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IRBs AND STATE CRIME: A REPLY TO DR. NIEMONEN

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We welcome Dr. Niemonen's reply to our article, "The State of State Crime Research," and acknowledge Dr. Niemonen's extensive experience serving on the University of South Dakota's Institutional Review Board (IRB). However, we must point out that the issue with which he has difficulty remains, in the context of our entire article, a rather narrow one. Further, it seems he may be confusing, and overgeneralizing from, official guiding principles or recommendations (which he summarizes in considerable detail), latent idealism, and implied personal experience in relation to IRBs and state crime research. In short, his response is at odds with our own experience and analysis; with what our colleagues have experienced and critiqued at other institutions; and with a larger, growing discontent among sociologists, criminologists, and others over the intrusive role of IRBs in scholarly research (see Ferrell and Hamm, 1998).

To begin with, regarding the context for this consideration of IRBs, "The State of State Crime Research" was intended as a synopsis of the most pressing problems that its authors believe inhibit our ability to conduct state crime research, and as a marshaling of a series of proposals to change this state of affairs. The article considered nine obstacles, ranging from obtaining funding from mainstream sources, to the absence of consensus in regard to defining state crime. As the article mentioned, in passing, "the resistance to getting research proposals passed by institutional Internal Review Boards" was a concern, but did not rank as high as problems with conceptual issues in the study of state crime.

In this context, we acknowledge and give credit to those individuals and organizations that drafted some of the original guidelines for IRBs. These were in many cases noble ideals crafted by individuals concerned with civil and human rights, and with the integrity of research. But nowhere does Dr. Niemonen systematically review acceptance of those ideals by various institutions, nor general compliance with subsidiary rules or guidelines. We contend that interpretation and implementation of IRB protocols vary greatly throughout the United States and elsewhere, and that the nature and practices of IRBs are generally less sophisticated than the ideals that have been proposed. In fact, contributors to the article, and other colleagues, have often worked at institutions where IRBs meet infrequently, and where they are populated by inept, unsophisticated, and/or bench scientists unaccustomed to the sorts of social science research required in areas such as state crime.

Indeed, as Dr. Niemonen himself notes, IRBs have been designed to protect subjects "recruited to participate in research activities," in the context of dangers that emerge in "experimentation on human beings." Yet this clinical/experimental model, while perhaps appropriate in sectors of the natural

sciences and psychology, fails to account for the fluid, socially engaged, and situationally specific nature of much research into state crime and other areas of social organization and social conflict. Consequently, IRB guidelines founded on this clinical/experimental model (and emerging from concerns over it) are often able and intrusively absurd when applied to critical social research (see Thomas, 1993).

As for issues of personal experience, Dr. Niemonen fails to mention the frequency with which his IRB has encountered "state crime" research, and any problems that may have resulted. Perhaps this is attributable to his characterization of state crime research as seemingly based on "the collection, study or use of existing data, documents, or records." Yet while state crime research often uses such data as a starting point, it often includes other types of primary research such as face-to-face interviewing or participant observation. And, even when secondary data is used, many universities require IRB approval. Alternatively, the reader of Dr. Niemonen's reply might infer that although the standards for IRB conduct are high at University of South Dakota, one would receive a fair hearing if one engages in "state crime" research.

Dr. Niemonen suggests that we do not provide any data for our claims about IRB practices. He is correct. Unfortunately, we know of no systematic data that exists on IRB compliance; but, for illustrative purposes, we can recount some of the inappropriate (and ridiculous) requirements and methodological misunderstandings that we and our colleagues have encountered in attempting to gain IRB approval for research into state crime and related areas:

- requiring confidential sources to sign a waiver--which in no way protects them from civil or criminal liability;
- confusing sources for subjects;
- needing consent from participants in an ICPSR data set on which secondary data analysis is being performed;
- requiring a pre-set list of questions (an interview schedule) that will be "administered" to all subjects--when in fact such predetermination violates and undermines the fluid nature of critical, humanistic field research;
- needing permission from organizational superiors in order to conduct interviews with organizational subordinates--hardly a model that bodes well for undertaking critical research into state crime or other arenas of power and conflict;
- rejecting research that questions legal boundaries or generates legal risk--when, of course, such research is essential to a critical confrontation with state crime and related social problems.

In sum, Dr. Niemonen seems to miss the disjunction between the

formulation of well-intentioned (if methodologically and disciplinary narrow) policy, and the dynamics of institutional implementation and outcome. Sadly, this disjunction suggests to us that, in the same way that state crime often masquerades as patriotism or national security, the role of IRBs in protecting universities from legal liability, and institutionalizing university cowardice toward research on state crime or other controversial issues, often masquerades as the protection of human subjects.

Finally, criminological research is controlled and contained when normative questions are posed. Too often this scrutiny is the expression of ideology pretending to be ethics. Indeed, frequently "deviant knowledge" is usually presented as unethically created knowledge and therefore ought not to be "unveiled." The protection, search and enforcement of ethical violations, in this situation, too often becomes the armor of the powerful to protect them from the violation of research. IRBs can unwittingly hide and protect the perpetrators of state crime and make the act of researching state crime deviant in itself (Walters and Presdee, 1999).

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