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On the Costly Compromises of Nonclinical Research Relationships

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Timothy Murphy argues that we should evaluate sexual relationships between subjects and researchers in non-clinical studies differently than we evaluate such relationships in clinical studies. Murphy explains that there exists no fiduciary relationship between researcher and subject in non-clinical studies. Additionally, research subjects have no special moral right against sexual requests (at least, against those requests that would be considered morally permissible in non-research settings). Murphy also entertains the possibility that a researcher has a moral responsibility to protect the quality of his/her research, and considers whether the quality of the research is compromised by sexual relationships. Murphy suggests that, in general, it is not. He concludes that there is no general moral problem with subject/researcher sexual relationships in non-clinical settings, and suggests that researchers be allowed to judge for themselves whether the context of their study is morally compatible with such sexual relationships. Here, I respond by suggesting that in studies in which there is a low probability of data being compromised by a sexual relationship between a researcher and subject, there is also, typically, no cost to terminating the subject's participation in the study. Next, I argue that there is reason to fear that often subjects are not capable of giving fully autonomous consent to sexual activities when interacting with researchers. I draw on observations from the famous Milgram experiments.

Non-clinical research usually involves methods of data collection that are dependent on the verbal or written reports of subjects. These methods of collecting data are less objective then those more commonly used in clinical research (e.g., blood sampling). A romantic tie between researcher and subject might influence subject reporting on surveys and interviews. Imagine that a subject is asked to fill out and submit a multiple-choice survey about the effects of a particular diet. This is precisely the sort of study that Murphy suggests should call into question any general moral concern we might have about subject/researcher relationships.[1] However, would a subject report flatulence, diarrhea, or weight gain on a survey that will be collected and reviewed by an old flame? These are sensitive, and sometimes embarrassing, bodily conditions that we tend to try to hide or obscure when dealing with those people with whom we've been, or are being, amorous. A sexual/romantic relationship might also compromise surveys inquiring about beliefs regarding controversial subjects.

Of course, there are some studies in which romantic relationships between researcher and subject have no effect on the quality of the research. Murphy's case of a researcher going door-to-door with a survey and having sex with a subject along the way is an example of research data that appears unscathed by a sexual affair. However, it is precisely this kind of study for which there is little, if any, cost to terminating the "participation" of an individual study subject. The studies for which this cost is high (e.g., those that require more qualitative data over the course of time) are the same studies that could be damaged by a subject's selective or false reporting to a previous or current sexual partner.

So, we might say that there is a spectrum among studies with respect to the probability that a sexual relationship between the subject and the researcher could compromise the researcher's data. For studies in which this probability

1. Murphy, Timothy. 2010. "Sex, romance, and research subjects: An ethical exploration." *American Journal of Bioethics* 10(7): 30–38.

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is high, there may also be a high cost to excluding such subjects from the research. However, this cost cannot justify the use of bad data. For studies in which this potential harm is improbable (because so little or such unimportant information is exchanged between subject and researcher), there is probably no significant cost to excluding a subject from the study. Due to this positive correlation between the importance of any particular study subject, and the probability that a sexual relationship will hurt the quality of research data, there appears to be little cost, and significant research benefits, to generally disallowing sexual relationships between subjects and researchers.

There will be some exceptional cases in which there is a high cost to excluding a subject combined with a very low probability that a romantic or sexual relationship would compromise research data. For instance, imagine a researcher is collecting data on the high school grades of individuals who underwent gastric bypass operations while in high school. The researcher has an affair with an adult subject on this study. Now, the data from the subject's high school transcript come from the subject's past, and cannot be affected by a current romantic tryst. Additionally, there is such a small pool of people who have underwent gastric bypass surgery while in high school that there is a high cost to excluding this individual from the research. Keep this exception in mind; I will return to the case momentarily.

Let us pause and turn to the concern that subject/researcher sexual relationships might harm subjects. Murphy points out that researchers bear no fiduciary responsibilities to subjects in nonclinical studies.[2] Murphy admits that there might be status differences between subjects and researchers, but argues that, as researchers of nonclinical studies do not have institutional power over subjects or a commitment to help them (unlike in clinical studies), the status difference is no more problematic than it would be if one member of the couple enjoyed any high-status profession.

However, relationships between researchers and subjects, even in nonclinical studies, require special moral attention. Even if nonclinical researchers do not bear fiduciary relationships to their subjects, their relationships have some of the same qualities that comprise fiduciary relationships. Alan Wertheimer says, "We are apt to adopt a fiduciary model when there are significant structural inequalities between the principal and agent with respect to competence, expertise, or power."[3] No matter the study, a researcher usually has, or is regarded as having, expertise in the area in question and, probably, a certain amount of competence in the data collecting process that is observed by the subject. A subject is bound to feel safe transferring a certain amount of decision making into the hands of the researcher.[4] Consider the Milgram experiments in which subjects carried out what they believed to be painful electric shock "punishments" to those whom they believed to be other subjects, simply because they were told to do so by a researcher.[5] This is an example of a case in which subjects assumed it was safe to let the researcher handle the decision making determining the subjects' behavior during the course of their interaction with the researcher.

How dangerous would it be if this "accepting of a researcher's decision making" occurred between a subject and researcher who interacted sexually? Certainly, we would call into question the consent of a subject who was asked for sexual favors and agreed to provide them in a setting like the Milgram study (in which researchers give directives to subjects as part of the study design). However, sexual interaction between the tattoo researcher in Murphy's example and her LGBT subject seems compatible with autonomous consent. It is clear that more work needs to be done testing the willingness of subjects to obey researchers, in a variety of research contexts, before we can develop a way of assessing whether such instances of sexual consent are fully autonomous.

Recall the exceptional case from earlier in this commentary in which there exists a high cost to terminating the participation of a subject and no chance of a sexual relationship affecting the quality of the research (gastric bypass subject). Due to cases like these, and due to cases in which subjects' consent to sexual acts is fully autonomous, Murphy is correct that some means of recognizing morally and methodologically acceptable subject/research sexual relationships would be valuable. However, Murphy's own plan to allow researchers to, themselves, distinguish these cases is negligent on the part of the scientific community. A researcher cannot know what a past or current sexual partner might feel embarrassed to reveal, or to what extent the subject is willing to transfer decision making into the hands of the researcher.

Perhaps, during the initial review of any study, the study's protocol review monitoring committee or study supervisor could fill out a checklist determining whether the study's research methods are compatible with subject/researcher sexual relationships. This can be determined based on the two factors I described earlier: harm to the quality of the research and cost of terminating a subject's participation in a study. Additionally, the study's IRB could fill out a checklist determining whether the design of the study calls into question the full and autonomous consent of subjects to sexual activities. In response to Murphy's worry that IRBs can't handle this sort of review, let us simply require that some psychologists, counselors, or social workers sit on all IRBs for nonclinical studies.

2. Murphy, 30.

3. Wertheimer, Alan. 1996. *Exploitation.* Princeton, NJ: Princeton University Press. See 182.

4. Wertheimer, 186.

5. Milgram, Stanley. 1963. "Behavioral study of obedience." *Journal of Abnormal and Social Psychology* 67: 371–378.