there are some strong

motives behind violations and whenever human beings have strong motives (a will) some of them will find ways to fulfill them. In fact, when a rule is generally enforced, when deviance is reasonably unusual, that very fact can under certain situations allow some rampant forms of deviance. This is what David Altheide (1974) has called the *paradox of security* in a very different context. I believe, for example, that this is what has happened with the medical rules on sex. These rules are now generally effectively enforced in medicine, perhaps especially in those areas like gynecology, where the general public assumes sexual deviance is most apt to occur. This very fact lulls the public into thinking that all those with the label doctor are “safe.” This then allows certain “doctors” whose practice rarely involves laying a hand on the person as a patient, or observing them nude, to become very successful sexual hunters of their patients. They operate effectively behind the general effectively enforced code of ethics as a front. Paul Rasmussen has described an extreme case of this in psychiatry. It is precisely because most people think of “mere talking” as unsexy that the psychiatrist can work so effectively at “seducing” willing patients. Of course, getting the patient to talk endless hours about sexy things helps. And having a “scientific theory” that proclaims the need to be “liberated from repression for the sake of mental health” is such a veritable godsend that a cynic might be tempted to think the whole Freudian ethos is a “seduction rap.” But, overall, as we have seen again and again in our work, it is informal rules and informal enforcement, not formally legislated and enforced ones, that are the most effective in social life. “Legislating morality,” as Troy Duster (1970) calls it, does not work unless great force is used over long periods of time. Since this is almost an impossibility in our kind of society, various forms of legislated prohibition, from alien and sedition prohibition to alcohol and marijuana prohibition—and nudity prohibition—have not worked.

Not only is informally constructed and enforced morality the most effective, but, perhaps more importantly, it allows for the slow, progressive evolution of both the rules and the realities they are used to partially control and order. Informally constructed and enforced morality is what I would call *living morality*. It is vital to human life. I shall return, after discussing the other kinds of ethics, to discuss what I consider to be the current state of living morality in our social research today.

EFFECTIVE ENFORCEMENT OF PROFESSIONAL ETHICS VERSUS CREATIVE DEVIANCE

I have argued that ethical rules created abstractly for professional groups generally have little effect within the group. Their main effect is external—they serve as a monopolistic front to prevent effective enforcement of basic

social morality and they allow the professional monopoly to gain more power and to milk the deluded public. Certainly codes of ethics do not make doctors or lawyers into saints or scientists, regardless of how flamboyantly the professional ethics proclaim their virtue. But this does not mean that all professional ethics are ineffective. While the codes of medical ethics have not made doctors paragons of altruism, they have often been used effectively by some doctors to prevent other doctors from introducing new modes of treatment. Medical ethics and professional enforcement powers have been used extensively by some doctors to prevent other doctors from introducing less costly forms of treatment. Price fixing has been one of the most effectively enforced rules of the medical and legal codes of ethics. Professional medical groups, especially the American Medical Association, have almost always sternly insisted that monopolistic price fixing is absolutely necessary to guarantee the best possible treatment and, conversely, that competitive pricing could lead to less adequate— incompetent— treatment. This rationale makes the absurd assumption that less competent doctors would charge less and the lower fee would lead most patients to choose them, thus lowering the average quality of medical care. The obvious fact is that competitive pricing of automobiles, houses, food, and other basic necessities does not lead to a rush to the shoddy. Almost everyone buys the best of the basic necessities of life that they can afford. What sane person would prefer to pay less for medical care when they knew that would be less effective care? A secondary rationale for monopolistic price fixing is that it supposedly makes good medical treatment more available to the poor than would be true if doctors could charge what the patients would pay. But this rationale is undermined by two obvious facts. First, considerable inequality in treatment persists in spite of the enforcement of the ethical rule against price competition. And, second, the fact that doctors are the highest paid professional group in our society does indicate that price-fixing has the same secret motive and the same effect as the same rule had for medieval guilds. Monopolistic price fixing is intended to milk the public and, not surprisingly, when it is effectively enforced it does exactly that. The vast effects of such medical monopolistic price fixing in the name of ethical standards of care can be seen in the following report about the end of price fixing by eye specialists:

Deregulation has already worked with American air fares, pushing demand up and prices down. Now America's regulatory agencies are proving that it can work against the high-price cartels that disguise themselves as professions.

Not so long ago, American eye specialists charged up to \$400 for an eye examination plus a pair of soft contact lenses, which cost about

\$70 wholesale. Bausch and Lomb had a near-monopoly of the market for these lenses. They accounted for 27% of its 1978 sales of \$442m, but 60% of its \$71m operating profit.

Now three things have changed. The Food and Drug Administration has permitted 17 companies to market 21 types of soft contact lenses. The Federal Trade Commission has required eye specialists to issue patients with a prescription that can be fulfilled anywhere, i.e., not just by themselves. And, most important, the FTC has also prohibited the profession from prohibiting eye specialists from advertising.

Now Bausch and Lomb's near-100% share of this market has shrunk to between two-thirds and half of it (the guesstimate depends on who you talk to), and the firm last week announced it was cutting the wholesale price of most of its soft contact lenses from nearly \$70 to \$50 a pair. Rivals are charging as little as \$37.

The price to patients has gone down still more steeply. Opticians are advertising an examination plus a pair of soft contact lenses for as little as \$120, and are forcing independent eye specialists gradually to cut their prices [The Economist, May 12, 1979: 88].

The high-minded moralism enconced in the medical code of ethics has also been used effectively by medical boards to prevent other innovations that might reduce the soaring costs of medical care. These innovations are officially defined as violations, as deviance from the code, and the deviants are sometimes faced with the loss of their licenses if they persist. Howard and Martha Lewis (1970: esp. 321-330) have presented a number of cases in which medical ethics were enforced effectively to prevent such fiscal deviance.

The use of medical ethics to prevent the introduction of important cost-cutting innovations is an important example of the ways in which professional ethics can be used effectively as a weapon against the public interest by preventing "ethical deviants" from creating and using the innovations. But there is a far greater danger to the public interest posed by effectively enforced medical ethics. Everyone is aware of how important some violations of laws and everyday morality were in creating medical knowledge when scientific medicine was beginning. The history of medicine, like all sciences and, even more, like all applied arts, is also pervaded with the struggles of the most creative doctors to get their colleagues to seriously consider their discoveries. Galileo's famous struggle against authority, and his eventual silencing in Italy, set the precedent for most later scientific struggles against authority. The popular view of this struggle is that Church power was the main enemy of Galileo's innovations. While it was obviously the Holy Office of the Inquisition that eventually silenced him and brought the curtain down on the centuries-long scientific advances in Italy, Galileo himself always

knew that his most important enemies were his fellow academics. It was they who refused to look through the telescope, who sternly tried to ridicule him into silence, who built a wall of silence around his empirical discoveries and new ideas. It was his fellow professionals of whom he complained so bitterly in his famous letter to Kepler: "My dear Kepler, what would you say of the learned here, who, replete with the pertinacity of the asp, have steadfastly refused to cast a glance through the telescope? What shall we make of all this? Shall we laugh, or shall we cry?" (Santillana, 1955: 9). It was the educated public who supported Galileo and later scientists and doctors *against* their fellow professionals. And it was their fellow professionals who generally tried to silence their cognitive deviance by using whatever source of power was at their command. As Santillana (1955) has shown, it was the professors who invoked the powers of the Inquisition against Galileo. The Holy Office was their equivalent of an effective committee of professional ethics.

It is, of course, obvious enough that most empirical discoveries and new ideas that can be shown to be worthwhile are encouraged and accepted by most members of such professional groups. But that is only because most discoveries and new ideas are within the narrow confines of the accepted, fundamental ideas of the profession (the paradigms of knowledge). When discoveries or ideas deviate from the accepted paradigms, the professional reactions tend to be very different. While no one has yet done a comprehensive review and, indeed, may not be able to do so because of some basic problems inherent in such an undertaking, I believe that we moderns are on the whole not one bit different from our seventeenth-century predecessors in this respect. Discoveries and new ideas that threaten accepted fundamental ideas still elicit feelings of anxiety, even dread if the threat is great enough, among most professionals. And these feelings still lead those who feel most threatened to stigmatize the cognitive deviants. In medicine the stigmatization normally takes the form of charges of "quackery" or "witchdoctoring." In spite of some recent increase in toleration of ideas of "holistic medicine" (such as yoga relaxation methods), and in spite of traditional experimental evidence that such techniques can work, doctors still commonly show a knee-jerk stigmatization toward such "threats" to conventional methods. In other scientific and clinical professions similar stigmas are brandished against the cognitive deviants—"pseudo-scientists," "cranks," "soft-data types," "nuts," "radicals," and so on.

I am not implying that such stigmatizations are totally harmful and should be completely inhibited. On the contrary, most forms of cognitive deviance in science prove to be useless in developing scientific truths. The normative protection of already established forms and degrees of truth by the informal stigmatic process are important in preventing the progressive dissolution of the sciences. The steady erosion and eventual swamping of scientific knowl-

edge and research in ancient Greece by the magical disciplines, after several centuries of steady progress, must always serve as a warning of what can happen when the defenses against cognitive deviance are too weak. But it is equally true that all of the most important discoveries and basically new ideas in science begin their lives as "highly controversial"—that is, as cognitive deviance. As long as the stigmatizers, the upholders of already discovered and approved truth, are not able to exercise overwhelming political power to stamp out the cognitive deviance, its proponents will get a chance to prove the value of their new ideas or to fail and disappear from the great marketplace of ideas. These battles among free scientists may go on for a century or more, as they did between the Newtonians and the Cartesians and as they have all this century between the microtheorists and the structuralists, but in the end either one will convince more free thinkers or a compromise will be reached that absorbs the best of both (as happened with the corpuscular and wave theories of light). It is only when overwhelming economic and political power can be marshalled to prevent any major cognitive deviance from spreading that science stagnates or decays. (The imposition of a politically controlled form of universal education can be the most deadly form of political control of cognitive deviance. When the Roman system of education imposed "rhetoric" and "literature" as the universal form of official knowledge, the fate of science in the ancient world was sealed. This was obviously not the only force at work and it rarely is, but it was a vital one.)

As long as there is almost complete individual freedom of thought, the early stages in the development of a science involve vast conflict among contending paradigms of ideas, each trying to show that it constitutes the firm foundation on which a science can be built. The nineteenth century and the early part of this one were the zenith of individual freedom in Western societies, especially in the Anglo-Saxon free market democracies. The social sciences were in their infancies and the conflicts among competing theories were immense. Only slowly did the structural and statistical paradigms come together to form a coalition that received growing official canonization and funding from the rapidly growing new state bureaucracies. All competing types of theories and methods in the social sciences have been progressively handicapped by the massive amounts of money our expanding government bureaucracies have poured into graduate education in structural and statistical theories and methods. Almost all graduate students in the social sciences have been bribed to do that kind of research and theory from their earliest years. The remarkable thing is not that most of them have gone along with the massive flow of money and the academic advancement that goes with it, but that there should be such a strong minority in each of the disciplines who have refused to sell their intellectual freedom.

Once the money of state bureaucracies had done so much to train most social scientists in statistical methods and structural theory, it was not surprising to find the professional organizations almost totally dominated by these dogmas. Nor was it surprising to find that the professional organizations worked systematically to try to repress field research methods and more individualistic theories, both of which were now seen as heretical forms of cognitive deviance by the elites of the professional groups and, most especially, by government bureaucrats. Fortunately, the professional groups have had little effective power to coerce these cognitive deviants. They have exerted influence mainly by denying public recognition to the deviants. This has had some influence on anyone ambitious to receive such recognition, but it was of minor importance in comparison to the vast amounts of money and public recognition that could be gained by submitting to the cognitive demands of the government bureaucrats.

Given this situation, what would be the effects of a powerful code of professional ethics in the social sciences? The answer is obvious. The statisticians and structuralists who control the professional organizations would use the codes and the professional machinery set up to enforce them to try to repress cognitive deviance, such as field research methods and the individualistic theories of the everyday life sociologies. I do not believe most of the powerful professionals would do this out of any desire to submit to the government bureaucrats. On the contrary, they would be using the code of ethics in good part to escape direct bureaucratic controls (see the last section) and thus to maintain their own power over their fellow professionals. They would use this power to repress field research methods and individualistic theories primarily because they sincerely believe these to be false methods and theories. But by doing so, they would in fact be aligning themselves with the powerful assault the government bureaucrats have launched on field research methods and the individualistic theories they support in the form of the "informed consent" dictates (see the next section).

The introduction of such a powerful enforced code of ethics which worked in conjunction with the far more effective monies and methodological dictates of the bureaucrats would be a severe blow to the cognitive deviance needed to create ever more powerful methods and more truthful theories in the fledgling social sciences. Those of us who have studied deviance know that even this powerful coalition of repressive forces would not actually eliminate field research methods or individualistic theories. The very fact of repression would encourage the more courageous and creative to persist in their cognitive deviance and the excitement of rebelling against the powerful would encourage some of the young to join the deviants. But if the assaults continued over many years, the deviants would have to withdraw from the universities and go underground. We would have to return to the old

practices of lying about our methods and hiding the individualistic implications of our theories in Aesopian language that could be understood only by those involved in the intellectual underworlds. That, of course, is what intellectual deviants did for so many centuries during which the supposedly absolute state powers tried to repress them. But going underground would, at the least, greatly retard the development of the social sciences as sciences. The more effective repression of the cognitive deviants would also facilitate the ever greater use by politicians and bureaucrats of the social sciences as scientific fronts to help them gain ever greater power over the lives of all the people in our society.

THE LIVING MORALITY OF FIELD RESEARCH ON DEVIANCE

It is often contended by those favoring a code of ethics for research on deviance that such a code is necessary in the highly sensitive area of the sociology of deviance because the "subjects" we are studying are put in risk by our studies. Interestingly enough, and highly indicative of the nonrational nature of this supposedly rational argument, the same people who argue this also commonly argue that we need a code of ethics in this area to tell us when we should "blow the whistle" (or "rat out" to the officials) on our "subjects" to stop them from committing heinous forms of deviance. That is, we are first to have a code of ethics to minimize risks to our "subjects," then we are to use the same code of ethics to tell us when to maximize the risks to our "subjects." When the proponents of this position do recognize the contradictions in such an argument, they seem to think they can be resolved by the use of the cost-benefit analysis they propose as the overarching means of dealing with any moral problems in research. That is, they tell us to ask whether the benefits we expect to receive from the research exceed the expected risks to the "subjects." If so, go ahead with the methods used; if not, start over again. This entire "rationalistic" approach to the vastly complex moral problems we face in our research on deviance is absurd—not merely debatable or wrong, but totally absurd—for two major reasons. It is absurd first because the moral decisions we face in this research differ from those of our everyday, non-research lives only in small degree and must be dealt with in the same ways we deal with similar moral problems in the rest of our everyday lives, if they are to be moral and effective. It is absurd secondly because there is no possible way in which we can rationally calculate the costs and benefits of research. Let us consider each of these absurdities briefly.

The idea that we face certain very "special" moral problems in social research, especially in researching deviance, has been encouraged by the overwhelming tendency of social scientists over the past two centuries to

think of their sciences as very distinct from, even in open opposition to, the common sense activities of nonscientists—that is, “subjects.” While such a view may be very satisfying to our feelings of pride, and certainly serves our hidden striving for social power (dominance) very nicely, it is a grave distortion of social realities. The fact is that all human beings are social researchers. It is of vital importance to all of us to know what is going on in our social worlds, to devise ever better methods of ferreting out the feelings of love, envy, and hatred that others have for us, to predict the next economic trend that will affect our lives, and so on almost endlessly. Certainly most people do not spend much time trying to devise abstract or general theories about human lives. But many people do try to do just that, especially as they gain experience and wisdom with advancing years, and we all know how few social scientists are actually involved in doing that kind of very systematic thinking and system building we call “science.” Moreover, the concrete facts of human experience are the most vital parts of the fledgling social sciences, just as they are the vital parts of our everyday lives. And there is no major distinction between the commonsense methods we use in everyday life to determine what is true about our social world and the methods we use in doing our field research on deviance. In both cases the unbelievably complex human brain, especially the so-called subconscious mind (presumably the mid-brain and lower brain—the “feeling brain”), operates to sort out the true from the false in ways that we hardly understand at all. In field research we do elaborate on certain of these methods and operations that we have come to recognize as crucial in getting at the truth (see Johnson, 1974; Douglas, 1976). But these elaborations do not justify calling them a different form or level of analysis. Rather than trying to devise some bright new model of truth-making, we social scientists need above all to get back in touch with our vastly complex commonsense experience and the wisdom based on that. One step we need to take to do this is to stop thinking of the people we work with to get at the truth about our social world as “subjects.” As Carl Klockars (1977) has argued, in field research we normally do not think of our commonsense co-researchers as “subjects.” We think of them and treat them as people—friends, enemies, acquaintances, indifferents, strangers, and a vast number of other things—but not “subjects.” I would point out that we also do not normally think that what we are doing is somehow so distinct from everyday, commonsense activity to be called “research.” We may be more conscious more of the time of our seeking the truth and in trying to determine how we do it than the ordinary person is, but that will only be true if we are extraordinary social scientists. And I can easily show anyone many non-social scientists who are far more involved in such truth-seeking than the average social scientist. In fact, much of the greatest social science has been largely the result of such truth-seeking by “key respondents,” who tell the

social scientists what the truth is and let the social scientists write it up and publish it.

Anyone who has friends knows concretely, if not abstractly, that the moral problems of invasions of privacy, and the closely related problem of overexposing privacy to public view, are pervasive in our society. Anyone with friends knows a great deal about their private lives, information which those friends are normally trying to keep away from potential enemies who might use it against them. At the same time, anyone with friends needs to share some of the private information about each friend with other friends, especially mutual friends. But what do you share and what do you keep secret? Even worse, when is it appropriate to probe for private information from a friend or acquaintance, and what methods of probing are appropriate? The answers have to be constructed out of the vastly complex feelings, ideas, values, and experience we have. And they have to be constructed in the concrete situations we face at a given time. Anyone with friends knows how problematic and sometimes anguished this construction work is because there are inevitably times when we expose our friends in ways that hurt them. These moral failures can produce profound feelings of guilt, and have other terrible consequences in our lives. When we do whatever we think of as “research,” we face the same problems of privacy and we deal with them in the same ways. The only difference is normally one of degree. That is, in “research” settings most social scientists rarely have very intimate friends. If we had intimates in the setting, we would not be likely to think of the setting as a “research” one. Since they are not intimates, we are under less social obligation to keep secrets about them. And we can normally deal with almost all our problems of privacy by maintaining the anonymity of the people we write about. (I hope I do not have to point out that using anonymity is by no means a discovery of the social scientists. We do it all the time in our everyday lives when we talk about what “a friend” or “someone I know” told me.)

In the same way, there are no moral problems about “blowing the whistle on” (reporting to authorities) things learned in “research” settings about people which are different from those we face in everyday life. Again, in fact, the problems in “research” setting are pretty minor and easily dealt with compared to the big problems in everyday life. For example, almost everyone at some time faces the problem of “should I tell him (her) what I know about his (her) wife (husband).” In other words, should I blow the whistle or keep quiet? If the person is a close friend, the problem can be excruciating and very important to everyone involved. Again, almost all of us these days know lots and lots of people who are involved in illegal activities. Most of the time there is no big problem for us in this, because we are now so alienated from the legal authorities of our society that we would not think of blowing the

whistle. But when the violations are severe we do face such problems, just as we do in field research settings. Some researchers would argue that the "research bargain" (that is, promising anonymity and noninvolvement to get into the research setting) imposes a special moral problem. Nonsense. Whenever people let us into the private realms of their lives as friends they implicitly impose on us, and we accept, the obligation of not telling anyone things that will hurt them, but we also know that there are some implicit limits to this waiver of moral denunciation. What are the limits? Nobody knows until they face the situation at hand and construct their meanings and course of actions—in anguish. That's true for researchers and for everyone else. There is no rationalistic royal road to moral absolutism in these matters. No code of ethics could ever solve the situational problems for us, nor absolve us from our mistakes.

But suppose someone were able to devise a code of ethics that got at special problems in research settings. Would they be able to use some rationalistic form of cost-benefit analysis to decide what to do when these problems were encountered? In one very simple sense they probably could. That is, in a very simple, obvious sense the whole idea of a cost-benefit analysis for scientific work leads to the simple and obvious conclusion that "anything goes in scientific research." The goal of science is always to produce cumulative knowledge, knowledge that, once created, can be used in perpetuity to benefit human beings. Even if all the immediate consequences are bad for the "subjects" of research, a simple-minded argument could be made that the eternal accumulation of benefits will outweigh these short-run costs by an infinite amount. Of course, someone might object, "That is not an acceptable criterion of cost-benefit analysis." But, then, why not? Who is to decide what criteria are to be used and in what ways they are to be interpreted? That, of course, is precisely the kind of thing we do in common-sense experience—we cast up a highly subjective guess about whether a friend will benefit more by our telling some mutual friends something about him or whether he will be exposed to greater risk of injury, then we act. No one can possibly say how we do these things. They are vastly complex, overwhelmingly subjective, something that comes up largely out of our subconscious wisdom. As Dwayne Patrick has pointed out (in personal communications), the very idea of using a rational means of predicting costs and benefits of social science research presupposes the existence of a science that can predict the costs and benefits of human actions. But we obviously do not have such a predictive social science, which is why we want to do "research" to try to produce one (a partially predictive one) and why we cannot solve our moral problems by any rationalistic code of ethics or by any pseudorationalistic stroking of a cost-benefit ouija board.

OUR PORTENTOUS FUTURE

We live in an age of rapidly growing, massive government, laws, regulations, fiats, and tyrannical usurpations. Everywhere in the Western world, though to widely varying degrees, politicians and government bureaucrats are relentlessly expanding their attempts to control our lives. As with all things in our complex and pluralistic societies, there are countertrends. Few would doubt that we are far freer from government controls today in sexual matters than we were a few years ago. But we must not allow these countertrends to obscure the fact that ever new dimensions of our lives are being progressively controlled by governments at all levels. For every relaxation in the laws concerning sex there are hundreds of new laws and regulatory fiats (so-called "administrative laws" and their interpretations) intended to control our economic lives, our household lives, our family lives, our leisure lives—and our lives as scientists. We may now speak, write, or film almost anything we wish about sex. (Until the potential victims became politically aroused and reversed the trend, even the punishments for rape were decreasing rapidly.) But now we are told by the bureaucrats that *all* possible forms of research that we might do to determine the truth about the world, and thus all possible things we might say about the world, must conform in minute detail to their predetermined sets of bureaucratic fiats. The fiat known as "informed consent" by subjects is only the first of what is likely to be a long and even more torturous series of bureaucratic attempts to destroy our freedom of truth-seeking and our freedom of speech, which is quite useless without the freedom of truth-seeking.

It is this dreadful situation, of course, which has done more than anything else to create the growing clamor within the social sciences and other disciplines for systems of professional ethics. Most of the people raising this hue and cry for professional puritanism are doing so either out of traditional moralism, which still afflicts us in academies and disciplines that largely sprang from the Church and the clergies, or from sincere convictions that "we must clean our own house—or at least give the appearance of doing so—or the feds will do it to us with far more catastrophic effects on freedoms and on the sciences." The traditional moralists, who often sound more puritanical in their fulminations against sociological witches than did the Genevan preachers in the days of John Calvin, are an odd assortment. They come in many shapes, sizes, theoretical brands and pitches, ranging from flame-breathing Marxists to flame-throwing activists. They share nothing more than their virulent convictions that the world is corrupt and can only be set right by the imposition of their particular brand of absolutist morality. Since their number is by no means insignificant, it is fortunate that they are easy to write off when writing for social scientists and students.

Few things have been more thoroughly discredited by our free scientific truth-seeking than the moral absolutism which was brandished for so many centuries against almost all attempts to develop the sciences. If we know anything about morality from our research and analyses, it is that morality is fundamentally problematic. If the fiery attempts by these absolutists to stigmatize everyone else were not so offensive, we would no doubt find their preachings to be merely funny. For the obvious fact is that their many vitriolic disagreements with each other and obviously with us sinners in league with the devil, constitute excellent evidence supporting the principle that morality is fundamentally problematic. So much for the moralists.

But those who sincerely believe that we need professional ethics to protect us from bureaucratic tyranny are another matter entirely. They are certainly not simple-minded. Worse yet, it is possible that they are right that professional ethics will become our last bastion against the encroachments of big government on our freedom of research and speech. If the politicians and bureaucrats continue increasing their powers over our lives for another fifteen years at the rate they have done in the past fifteen, then I would agree that they are right and I would surrender to the necessity of professional ethics as a deceit (front) to help us in fighting a defensive action against them. But even in that dire extremity we should take those emergency measures only in full recognition of the terrible results effectively enforced professional ethics would probably have on the development of science. In our present situation it would reinforce the vast financial powers the bureaucrats already have over the social sciences.

At the present time I believe it would be an irrational act of panic, possibly a form of scientific suicide, to impose a professional ethics on ourselves. We do not need to do so because the bureaucrats are not yet powerful enough to effectively enforce their fiats. We can easily evade and counterattack their attempts to suppress our most basic freedoms. At present the cost of doing so may be to keep our research and writing out of the universities and avoid government funding.

While we do, I believe that there is good reason to hope that the politicians and bureaucrats will not be able to continue increasing their power over our lives. We should remember that we are not alone in our growing anger at government tyranny. Everywhere in the Western world the massive proliferation of bureaucratic fiats, launched almost always in ignorance and with little concern for their real effects, are destroying the legitimacy of governments. The educated are increasingly joining the mass of smaller business people and skilled workers in their angry opposition to government. By pursuing relentlessly our calling to create new knowledge about human life we can join with them in a defensive guerilla war against the bureaucrats until that day when we can force them to return our basic freedoms.

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