

APSA's Experimental Research Section Board's Report on the Proposed New APSA Principles of Ethics for Human Subjects Research and Guidance

Rebecca Morton, New York University, New York and Abu Dhabi, Section Chair

Thad Dunning, University of California, Berkeley, Chair-Elect

Anna Bassi, University of North Carolina, Chapel Hill, Secretary

David Nickerson, Temple University, Treasurer

Claire Adida, University of California, San Diego, Board Member

Dustin Tingley, Harvard University, Board Member

Elizabeth Zechmeister, Vanderbilt University, Board Member

Introduction

This report summarizes the views and recommendations of the Board of APSA's Experimental Research Section on the Proposed New APSA Principles of Ethics for Human Subjects Research and Guidance. The Board's Report is based on feedback received from the Section Membership from September 5, 2019 to November 11, 2019 (feedback was gathered in an online document accessible to the members and was also in a number of cases communicated via email privately to the Board membership or Chair) as well as internal discussions. The detailed feedback received both publicly and privately is provided anonymously in the Appendix to this report.

The Board is extremely grateful to the members of the Ad Hoc Committee on Human Subjects for their time and efforts in devising the Proposed Principles and Guidance and recognizes the complexity and difficulties they faced. We understand that this was a multi-year effort that took considerable energy and debate. We do not envy them their responsibility for undertaking it and admire them for their willingness to do so. The lack of a statement by APSA as to ethical Principles involving human subjects research has been criticized in print by the Chair of this Section and the necessity for a statement has existed for some time.¹ Almost all of the Principles and Guidance are ones we agree with (or agree in spirit) and believe should be followed or considered by all political scientists in their human subjects' research and in some cases, research generally. Nevertheless, we believe that the Proposal can be improved to the benefit of the discipline. We hope that our report can be constructive and helpful in revising the Proposal in productive and useful ways.

Most of the comments of the members of the Section suggest a general view that the Principles and Guidance are too restrictive on research and a number question the premises underlying various restrictions. Of course, the comments of the members are not always consistent and in some instances, members call for more restrictions or firmer statements than in the Proposal. In this report we present the views and recommendations of the Board as informed by these comments and we do not in any way pretend to represent fully the views of the Section given the short time frame we were given to gather comments and write this report. We hope that the detailed comments in the Appendix will be considered carefully.

¹ E.g., see Morton and Williams (2010, page 404); Zechmeister in Desposato, Ed. (2016, page 260).

We separate our discussion of concerns and recommendations as follows: First, we begin our report with a discussion of our concerns with and recommendations regarding the overall format of the Proposal. Second, we discuss some of the issues with the terms used in the Proposal. Third we delineate our issues with particular aspects of the Proposal.

Overall Format of the Proposal

The Proposal consists of two parts. The first part contains a summary of thirteen Principles which discuss many of the issues involved in human subjects' research, while the second part presents these Principles plus Guidance concerning the implementation and interpretation of these Principles. Providing a summary form of the Principles is keeping with standard practice in similar such reports. However, in at least two cases, the Principle reported is presented in a way that suggests that there are few nuances or exceptions to the Principle, and yet such nuances and exceptions are available and discussed in the Guidance.

Specifically, Principle 4 states "Political scientists have a general obligation to comply with relevant laws and regulations ... in domestic and foreign settings." However, in the Guidance section, a number of caveats and nuances concerning the obligation in foreign countries are discussed suggesting that there are circumstances where political scientists do not have the obligation as stated in the Principle. We find similar disconnects between the Principle and Guidance in the discussion of Consent (Principle 5) which suggests implicitly that it is acceptable under some circumstances to forgo informed consent (particularly in the Guidance under Principle 6 that states that "covert observation of anonymized public behavior does not require consent", while the Principle provides no such suggestion and implies that researchers should always seek consent.

In the case of Principle 11 on Impact, the Guidance is both more and less restrictive than the Principle. That is the Principle calls for consent of directly affected parties while the Guidance concerning Principle 4 is less restrictive and allows for research without such consent. In contrast, Principle 11 says nothing about restricting the partisan nature of interventions, but the Guidance suggests that interventions should be nonpartisan and that partisan interventions should be avoided.

These disconnects are concerning given that many (perhaps especially non-political scientists such as deans and non-academics such as staff and administrators at funding and regulatory entities) may focus on the Principles alone and not be aware of the Guidance. Hence, we make the following recommendation:

Recommendation 1: We suggest that the Principles be revised in those cases where disconnects exist and made consistent with the Guidance. We also suggest that the Principles and Guidance only be available together and that there not be two separate versions, one with the Guidance and one without.

Undefined Terms

Many of the Principles and Guidance use specific terms such as “minimal risk”, “benefits”, “minimal size”, “directly” and “indirectly” affected by the research process, “individual experience” are undefined in the document. There is also a vagueness on just what constitutes “research” as distinctive from other activities that political scientists may engage in. As many of the Principles and associated Guidance expect researchers to make decisions based on these terms, the result is an overly-vague document that can be interpreted differently depending on one’s personal definition of these terms. Some of these terms have legal definitions. In the United States Federal Common Rule, for example, minimal risk is defined as the case when “the probability and magnitude of harm or discomfort anticipated in the research are not greater in and of themselves than those ordinarily encountered in daily life or during the performance of routine physical or psychological examinations or tests.”² Although what is meant by daily life is of course to some extent open to interpretation as is whose daily life is relevant when conducting experiments in other countries, the definition at least provides a standard that can be used for judgements that is not provided in the Principles and Guidance. In this report we will use this definition when we refer to minimal risk.

Yet other terms are less clear and the Principles and Guidance do not provide sufficient explanation, such as how one might distinguish someone “directly affected by” an experiment from those “indirectly affected by” the experiment. Presumably those directly affected are not limited to subjects or participants as the Principle and Guidance would have referred to them using those terms, but others as well. And the term indirect could conceivably involve anyone who is part of the same environment as the experiment, which expands hugely the number of people to consider in a field experiment. The lack of definitions for “expected costs and harms” raises questions about when Principles might apply and when they may not and the determinants of a minimum size is equally unclear.

One particularly noteworthy implication of the vagueness in terms noted by one of the members of the Section is that such vagueness may have a differential impact on junior scholars as they will have less “clout” to make the case for a research program on the borderline than a senior scholar and thus may be particularly penalized by the implementation of Principles and Guidance that is imprecise and subject to interpretation.

We understand that the APSA Ad Hoc Committee is aware of these difficulties and has noted that a future challenge would be to define these terms. Yet, some effort should be made to provide preliminary definitions given the centrality of these terms to the Principles and Guidance that political scientists are expected to follow.

We therefore make the following recommendation:

² See Section 46:102(j) of the Common Rule.

Recommendation 2: We suggest that definitions of important terms such as minimal risk, direct and indirect involvement in research, benefits, minimum size, be defined more precisely in the document with clearer delineation of how to measure and determine these various aspects of research.

We now turn to comments and recommendations on specific Principles in the Proposal.

Principle 5: Consent

As noted above, we find there is an inconsistency between the statement of the Principle of consent and the underlying Guidance in that the Principle suggests no exceptions to informed consent while the Guidance implies that such exceptions can be made and in the Guidance of some other Principles there is an implication that informed consent may not be possible in some cases or may not be fully informative in others as to the purpose of the experiment, for instance. It is important to remember that a number of experiments with minimal risk to subjects and society at large would be impossible if researchers were required to secure informed consent prior to conducting the experiment, particularly if the desire is to measure the subjects' behavior in a non-intrusive manner. For example, consider the field experiment of Balafoutas, Nikiforakis, and Rockenbach (2016). In this experiment the researchers used confederates to vary how they violate a minor public norm of littering in a public space in a democratic, peaceful, and free country and measured the tendency of observers to correct the violator. The behavior of the confederate, although violating a norm, was not illegal and unlikely to cause more than minimal harm as defined by the Common Rule of the Federal Regulations concerning human subjects research. Such an intervention would not have been possible with informed consent. Yet, the experiment provided important evidence on the limitations of altruistic punishment to secure cooperation in such an environment and the importance of formal institutions in order to achieve cooperative behavior. This experiment would have been impossible to conduct if Principle 5 had been followed by the researchers (although the Guidance to Principle 6 that allows for covert observations of subjects suggests it may have been allowable).³

Furthermore, Principle 5 in requiring that informed consent contain "the general purpose of the research" would make many experiments, both laboratory and field, impossible in political science and is inconsistent with some of the points in the Guidance of other Principles. For example, a laboratory experiment that is investigating the effects of different voting rules on strategic behavior as in Bassi (2015) would have not been possible if subjects had been told the purpose of the experiment. Accordingly, the subjects were informed only that they "would participate in a 'voting experiment'." Such vague descriptions as informing subjects that they are participating in a decision-making or voting experiment are the norm in political economic experiments for good reason and carry no more than minimal risk to the subjects. In many political psychology experiments, or any experiments that measure priming effects, for example as in (e.g. Adida 2015) subjects are not just given vague information about the task before them

³ Michelitch's (2015) experiment on taxi fare bargaining would similarly been impossible to conduct if informed consent had been required, yet the experiment clearly involved minimal risk to the subjects and the rest of society.

but misleading information (i.e. told they are participating in a survey on a given research question, where the focus of the investigation is on a different question entirely) so that the researchers can measure the reactions of the subjects unobtrusively.

An example is the recent study by Kuo, Malhotra, and Mo (2016), where the researchers invited subjects to participate in a lab study about current events and a subset of subjects of Asian descent were randomly assigned to be subjected to a micro-aggression by the research assistant (they were questioned about their citizenship). The study uncovers important dynamics linking social exclusion and partisan support in the U.S., and has been featured in posts in the *Washington Post*, in *Politico Magazine*, *Vox*, and more. Experiments such as these typically are of minimal risk to the subjects and thus the misleading information is rarely problematic. Yet if the Principle as written were followed in its entirety, the researchers would not be able to conduct such experiments. Surely political science researchers want such experiments to continue to be possible. The Principle should be adjusted to account for these exceptions.

In addition to this inconsistency, the membership (see Appendix) and the Board note that the Principle suffers from a vagueness as to from whom consent should be sought that is not explained adequately in the Principle or the associated Guidance. Specifically, the Principle states that informed consent should be sought not just from participants but also “other parties directly affected by the research process” but does not define how a researcher should think about determining which parties are so affected. What makes one directly affected by the intervention and someone else not? Consider for example the newspaper experiment of Gerber, Karlan, and Bergan (2009) which investigated the effects of free subscriptions to the *Washington Post* or *Washington Times* during a Virginian gubernatorial election on voter behavior as measured through a survey of voters who were sent the newspapers and a control group who was not. Again, this experiment would not have been possible if subjects in the treatment and control groups had been informed as to the purpose of the experiment or required to give informed consent before participation. But should others beyond these subjects be required to give their informed consent? Should the candidates have been so required given that the experiment reached only a small percentage of the electorate? The intermediaries involved in delivering the newspapers or family members who may also have read the newspapers? The Guidance to Principle 11 does to some extent address the issue as to where to draw the line on whether the candidates in the election should be contacted for their consent (which we discuss below in more detail), but not to those other individuals who were affected by the research. In this particular experiment it is fairly obvious that few political scientists would expect researchers to have to secure the consent of these other individuals affected by the intervention because of the minimal risk to them and the society at large from the experiment.

The Board makes the following recommendation:

Recommendation 3: Principle 5 should clearly state 1) that there are cases where informed consent in full or in part is not required or necessary, particularly when the risks to subjects and society at large are no more than minimal as defined by the Common Rule and the experiment would be impossible to conduct with such ex-ante consent and 2) how a researcher should and

can determine from whom the researcher should seek informed consent when informed consent is required and the experiment has greater than minimal risk.

Principle 6: Deception

Many of the concerns of the Board regarding Deception are related to the issues involving Principle 5 on Consent above. In particular, as noted above, it is quite normal and standard in most political economy and many political psychology experiments that are of minimal risk to engage in some form of “motivation deception” by giving either false or incomplete information as to the purpose of the experiment and the point of the research. Although all recognize that there is some deception involved in doing so, it is generally felt that there is a distinction between this type of deception and other types of deception. There is some disagreement between experimentalists from a political economy tradition and those from political psychology over the issue of using misleading information in experiments in the laboratory, surveys, and online or in using other forms of deception, but most political economists would agree that the harms to the subjects in many such cases are typically minimal and that their concerns are primarily about the effects such deception might have on subjects’ willingness to accept information given to them in future experiments when there is no deception. The Board believes that given the diversity of perspectives within the discipline it would be inappropriate for APSA to impose the perspective of one tradition over the other, especially if the experiments are of minimal risk.

Both political economists and political scientists who do field experiments often use deception as discussed above for Principle 5 by not informing the subjects that they are in an experiment. The Guidance of Principle 6 suggests that “Researchers should not use deception when they have good reason to believe that participants would have not consented to participate if asked.” The Board finds this statement particularly strong, since there are many cases where subjects may have chosen not to participate even though the experiment caused them minimal harm. For instance, in Michelitch’s (2015) taxi experiment measuring the effects of partisan tensions on interethnic taxi fare bargaining, there may be taxi drivers and riders who would not want their partisanship or ethnic biases measured or noted or may wish to avoid any observation by foreign researchers they do not know and would have not participated if they had been asked. Yet, clearly the experiment was of minimal risk and the deception was not problematic.

In some political science research, the possibility of “Hawthorne Effects” (the idea that behavior can change simply because subjects know it is being studied) can be substantial. There are situations in which the benefit of doing the research in a way that mitigates Hawthorne Effects can outweigh any risk of harm to subjects. Researchers who do not seek informed consent from some or all subjects should identify this choice, explain why foregoing informed consent was necessary to address the research question, and justify their decisions in scholarly publications and presentations of their work.

Finally, the Board and a number of the Section members are concerned about the statement in the Guidance to Principle 6 that “...when researchers are conducting studies with expected costs and harms to participants, they should use the minimum study size necessary.” The concerns

here are two-fold: (a) It is not generally possible to determine minimum size independently of the costs and benefits as these are interrelated since a minimum size study ex post may have provided in reality no benefit to society (ex post calculations of required power sizes are statistically problematic) so determining minimum size may not be possible holding benefits and costs constant and (b) Any study can have expected costs and harms to participants, purely in terms of the opportunity cost of participating in the experiment so this would seem to apply to any experiment rather than, as the Board suspects is the intent, to apply this just to experiments with greater than minimal risk.

The Board makes the following recommendation:

Recommendation 4: Principle 6 should be rewritten to acknowledge 1) that the different types of deception are not all equal and there are good reasons to exempt studies with minimal risk from providing information as to the purpose of a study and 2) that in experiments withf minimal risk other types of deception may be justified. Moreover, the Guidance of Principle 6 should relax the requirement that researchers anticipate fully whether a subject would participate in an experiment if informed and to use that as a criterion in determining whether to conduct an experiment when there is only minimal risk involved and should either acknowledge the difficulty of estimating minimum size of an experiment (especially ex post) or more precisely define the level of expected costs and harms which require such a calculation ex ante.

Principle 11: Impact

It is clear from reading the detailed comments from members of the Section in the Appendix that Principle 11 on Impact is viewed to be the most problematic for a number of scholars. The Board encourages strongly that the comments collected on this Principle in the Appendix be carefully read and considered by all. The Board finds many of these comments elegantly and clearly written with detailed examples and they often speak for themselves. Some of these comments concerning seeking informed consent of affected parties and terms that are not clearly defined are addressed in previous parts of this Report. Although it does not do full justice to the clearly strong opinions on this Principle, below we summarize the remaining comments into two main points:

1. The Principle's implication that political scientists should limit strongly their involvement in studying real world political processes is at variance with the mission of political scientists to understand these processes and the ability of political scientists as citizens to engage in their own personal political participation in such processes. Given that a number of political scientists see it not only as a goal but also a responsibility to be engaged in civil discourse and to serve as public intellectuals, such limitations seem excessive. Furthermore, increasingly political scientists are collaborating with policy makers on impact evaluations, bridging the academic divide. If the Principle is interpreted to only apply to research, which might be more scientifically useful than unsubstantiated opinions, the Principle could have the perverse effect of limiting the most useful form of

political involvement political scientists can provide. In fact, it could be seen as a rebuke to studies evaluating the effects of real-world policies.

2. There does not seem to be a clear ethical basis for requiring or expecting interventions to be nonpartisan since many interventions that have partisan effects are arguably of large potential benefit to society and if political actors are interested in using for example a minimal risk experiment to evaluate aspects of their own behavior or processes there does not seem to be an ethical reason to not collaborate in that endeavor. Here there are a number of relevant examples of negative consequences of the Principle provided in the comments in the Appendix, particularly research involving the mobilization of minority populations or the ability of researchers to act as public intellectuals and to be engaged in political activity.

In response to these comments and our own concerns, the Board makes the following recommendation:

Recommendation 5: Principle 11 and its Guidance should not limit the ability of political scientists to be involved in political processes and to be engaged in public discourse. While it is reasonable to expect that political scientists do so in an ethical manner, limiting the involvement of political scientists in political processes more than they are in other types of processes seems unwarranted, contrary to the history and tradition of the discipline, and without ethical basis. Furthermore, prohibiting or limiting interventions that may have a partisan effect is not justified by ethical considerations.

Minor Comments/Suggestions

The Board and members of the Section had a number of additional comments and suggestions which are summarized below:

1. **Principles 4: Legality and Principle 8: Trauma.** The effects of the research on research staff and assistants should also be considered especially in circumstances of violence and conflict and other sensitive situations.
2. **Principle 9: Confidentiality.** The Guidance should add a reference (either as a note or in the body of the text) to the Qualitative Data Repository as a resource.
3. **Principle 10: Power.** At least one member felt that the Guidance may be opening the door too wide to experiments on public officials since it suggests in this statement “the need to protect unconsenting participants from these harms [reputation, employability, and other economic aspects] might not apply to some research on public officials and other powerful actors.”
4. **Principle 12: Prospective Review.** A number of Section members note that an implication of the Guidance that political scientists should “Help IRBs and other regulatory bodies develop a better understanding of political science research, and the way in which the regulatory criteria and the values of respect for persons, beneficence, and justice should apply to political science research ...” is that the document from APSA is to be used

as a guide for IRB decisions concerning political science research which, given the concerns raised about the Principles and Guidance mentioned here, is especially worrisome.

5. **Principle 13: Shared Responsibility.** The Principle could be interpreted to suggest that the Principles and Guidance be used by those in authority to judge research, although how that might be done is unclear.

Summary

Although our discussion in the preceding paragraphs is at times critical of the Proposal, we want to conclude with again emphasizing that we understand the difficulties faced by the Ad Hoc Committee in devising the Principles and Guidance and that it is relatively easy for us to criticize the product of that effort ex post compared to those efforts. We hope that our comments and recommendations can be used to revise the Proposal such that it can be acceptable to the wider political science community and help us collectively confront the complex nature of ethical issues in research.

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