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Defining Deception as the "Waiver of an Element"

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Defining Deception as the “Waiver of an Element”

By Don Forsyth

When dealing with the public, and with Institution Review Boards (IRBs), the moral high ground is the place to be. Yet, personality researchers and social psychologists, because of their methods and interests, often find themselves down in a moral morass. Take deception research as a case in point. Social psychologists, because they study people’s spontaneous reactions, prefer to not fully inform participants about all aspects of the situation until after the data have been gathered. This desire to withhold information, although scientifically essential, is nonetheless inconsistent with key elements in the Nuremberg Code, the Belmont Code, and HHS 45 CFR 46.407 (“407”), the “common rule.” These codes maintain that voluntary consent of the fully informed non-coerced participant is essential in the research process. IRBs are duty-bound to make certain that researchers respect this requirement.

This impasse between psychologists and IRBs is not irresolvable, however, because HHS 407 includes a provision for omitting elements of consent in certain circumstances. Those circumstances are not to be defined by the investigator, and so do not include “well, people get lied to a lot anyway” or “deception is an accepted practice in

my field.” Rather, the circumstances are ones that use some of the magic words of IRB-speak, including *practicable* and *minimal risk*. And you might want to throw in *DSMB* (Data Safety and Monitoring Board) for good measure.

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Technically, IRBs do not permit deception; rather, they permit investigators to omit an element of the consent process. Consent forms, by 407 guidelines, must include such things as a statement of risks, benefits, purposes, procedures, and declaration of agreement to participate. However, when deception is used, then the investigator is asking for the requirement for full disclosure to be waived. The language for such a request should explain how the project meets all the necessary conditions for such a waiver. Specifically:

All required elements of informed consent will be included on the consent form, but we are requesting a

waiver of the requirement of full disclosure of the purposes of all procedures. The research could not practicably be carried out without the waiver or alteration, and the project meets the conditions for a waiver as defined by 45 CFR 46.116(d)(1-4):

1. The research involves no more than minimal risk to the participants;
2. The waiver or alteration will not adversely affect the rights and welfare of the participants;
3. The research could not practicably be carried out without the waiver or alteration;
4. Participants will be provided with additional pertinent information after participation.

You may also wish to note that you will establish a Data Safety and Monitoring Board that will continuously monitor the study and its procedures, and will halt the protocol if any unexpected negative consequences occur.

The IRB may take exception to any of the 4 points listed above, requiring further negotiations. But even if the waiver requires negotiation, at least the investigator will have made some progress in the climb up to the moral high ground. ■

Foundation for Personality and Social Psychology Announces Cialdini Award

By David Dunning

The Foundation for Personality and Social Psychology is pleased to announce the establishment of the Robert B. Cialdini Award for Field Research in Social Psychology. The Cialdini Award is designed to honor the best paper in social psychology of the previous calendar year that employs primarily field research methods and contexts. Specifically, the award is designed: “For the publication that best explicates social psychological phenomena principally through the use of field research methods and settings and that thereby demonstrates the relevance of the discipline to communities outside of academic social psychology.” The award is made possible by a generous donation by Robert Cialdini to the Foundation. More information will be available later this year how to nominate papers from calendar year 2007 for the inaugural award. More information about the Foundation can be obtained at foundationpsp.org. ■