Labeling Research Deviant: A Comparative Analysis of Federal Ad Hoc Commissions on Human Subject Research

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LABELING RESEARCH DEVIANT: A COMPARATIVE ANALYSIS
OF FEDERAL AD HOC COMMISSIONS ON
HUMAN SUBJECT RESEARCH

by

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A thesis submitted to the Graduate College
in partial fulfillment of the requirements
for the degree of Master of Arts Sociology
Western Michigan University
December 2013

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LABELING RESEARCH DEVIANT: A COMPARATIVE ANALYSIS
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A review of the literature suggests there is still reason for concern due to the nature of deviant research in the past and the continued existence of ambiguous guidelines in particular organizational contexts. Federal ad hoc commissions have been a prominent environment where the absorption of the social reaction to deviant events and discussions regarding bioethics has transpired. The goal then was to ask what conditions of commissions lead to the presence of a research deviant? A convenience sample of nine U.S. federal ad hoc commissions was performed utilizing a method known as crisp-set Qualitative Comparative Analysis (csQCA). The results showed that the presence of an NGO being mobilized through the media, a commission initiated by Congress, the detection of a collective offender, and the presence of a victim being labeled were found to be a consistent combination for the production of a labeled research deviant by federal ad hoc commissions on human subject research. While results are not generalizable beyond the sample, the results contribute to a number of concerns. First, the public may deserve more of a role when scholars consider commission dynamics. Second, csQCA was utilized in a small n design, and was able to corroborate variables informed by labeling theory. Finally, problems with the use of commissions for deviant labeling are discussed.
ACKNOWLEDGEMENTS

My deepest gratitude goes to my dear wife Jessica, whose love and support while pursuing her own dreams has allowed me to pursue mine. Your display of strength and intelligence has always been an inspiration. I am grateful for my family who has made me the person I am today. Dr. Gregory Howard’s support during this project deserves recognition as well. His guidance has been essential to my success long before this project was initiated. The effort and contribution exceeded my expectations.

Brian W. Rossana
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STATEMENT OF THE PROBLEM

Current advances in science and particularly bioethics have produced a consistent need to set boundaries and rules in policies to guide research conduct on human subjects. This process has been complicated due to the ethical complexity involved with the subject of bioethics and human rights (OTA, 1993). Some of these ethical complexities relate to the development of research for medical treatment such as radiation, neuroscience, genetics, and stem cells. There have also been concerns about research for national security purposes such as behavioral modification, nuclear energy, and biological and chemical weapons. The result has been a series of deliberative forums such as congressional committees, presidential commissions, and sometimes even court proceedings as deviant forms of research have surfaced along with contemporary challenges of applied technological innovation (OTA, 1993; Kauzlarich and Kramer, 1998; Ross, 2006).

Prior to World War II, there was hardly a uniform codified standard to guide ethical human subject research. There were a variety of government agencies, private institutes and health care facilities which were concerned with human subject research and its ethical practice. The Atomic Energy Committee (AEC) contained a Medical Advisory Committee and Advisory Committee for Biology and Medicine (ACBM) which facilitated a variety of panels, letters and discussions on human subject research concerns (United States Advisory Committee on Human Radiation Experiments, 1995). The Army, Navy and Department of Defense also discussed issues of consent and voluntariness, yet neither organization successfully solidified policies alongside a strong regulatory structure. The Army began human subject research as early as 1925 and the
Navy in 1932. Department of defense (DOD) officials had a policy that recommended the use of witnessed and informed consent, but it was hardly followed (Moreno, 1996).

Many instances involving deviant forms of human subject research have developed within a variety of social contexts. Common examples of ethical violations in human subject research are often represented by benchmark examples. The Tuskegee Experiments are a notorious example of unethical science. The original title, “Untreated Syphilis in the Male Negro,” is suggestive of the intersection of science with structural inequality (Reverby, 2001). Reverby (2011) recently discovered that there was an attempt to infect many Guatemalans with Syphilis by some of the same organizations and researchers involved in the Tuskegee studies. Also, these experiments were far from esoteric events only known to those involved. The list of organizations that knew about Tuskegee included the Surgeon General, American Heart Association, Macon Medical Society, the Public Health Service and the Center for Disease Control (Ross, 2006: 21-22).

Another occurrence involved the experiments of Stanley Milgram (1969). The design of the study required a subject to take on the authoritative role of the teacher, and to believe they were disciplining the incorrect responses of the learner with incrementally larger shocks. The learner’s worsening responses would cause discomfort for the teacher who was only instructed to continue, testing their threshold to remain obedient in the face of a serious moral dilemma (1969: 28-35). This research design caused a great deal of distress for many participants and would have not have withstood IRB scrutiny. The Zimbardo prison experiments were similar in their introduction of undue harms to participants. His experiments allotted roles of prisoners and guards to participants, saving
the role of warden for himself. As the punishments escalated, the harm experienced by participants followed. A colleague of Zimbardo was able to convince him to shut the experiment down (Haney and Zimbardo, 1998).

Power and its relationship to state and organizational deviance is another form of structural inequality which seems to play a significant role in cases of abuse. Kauzlarich and Kramer (1998) in their study of the American nuclear state discuss two cases of harmful experiments on human subjects as nuclear technology was utilized for state and civilian purposes. Providing national security has led to a consistent need for research which often requires the use of human subjects. Their work showed that when state and civilian goals overlap, the result is a potential source of deviance which can harm research participants.

Human subject abuse by the Central Intelligence Agency (CIA) along with other parts of military, state and civilian domains coexist as part of a dark, concealed aspect of American history which also deserves mention. The documentation and historical research necessary for a complete understanding of these events has yet to be developed. MK-ULTRA, Project Bluebird and Artichoke are but a few of many projects by the CIA in collaboration with other research organizations which resulted in considerable abuse of human subjects (Rutz, 2002; Ross, 2006). While these projects were classified, they were not isolated. Each project involved many sub-projects which were widely dispersed through universities, institutes, and foundations among many others.

Public, private and government organizations have consistently expressed concerns for ethical research designs which include human subjects. The continued developments in human subject research have revealed regulatory ambiguity which has
led to a formalized IRB structure. In a society where standards for IRB oversight express the intention of being universally applied, uncertainty remains regarding whether research projects initiated by military, private organizations or institutes initiate research with sufficient third party oversight. In an environment where academic pursuits and scientific advances are evolving exponentially, regulatory mechanisms may not successfully prohibit deviant forms of human subject research.

For instance, the laboratory now has the ability to extend beyond its walls for research and other state guided applications. There is evidence that biological information can be transmitted and received wirelessly which can result in injury or behavioral modification (Dennis, 2008; Moreno, 2006). Non-lethal weapons which can remotely influence the brain have been documented, yet public records stop after the early 1970’s (Ross, 2006).

Also, many fields and professional institutions associated with the military contribute to a complex network of national security pursuits. David Luban (2008) provides brief case studies of three professions which have currently assisted in unethical militaristic pursuits. These professions include lawyers, anthropologists, psychiatrists and psychologists. Scholars from the field of neuroscience have also been documented as performing research and possible covert operations for national security purposes (Zimbardo, 2007; Marks, 2010). Many of these professions are research oriented which suggests that research designs of human subjects may still require attention from public officials.

Moreno (2003; 2004) emphasizes the sustained need to assess regulatory measures directed at research involving human subjects. Two areas for concern include
whether classified research remains a strong incentive for national security purposes and whether initiating a research project can verifiably be proven to utilize an Institutional Review Board (IRB) when research is classified. An objective third party which oversees the appropriate ethical and scientific value regarding the use of human subjects is the standard for most research institutions; however, research organizations can also initiate studies which are classified and funded by the defense establishment. The pre-established IRB process and its associated ethical consideration for research design can be side-stepped. Also, human subject research is now being off-shored in what has developed to be a complex relationship with privatized research and developing nations because of regulatory, biological and economic reasons (Petryna, 2005).

Therefore, it can be said that scientific and state initiatives in the U.S. have produced a need for studying a particular variant of white-collar deviance: deviance in human subject research. The federal ad hoc commission has been an important resource for developing recommendations and investigating deviant research events. The misuse of human subjects in research is being addressed by a commission which at best serves as an extra-judicial forum (Ackerman, 1986). More specifically, as a commission formulates a recommendation, it is possible it also participates in the production of deviant labels. This study then, seeks to explore the question of how presidential commissions operate as a labeling process regarding deviant human subject research. Also, what conditions about presidential commissions lead to the production of a deviant label? To begin, a review of literature related to studies of commissions along with labeling and shaming theories to further conceptualize an adequate study design.
Studies of Commissions

Commissions have become regarded as important forums whose credibility can shape public opinion and stimulate policy change (Dean, 1969; Tama, 2011). They have the potential to develop guidelines which have implications for institutional behavior. They can serve a variety of functions which include obtaining expert advice, handling issues which require restructuring or reducing blame on government (Cohn, 2008). Vermeule (2011) discusses the importance of considering the temporal dimensions of federal commissions. They can be dichotomized as standing commissions which are clearly defined in advance, or temporary commissions which come into being at unpredictable intervals. The ad hoc commission is a member of the latter as opposed to the former. Bioethics as a commission oriented topic has been suggested as better suited for a standing committee presence (OTA, 1993). Historically, federal responses have been to initiate ad hoc commissions. This has been true of both congress as well as the executive branch.

Commissions Initiated by Congress

Congressional ad hoc commissions are temporary committees which originate from congressional legislations. These committees can be based off of a variety of legislation mechanisms. Commission legislation by congress has been from acts, public laws, or house resolutions. Campbell (1998) found biomedical and behavioral research to be a particular type of expertise commissions, which corroborates the claim presented for the purposes of this study.

Dean (1969) found that commissions do provide a variety of beneficial services. They have the ability to direct public attention toward a particular issue. Commissions
organize competent collaborators representing a variety of diversified interests and perspectives. Commissions also provide a forum to resolve conflicts, and to gather and publish important information. Campbell (1998) performed 50 interviews with the congressional offices of the 103rd and 104th congress. The three major reasons for commission use were found to be the transference of work load, to seek the guidance of expertise, and to avoid blame.

The delegation of congressional duties to an expert commission may not always be an improvement. Kriner and Schwartz (2008) as well as Parker and Dull (2009) have shown the congressional divides can effect commission dynamics. Consequences of political divisions have led to increased investigations of opposing sides. Results suggest that appointing an ad hoc commission may not always depoliticize issues.

Regardless of their potential political limitations, it remains important to weigh the benefits and the challenges a particular commission may face. Without accurate reporting, results have potentially severe consequences for those impacted by an imprudent political response (Schoenbrod, 1993). Commissions should perform their given duty of, “resolving policy problems in the field of its assignment than the other machinery available,” (Dean, 1969: 116). Since Congress is not the only federal authoritative body which relies on commissions for assistance, concern over the judiciousness associated with commission dynamics. The executive branch has also been in situations where a response was initiated in the form of an ad hoc commission.
Commissions Initiated by the Executive Branch

Marcy (1945) completed one of the first systematic analyses of presidential commissions and viewed them to be an essential tool for political use at all levels of government. He performed a survey which utilized a sample of commissions between the years of 1900 to 1940. He classified congressional commissions as fact finding commissions and administrative commissions as presidential. Fact finding commissions are further classified as informative commissions with legislative purpose, opinion-guiding, or reconciliation of conflicting interests. Administrative commissions can be formed for the purpose of executive agent goals, advising, coordinating federal, public and private activities, and initiating administrative studies.

The Presidential commission process is the product of, “the dramatic enlargement of the federal government in the twentieth century and the correspondingly larger role routinely played by Presidents, even in the absence of crisis,” (Wolanin, 1975: 5). His study included a sample of presidential commissions from the beginning of the Truman Administration which began on April 12, 1945 to the end of the first term of the Nixon Administration on January 20, 1973. Findings showed that 68% of the commissions included in the sample were met with major public support from the President. Also, fifty-four percent had at least one of their important recommendations implemented by administrative or legislative actions (1975: 138-139).

The diversity of conditions surrounding the motivations for the creation of presidential commissions means that an adequate systematic analysis has been elusive thus far. Scholars have experienced difficulty developing typologies which satisfactorily resist the limitations of their data sets (Zegart, 2004). Flitner, Jr. (1986) took an approach
to the study of federal commissions which was situation-oriented. The sample was limited to all major social issue presidential commissions from 1963-1970. Reducing the sample size, and setting careful parameters can inform specific research questions and serves as an effective transformation to research designs of presidential commissions.

Presidential commissions which have studies human subject research have occurred in a variety of forums. Murphy (2005) showed the issue of stem cells has been problematic for commissions, primarily citing the need to have a diverse representation of views. National security is likely to also provide significant challenges for successful regulatory measures. Kitts (2006) performed a study of six national security commissions found that their primary concern was to reduce the damage experienced from social attention.

Dzur and Levin (2004; 2007) consider the function of the presidential commission as agenda-setting rather than as an expert body. The difference being that an agenda-setting body facilitates public interests and an expert body concludes according to their prescribed mandate. Summer Johnson (2006) adheres to the importance of the mandate for commission objectives, which does not guarantee public participation. For the purpose of this study, mandates are important components; however, public participation can always provide pressure from outside. Regardless of whom they function for legally, the public indeed serves as a relevant commission component.
THEORETICAL FRAMEWORK

Since federal *ad hoc* commissions are mobilized to respond to social reactions of research deviance and they also produce recommendations for broader research concerns, a theoretical perspective which places emphasis upon the social reaction will be explored. Labeling theory takes an approach to deviance which some suggest does not study the etiology of deviant behavior (Thio, 2006: 40; Regoli et al., 1985). While Schur (1971) disagrees with these critiques, many studies have focused on an etiology of deviance which is often perpetuated by a reactive audience. Instead it follows an interactionist perspective where emphasis lies in the process by which individuals come to be labeled as deviant (Curra, 2000; Regoli et al., 1985; Neff, 1980). Also, Tannenbaum (1938) emphasized the role of the label produced by social authorities and suggested the possibility that labels could have negative consequences regarding deviant behavior.

Assuming a commission entertains deviant labels, theoretical and established literature should inform the design of causal conditions to follow apart from just commission characteristics. Such efforts are directed toward the goal of answering another research question: how the identification of a victim influences the imputation of a deviant label?

Howard Becker in *Outsiders: Studies in the Sociology of Deviance* presents the main tenets of labeling theory. He says, “social groups create rules which labels behavior as deviant,” (1963: 9). Such a definition of deviance is examined through the lens fixated upon the process of the reaction of a social audience. Labeling theory insists that labeling does not occur as a part of an infallible process, nor are guiding rules always formed from consensus. The labeling process often contains interference by political processes (Schur, 1980). Deviant behavior may not always spark a social response, especially since
elements of power allow some groups to impose their rules over others and to resist the impositions of the rules of others (Becker, 1963: 17). A master status is applied which dominates the classification of its recipient over other possible classifications (Hughes, 1958). Lemert (1951; 1962) similarly hypothesized that once labeled a deviant secondary deviance may result. Rotenberg (1974) emphasized the self-concept to be an important conceptualization for societal reaction theories of primary and secondary deviance.

Social arrangements can impact the methods and degree in which the imputation of deviant labels occurs. Raybeck (1991) reported that large scale societies, such as an organized state, are more willing to impute deviant labels on social actors. The scale of a society is important for how often labels may be imputed. Other suggestions for structural components which can impact the labeling process are power, social distance, the visibility of deviance, the perceived victimology of deviance and perceived rational for deviance (Downes and Rock, 1971). The context of these structures in relation to deviant claims may determine the nature of the social reaction.

Labels do not always follow a clear, orderly path to reach the correct recipient which lends credence to the relativistic perspectives as well. For instance, Becker (1963) in his study of a deviant subculture of marijuana users discusses how marijuana consumption was not always considered behavior that should be illegal. Marijuana users also tend to deflect labels of deviant behavior. Advocacy groups have also learned how to redefine legal norms, validating behavior that was once considered deviant (Henderschott, 2002). Also, these sub-cultures exist under a dominant social order which condemns their behavior. While there is a social reaction to punish, those reactions are not frequent enough to reform the entire sub-culture.
Labeling theory has consistently stood contested. Many scholars have expressed the theory as incomplete. Adams (1996) suggested that labeling theory should be incorporated into other theories, and Wellford (1975) suggests the pursuit of alternative theories as a result of being critical of the conceptualization of labeling theory.

Furthermore, tests of labeling theory have produced mixed results. Bernstein et al. (1977) studied the sentencing of individuals in a sample of 6,000 and found little to suggest significant effects of extralegal offender characteristics on sentencing. They suggested more of a focus on organizational imperatives as well as values of those involved in the social reaction. Their results are concurrent when street crime is under examination, however, white collar crime sentences have been found to rely on extralegal factors (Madden et al. 2010). Farrington (1977) performed a longitudinal survey of juvenile delinquents which showed that youths who committed deviant acts were typically selected for public labeling. Cohen and Kluegel (1978) found little support for labeling theory studying a sample of over 6,894 males from two courts in Memphis, TN and Denver, CO.

Bernburg et al. (2006) after performing a longitudinal test of labeling theory found that juvenile justice intervention increased the likelihood of serious delinquency through involvement with peers of other delinquent groups. Self report surveys have also been used to assess effects of reflected appraisals on individual identity and the effect of being labeled (Brownfield and Thompson, 2008). The results for labeling theory suggest that interaction with police is strongly correlated with a deviant self-concept (Chambliss, 1973). Severe forms of labeling like incarceration and sentencing have been found to
have the greatest negative effects on employment which can cause further deviance (Davies and Tanner, 2003; Chiricos et al. 2007).

In the U.S. criminal justice system, a formal environment in which the imputation of deviant labels coalesces has been the courtroom. The courtroom is a neat and orderly room where defendants and plaintiffs, offenders and victims, referees and social agents converge (Ericson, 1977). Knapp (1977) identified the court room as a criminal trial ritual where group values are imposed upon individuals. This ritual often imputes a degraded status upon the individual considered in violation of normative behavior (Garfinkle, 1956; Kupchik, 2003; Maruna, 2011). This systematic imputation of a degraded status through shaming is a form of stigma (Dodge and Pogrebin, 2001).

While it differs from the courtroom, it remains plausible to place commissions within the labeling process regarding social reactions to deviant human subject research. Therefore, I am suggesting that a commission is a label-producing apparatus in its organization, rather than a status degradation ceremony. Such an arrangement is contingent upon the acceptance of a criminological lens which extends beyond the criminal justice system (Kraska and Brent, 2011). It should be mentioned that Cavender et al. (2010) were able to show that a commission can be a status degradation ceremony; however, it is not considered a formalized element of the federal ad hoc commissions on human subject research.

A commission then, is a structural component of a particular social reaction which filters information and produces labels. They do not always systematically coordinate the imputation of deviant labels and they certainly do not have the authority to issue punishments or rewards which may be attributed to each label produced. In this way, a
commission differs from the courtroom. This suggestion is contrary to the preferred research concerns of labeling theorists correlated with the criminal justice system (Bernstein et al. 1977). A study of the deviant labels produced by *ad hoc* commissions responds to Fine’s (1977) critique that labeling theory requires the examination of labels of deviance that are grounded within social processes.

*Stigma*

Stigma is related to deviance in the sense that it is considered a violation of normative expectations. Labels have been suggested as not only being imputed according to social norms, but stigma is also dispersed according to a similar process of social experiences. Stigma, then, consists of a particular form of undesired traits that are perceived as deviating from normative expectations and can cause individuals to be viewed as less human (Goffman, 1963; Stiles and Kaplan, 1996).

Similar to labeling theory, there is a master status which can be applied to individuals (Hughes, 1958). The social context is what determines which traits become necessary for particular social phenomena to be viewed as stigmatic (Frable et al., 1996). Jones et al. (1986) see the process as relational and psychological. Such logic suggests attributes of stigma vary according to culture, time, and society while having an impact on self-concepts (Ainlay et al., 1986). If an individual becomes viewed as possessing some traits which are defined as stigmatic, they become more likely to lose legitimacy to the group (Elliot et al., 1982).

Many scholars have presented characterizations and categorizations of stigma. Mukolo et al. (2010) offers three dimensions of stigma: negative stereotypes, devaluation
and discrimination. Also, stigma tends to be targeted at individuals or families. Scholars distinguish between public stigma and self-stigma (Rüscher et al. 2005; Bathje and Pryor, 2011). Public stigma is when common societal reactions to people who seek help for psychological distress and self-stigma represents the internalized impact of public stigma.

The experience of stigma has the potential to become anticipated stigma, or a need to envisage and avoid any potentially recurring stigmatic conditions (Cechnicki and Bielanska, 2009). Stigma can be dispersed across groups as opposed to an individual. What Ferree and Smith (1979) refer to as social stigma. Stiles and Kaplan (1996) showed that containing traits associated with a stigma is likely to enhance the response of negative social sanctions to perceived deviance. Therefore, there is a sufficient need to locate stigmatic social forces which cause exclusion (Bromfield, 2009).

Social psychological perspectives consistently offer typologies which include enacted, normative and self-stigma (Steward et al. 2008). Herek et al. (2009) found their own variation of similar typologies including stigma which is enacted, felt, and internalized. Enacted stigma refers to negative actions performed against the stigmatized party. Felt which refers to expectations of stigmatic conditions and internalized stigma refers to how individuals except stigma as part of a set of values. Interpersonal distance has also been found to increase when individuals are in contact with individuals with perceived attributes considered stigmatic (Barrios et al. 1976).

Social pathology is an important perspective for studying deviance and stigma, which partly stems from norms related to psychology and physical disabilities (Fichten et al., 1991; Makas, 1988). Abnormal minds are distinguished from functioning minds
much like physical characteristics can also be differentiated into desired or undesired categories (Sussman, 1997). There often exists a great deal of social stigma when an individual is diagnosed with a disease or mental disorder (Cechnicki and Bielanska, 2009; Van Rie et al. 2008).

Health-related stigma has negative impacts on individuals, but it also has negative implications for public health efforts (Van Brakel, 2006). Stigma often contributes to psychosocial problems and emotional suffering, and it may hinder help seeking and treatment adherence behaviors (Karim et al. 2007). The goal of many studies is to reduce the burden of stigma on patients to improve health along with health care services through protest, education and contact (Van Rie et al. 2008; Crawford and Brown, 2002; Romer and Bock, 2008). Such positions shift the focus of researchers to a concern for advocating solutions which improve the agency of the harmed individual. Sociological research has the ability to examine the reversing stigmatic conditions and behaviors to promote positive social relations (Everly et al. 2012).

Stigma is related to a complex social process, part of which includes the internal challenges of stigma (Dodge and Pogrebin, 2001; Ridge and Ziebland, 2012; Scambler, 2004). The internalization of stigma is a strong theme among scholars studying the contents and effects attributed to stigma. Cechnicki and Bielanska (2009) studied the subjective experiences of mentality ill. Perceived stigma can stem from family and community when involved in stigmatic occupations (Liu et al. 2011). Poor mental health has also been reported due to stigmatized social attributes (Logie et al. 2012). Identity studies also have shown that subordinated groups may reproduce stigma while coping with their own stigmatized traits (Sumerau, 2012).
Studies have also examined stigma in terms of factors which are relate to stratification. Race has been recognized as a recurrently stigmatized trait (Herzog, 1974; Myers, 1981). Howarth (2006) used mixed qualitative methods to display how stigma is collectively constructed, institutionalized and resisted in social and political relations.

Gender can be a source of stigma as well as a structure which produces gender-specific responses to stigmatic social conditions (Karim, 2007). Kando (1972) shows that a change of biological sex or gender identification changes social relationships with friends and families. Also, traits such as gender and race often intersect which and amplify the burden of stigmatic conditions (Finucane et al. 2000; Rush, 1998). Attention should also be given to women as a social group which been stigmatized as well.

Kimmel (1974) in her study of 150 male and female Psychology professionals found that women did not participate in higher levels of job to job mobility. The findings suggest that stereotypes promoting the idea that women are less likely to work long-term at the same company are incorrect.

Sexual deviance is also a source of stigma which contributes to the underreporting of rapes between men and women (Groth and Burgess, 1980). Weidner and Griffitt (1983) found that victims may receive less sympathy than the offender when respondents were asked to make judgements in reference to a rape scenario. Depression has also been strongly associated with homosexual men (Logie et al. 2012) Connection between representation, class and gender in the media can often promote negative stereotypes of women demonstrators (Lawler, 2002).

Violations of normative expectations are also associated with shaming. Stigma itself is a form of shaming, and can itself be the result of perceived attributes which
require stigmatic social responses (Dodge and Pogrebin, 2001). Stigmatized traits are often associated with more serious penalties (Stiles and Kaplan, 1996). Studies have also found that stigma does not necessarily impact identity or social mobility negatively. Legal accusations regarding misconduct may not always have negative consequences (Schwartz and Skolnik, 1962).

Similar to labeling theorists, there has been a form of structural discrimination in terms of the phenomena in question (Davis, 1972). It has long been recognized that institutions can be a source of deviance, and can play an important role facilitating deviant behavior. Institutional goals and practices can produce disadvantages for stigmatized groups, and contain structural dynamics of power (Link and Phelan, 2001; Yang at el. 2007). Stigma, then, can be imputed through a public ceremony which has bureaucratic consistency as a forum for the federal government. The conditions of commissions relate more to the production of stigmatic labels, which can then be used by other direct social control apparatuses. These labels can also consist of connotations which are either negative or positive in terms of their labeling.

**Reintegrative vs. Stigmatic Shaming**

Braithewaite’s (1989) Reintegrative Shaming Theory (RST) postulates that shaming is divided into a dichotomy of reintegrative or stigmatic characteristics. To begin, shaming is treated as any social process with the intent to invoke regret in an individual by expressing disapproval of the sanctioned behavior (p. 100). Also, shaming is not to be seen as a homogenous process. There are conditions which can distinguish two types of shaming, whether it is reintegrative or stigmatic.
Reintegrative shaming directs deviant labeling toward the act rather than the person, emphasizes a bond of love and/or respect between the offender and the individual responsible for shaming, requires support from the community, and finally, a ceremony offering forgiveness is performed (pp. 100-1). A label of this form is assumed to result in less reoffending when offenders are reintegrated back into society. Stigmatic shaming consists of characteristics which are opposed to the tenets of reintegrative shaming. The relationship between the individual responsible for shaming and the offender is not an essential focus of the routine, and is likely to be impersonal. The individual is treated as a deviant, rather than the sanctioned behavior. Social approval is also not required, and there is no formal offering of forgiveness. Stigmatic shaming is the arrangement attributed to the criminal justice system.

When he studied how crimes of the powerful went unpunished and that regulation of corporate crime followed along an international trend of restorative justice, he suggested applying a similar model of justice to street crime (Braithewait, 2002: 16). After all, procedures associated with shaming within the criminal justice system have often been critiqued as being uncreative and in need of reform (McShane and Williams, 1989; Lawrence, 1991). This is true regarding white collar crime as well as incarceration. There have been a variety of laws and judicial referees which have introduced a diversity of alternative sanctions (Netter, 2005).

Controversially, the research from studies in restorative justice has been cited as promising support for RST (Ahmed and Braithwaite, 2005). RST has also being applied to various types of phenomena from bullying, to rape cases, to nursing homes successfully (Ahmed and Braithwaite, 2005; Braithwaite, 2006). Rebellon et al. (2010) studied
anticipated shaming and its role preventing deviance. Murphy and Harris (2007) tested RST on tax offenders in a white collar crime context. Reoffending was found to correlate with the hypothesis of RST. Those who experienced reintegrative enforcement reported less reoffending and those who experienced stigmatic shaming were more likely to reoffend. The shaming of corporate offenders as a form of sanctions as an alternative to traditional punishments is even becoming more of a trend as well (Skeel, 2001).

There has been some difficulty calibrating the theory as not all have found positive results. Bauhmer et al., (2002) found shaming strategies in Iceland to maintain similar rate of recidivism than other, non-shaming nations. Hay (2001) found partial support, while Harris (2006) found shame-related emotions were predicted by perceptions of social disapproval, but that the relationship was more complex than expected. There seemed to be unknown emotional relations between the shame-related emotions which may have implications for theory. Another study of RST suggests the theory may not prevent secondary deviance when projected deviance was positively correlated to reintegrative shaming (Botchkovar and Tittle, 2008).

Skeel (2001) describes the social participants of a shaming event consisting of an enforcer, the audience, an enforcement community and the offender. The commission then, can be viewed as a status degradation ceremony where shaming is officially ascribed to individuals and behaviors in the form of official labels. The difference lies in the absence of direct enforcement capabilities. The theoretical concern can be expressed not by simply asking how the label is imputed onto an individual, but how social agents construct labels which can then be imputed onto suspected offenders.
The study of stigma can be said to consist of varied conditions in relation to shaming which may produce differing rates of criminal acts and secondary deviance. Labels themselves, however, can originate from a source which promotes stigmatic social responses which have their own obstacles. Labels can consist of qualities separate of an individual’s psychological and officially imputed labels. Environments may include subtle connotations which may consist of punitive or restorative characteristics. A final research question can be formulated: does a commission’s acknowledgement of a victim or an offender influence whether the label takes on stigmatic or reintegrative qualities?

Testing the effectiveness of the labeling, stigma and shaming process on secondary deviance is not possible with this study. It should be considered exploratory in studying conditions which produce labels regarding a particular form of deviance and to some extent the attributes of stigma that may be attached to it. A study following this design can inform national processes which are relevant to the commission process and social agents which rely on commission recommendations.

METHODS

Introduction

Proceeding with the notion that federal ad hoc commissions filter social reactions into deviant labels, a qualitative method that allows for the comparison of multiple cases is required. As previously stated, the aim of this project is to assess the conditions of commissions which may label research deviants and to recognize traits which depict stigmatic or reintegrative conditions. Commission studies and labeling theorists have offered some insight regarding what conditions are conducive to the imputation of a
deviant label. Shaming traits consisted of the severity of damages presented by the commission along with any punishments suggested and whether they are punitive or cooperative.

Charles Ragin’s (1987) crisp set Qualitative Comparative Analysis (csQCA) was the research method utilized for the comparative analysis of the sample. Each dependent and independent variable was assessed according to their presence or absence as they were operationalized as conditions. Of primary concern was to answer what conditions (both present and absent) are associated with labeling research deviant. Second, the conditions (both present and absent) associated with stigmatic labels require observation. The third research question probes what labeling conditions (both present and absent) may be associated with reintegrative labels?

Analyzing commission conditions can show patterns which would promote the development of a labeled research deviant. Once a label is found present or absent, those conditions which lead to stigmatic labels can also be observed and analyzed. Such results will contribute informed recommendations for the commission process, especially during the use of federal ad hoc commissions as a social response to illegal human subject research. Another contribution is that it is a test of labeling theory in conjunction with Braithwaite’s Reintegrative Shaming Theory (RST).

I am suggesting that the commission process regarding deviant forms of human subject research is a social reaction filtered through a labeling apparatus. This apparatus is utilized to filter and sort labels through an intermittent bureaucratic process (Vermeule, 2011). There are particular constituent parties who can be examined as part of the commission process which shape and ultimately determine how research deviance is
framed (Skeel, 2001). These labels may or may not lead to political responses, but potentially can shape public policy as well as other possible social responses (Tama, 2011).

The labels themselves consist of an explicit master status. There are dominant classifications according to varying standards and contexts of each commission and their respective source documents. Labels could be prescribed normative behavior for human subject research or it can shame particular actors and organizations for their participation in deviant behaviors. In order to further examine the labeling process, an overview of the analytic procedure follows.

Sample and Cases

When determining the best approach for a comparative analysis of historical documents the initial concern became one of classifying the parameters of the sample. Zegart (2004) provides clear parameters for defining a temporary presidential commission. Those parameters include:

1) *Ad Hoc*- focus on discrete task and duration lasts up to 4 years, or *presidential terms*.
2) Official- president, executive branch official, or *Congress*
3) Corporate Bodies- at least three members of which one is a private citizen

This definition can also be applied to congressional committees as well, so long as those definitions are adjusted. First, some presidential commissions extend beyond four years; since presidential elections can produce a second term, commission life spans can last longer than four years. Also, the sample has been expanded to include commissions
whose legislation and authorities are granted by Congress. The italicized portions of the definitions were added to facilitate a broader sample.

The convenience sample of federal *ad hoc* commissions that was selected for analysis consists of four congressionally initiated *ad hoc* commissions, and five presidentially initiated *ad hoc* commissions. A presidentially initiated commission consists of legal origins through the executive order while a congressional commission uses acts, laws or resolutions. For the purpose of this study, the focus is limited to commissions which have discussed the ethics of human subject research. This is seen as a forum where deviant examples of research and normative behaviors for bioethics and human subjects are publicly examined. Of particular interest is the utilization of intermittent commissions to examine some of the worst known cases of deviant forms of harmful research on human beings, and their potential to produce stigmatizing labels of individuals and behaviors. What follows is a brief description to provide a context to the commissions being included in the sample.

The Presidential Commission for the Study of Bioethical Issues (PCSBI) includes some of the nation’s leaders in science, medicine, law, ethics, and engineering. They were initiated by President Obama. Commission activities are currently still underway, and have been since late 2009. Their purpose is to advise the President on matters of biomedicine and related areas of science and technology. The commission works to ensure biomedicine and other areas of technology innovation are handled in socially and ethically responsible manners. Members are chosen by the President’s Executive Office.

The President’s Council on Bioethics (PCB) existed from 2001 to 2009. Their purpose for creation in 2008 was to advise President Bush on changes in bioethical
issues. Their mission is to question the moral significance of bioethical issues, facilitate a forum for open discussion of issues, increase understanding of important issues, explore specific ethical policy dilemmas, and consider international collaboration. Their long lifespan is explained by executive orders which extended their lifespan.

The National Bioethics Advisory Commission (NBAC) existed from 1996 to 2001. This commission was established by an executive order in October 1995. The purpose was to oversee and research ethics involved with human subject research. The commission’s role was to help protect the rights of human subjects with a variety of related themes and projects. This commission was also extended through the use of an executive order.

The next commission was the Advisory Committee on Human Radiation Experiments (ACHRE). The ACHRE operated from 1994-1995 and was created by President Bill Clinton in 1994. The committee was to investigate the use of human subjects in federally funded research using ionizing radiation. They explored the government’s liability for using ionizing radiation on human subjects and how to remedy the harm they caused with their experiments. The committee also considered if the benefits of the research outweigh the costs. They held hearings, searched archives, interviewed experts and performed a survey.

The Biomedical Ethical Advisory Committee (BEAC) had the shortest lifespan of the commissions included in the sample. The commission was created in 1988, however, commission activities had terminated by 1990. This committee was only in existence for about one year. The members, 14 chosen by the Biomedical Ethics Board of Congressional Representatives, became politically deadlocked over issues surrounding
abortion and were ineffective. The committee only held two meetings before appropriations were withheld and commission activities ceased.

The President's Commission for the Study of Ethical Problems in Medicine and in Biomedical and Behavioral Research (PCEPMB) is another commission on human subject research. It began in 1978 and lasted until 1983. They dealt with a variety of healthcare and bioethical issues like defining death, human subject research, whistleblowing, compensating for research injuries, and forgoing life-sustaining medical treatment.

The next commission to describe is the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research. They operated from 1974 to 1978. This commission was the first national, public group to shape US bioethical policy. Congress created the commission in 1974 under the Department of Health, Education, and Welfare. The commission handled issues pertaining to institutionalized mental patients, research involving children, fetus, or prisoners, and psychosurgery.

The United States President's Commission on CIA activities within the United States is next, and is more commonly referred to as the Rockefeller Commission (RC). It was formed to investigate allegations of improper CIA activities within our nation's borders. President Gerald R Ford created this commission in 1975 and named Vice President Nelson A Rockefeller its chair. He charged the commission with evaluating if the activities of the CIA were within their authority and make appropriate recommendations. Some of these activities included an examination of the CIA and their participation in human subject research for national security.
The Church Committee (CC), or the United States Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities was an 11-member congressional committee. It was formed in 1975 in the wake of the Watergate scandal to study intelligence agency operations and their jurisdiction. Their work spanned over nine months, and in that time they interviewed over 800 officials and 21 public hearings regarding abuses by the CIA, FBI, and NSA. The commission itself handled a variety of issues which related to organizational deviance in the intelligence establishment which included deviant forms of human subject research. Table 1 on page 28 contains a list of each commission along with their legal origin, duration and operative abbreviations.
Table 1

*Ad Hoc* Federal Commissions Examining Human Subject Research

<table>
<thead>
<tr>
<th>Commissions</th>
<th>Mandates</th>
<th>Year</th>
<th>Abbreviation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Congressional</strong></td>
<td>Law</td>
<td></td>
<td></td>
</tr>
<tr>
<td>President’s Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research</td>
<td>Public Law 95-622</td>
<td>1978-1983</td>
<td>(PCEPMB)</td>
</tr>
<tr>
<td>Biomedical Ethical Advisory Committee</td>
<td>Public Law 99-158</td>
<td>1988-1990</td>
<td>(BEAC)</td>
</tr>
<tr>
<td>United States Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities</td>
<td>Senate Resolution 21</td>
<td>1975</td>
<td>(CC)</td>
</tr>
<tr>
<td><strong>Presidential</strong></td>
<td>Executive Order</td>
<td></td>
<td></td>
</tr>
<tr>
<td>United States President’s Commission On CIA Activities Within the United States</td>
<td>11828</td>
<td>1975</td>
<td>(RC)</td>
</tr>
<tr>
<td>Advisory Committee on Human Radiation Experiments</td>
<td>12891</td>
<td>1994-1995</td>
<td>(ACHRE)</td>
</tr>
<tr>
<td>National Bioethics Advisory Commission</td>
<td>12975</td>
<td>1995-2001</td>
<td>(NBAC)</td>
</tr>
<tr>
<td>President’s Council on Bioethics</td>
<td>13237</td>
<td>2001-2009</td>
<td>(PCB)</td>
</tr>
<tr>
<td>Presidential Commission for the Study of Bioethical Issues</td>
<td>13521</td>
<td>2009-Present</td>
<td>(PCSBI)</td>
</tr>
</tbody>
</table>
DATA ANALYSIS

The challenge for an intermediate level design is that there are too many cases for a thorough narrative comparison (Stokke, 2007). While commissions display variability, there is also reason to search for public and commission traits as well as labeling characteristics. Historical complexity can make it difficult to extract relevant patterns that are theoretically informative from a case study. Qualitative Comparative Analysis (QCA) provides the benefit of being able to analyze complex causation between particular cases with the same outcome. There are patterns of commissions which may be explicit; however, not all conditions are necessarily present in the same combination. The complexity inherent in a study of this nature can obtain clarity from a systematic method such as QCA. Therefore, in order to extract important cross-case patterns between commissions on human subject research, QCA is the preferred method (Ragin, 1998; 1999).

The crisp set version (csQCA) requires that each variable be treated as a binary unit according to the logic of Boolean algebra. Boolean algebra consists of a present or absent configuration where a 1 indicates presence and a 0 indicates absence according to each operationalized cut off value identified for each variable (Ragin, 1987: p. 86-88). The method itself treats the absence and presence of variables holistically. Therefore, whether a variable is present and/or absent contributes to the interpretation of results. An important component of this method is its use of the truth table (George, 1979). A truth table helps provide structure for examining each condition in relation to the observed outcome (Ragin, 2008: p.23).
Charles Ragin (1987) was the scholar responsible for applying Boolean logic to the comparative analysis of qualitative data in the truth table format. The purpose is to include qualitative richness with quantitative logic. By arranging independent variables in a simple table, the outcome or dependent variable can then be compared as part of a recipe of causal conditions. Amenta and Poulsen (1994) support a conjunctural theories approach for the selection of independent variables. Here, I have drawn from deviance, labeling, shaming, and commission literature to construct variables for commissions with comparable outcomes (Ragin, 1987: 78). I have also included the relevant remote characteristics along with the proximate factors relevant for a study of commissions (Schneider and Wagemann, 2006).

To begin, QCA uses terminology to describe its Boolean equations. A condition is a term used to describe any variable within the analysis. An independent variable is referred to as an input, and a dependent variable is known as an outcome, or an output. Each condition will be assigned a letter as a symbolic representation so it can be represented in the form of a Boolean algebraic equation. If a condition is found to be absent, it will be lower case. If a condition is found to be present, it is uppercase.

An equation is also known as a set which includes a combination of conditions which are present or absent in relation to a given outcome. The set is structured according to principles of Boolean addition and can be represented by the set \( A + B = C \). This equation is to be interpreted as \( A \) or \( B \) produce \( C \) (Ragin, 1987: p. 89). An example of a more complex set may appear as \( A_d + B = C \). When \( A \) is present, \( d \) is absent or \( B \) is present, \( C \) is the outcome. A number of these sets, or recipes, will be produced when truth table data is analyzed according to a process of Boolean minimization.
When a recipe is formed representing each commission according to the designed matrix of presence and absence, it requires further simplification. Boolean minimization entails removing any conditions which differ to produce a more parsimonious representation of conditions, whether present or absent. The example provided by Ragin (1987: p. 93) is that when comparing Abc and ABc, since B varies it is omitted from the formula. The minimization process occurs in three stages.

First, each set of combinations with one condition present and two conditions absent are combined with rows containing two conditions and one absent condition. This is possible since there is only a difference between one condition while both share the same outcome. An example would be when a set of Abc is compared to ABc, which would simplify to Ac. This step is performed for each row of combinations as they occur in the table. A second level of minimization occurs when rows with two causes present and one absent are compared to rows with three causes present. The final step of minimization entails comparing the terms produced from the two previous stages, omitting what does not repeat. This goal is to, “identify wider sets of conditions,” from the multitude of sets produced from the table (Ragin, 1987: 95).

These three stages of minimization were produced using fsQCA which uses slightly different terminology. Listed from first to last, the minimizations steps will be termed complex, intermediate and parsimonious solutions (Ragin, 2006). Complex solutions representing the initial minimization process are often the longest. The intermediate solutions are typically the most informative for theoretical concerns, but complex solutions are as well. Parsimonious solutions represent only those conditions which are essential for indicating whether a given outcome was present.
OPERATIONALIZATION OF VARIABLES

For the purpose of this study, a table which lists each commission was constructed that contains five clusters of variables which correspond to each theoretical component. The independent variables were clustered into categories representing public influence, commission characteristics, offender characteristics and victim characteristics. The dependent variables are clustered as outcome variables representing a labeled research deviant, reintegrative shaming, and stigmatic shaming conditions. Table 2 on page 36 contains the table as it was constructed along with the results of the analysis. The next step requires the further conceptualization of variables into binary units for analysis.

Dependent Variables

The main dependent variable is whether or not the commission “Labels a Research Deviant.” It is important to facilitate this variable by examining the final reports of each commission. A number of different deviant claims were suspected to be promoted by outside constituencies, different commission participants, and between commission members. The report represents the final consensus of commission participants and the recommendations that were made. The production of labels within official reports was an essential ingredient for the secondary analysis. This entailed examining the stigmatic or reintegrative traits of the labels associated with commissions.

The second analysis of deviant research labels was divided into two other dependent variables. These types are classified according to the nature of their shaming conditions. Reintegrative conditions of shaming include: care and respect as part of interaction between condemners and the condemned, an official ceremony of forgiveness
which is supported by the community. Stigmatic conditions would not emphasize care and respect as part of interaction between the condemners and the condemned, support from community is not an essential component of ceremony, and there is no official ceremony of forgiveness (Braithwaite, 1989: 100-101). For both types of shaming, community support refers to promoting or softening the deviant master status.

Independent Variables

Public influence

a) News coverage

News coverage is a representation of the frequency with which news on a particular commission will be presented. The intent was to represent how much the media reports on each commission. If there were a large number of publications, then it was considered to have a high degree of public salience. The level of public awareness can influence or reduce the impact of the public on commission outcomes. To fit into dichotomous categories it was necessary to differentiate between high degrees of media attention versus low degrees of media attention.

A search of publications included in the LexisNexis database was utilized since it contains a wide-range of publications which can be systematically searched with keywords. The keywords for each commission included the name of the commission in quotes, along with a year range from one year before each commission, to one year after. LexisNexis parameters for the search also included restrictions to articles that were all English, U.S. only, and were listed in chronological order. The number of articles found were counted and split according to the number of publications present. If there more
than 10 articles for a commission, there is a large amount of media attention detected and a 1 will be recorded. If there were 10 or fewer articles, the media does not devote significant attention to the topic.

b) Non-government organizations

The next category is a measure of organizations which may be producing and adding claims for discussion but may not be directly involved in the commission process. This is categorized as the mobilization of non-government organizations. While many institutions have the potential to promote particular claims of deviance, the public salience of deviant claims could be measured through media publications. Waegal et. al. (1981) utilized a sample of major media publications as nationally representative of deviant claims. The previous LexisNexis search will also serve as a source of potential deviant claims. Each commission was searched in the LexisNexis database for extra-organizational claims which may come from the author of a particular article, or an organizational representative being portrayed in the article consisting of explicit claims related to actual historical events. The keywords will consist of commission headings or some other possible moniker notoriously applied to a commission (e.g. "Church" Committee).

c) Public participation

Public participation was the next independent variable included in the public influence category. In this sense, the public represents commission participants which function outside of the commission panel. These participants tend to be members of a lay
public. Tracing the role of the “public” in commission deliberation is projected to shed light on commission dynamics in relation to the broader public (Levin and Dzur, 2007). Therefore, public participants, although distinguished as outside constituencies, were recorded as part of the commission characteristics cluster of variables. To convert this variable for the truth table, a 1 was coded if the presence of public participants is detected and a 0 was coded if the absence of public participants was identified. The public consists of any member of the lay public that is included in commission deliberations.
<table>
<thead>
<tr>
<th>Dependent Variables</th>
<th>Description</th>
<th>Operational Definition</th>
<th>Coding</th>
<th>Source of Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>Labels a Research Deviant</td>
<td>Commission imputes a label or associates a culprit involved in deviant research.</td>
<td>A deviant is labeled when identified as a participant in relation to research which is described as illegal or unethical.</td>
<td>1 = Research Deviant Present 0 = Research Deviant Absent</td>
<td>Commission Reports: Summaries, Recommendations, Discussion, Conclusions</td>
</tr>
<tr>
<td>Stigmatic Conditions</td>
<td>Commission attributes blame to culprit, contains negative remarks about culprit, and facilitates condemnation.</td>
<td>A label contains stigmatic conditions when the commission provides disparaging claims regarding the event and/or the culprit.</td>
<td>1 = Stigmatic Conditions Present 0 = Stigmatic Conditions Absent</td>
<td>Commission Reports: Summaries, Recommendations, Discussion, Conclusions</td>
</tr>
<tr>
<td>Reintegrative Conditions</td>
<td>Commission shames research and/or deviant, but provides support and respect to deviant and their associated deviant behaviors.</td>
<td>Reintegrative conditions consist of commissions offering a context of misplaced motivations, regulatory ambiguity or any other positive associations along with culprit or event.</td>
<td>1 = Reintegrative Conditions Present 0 = Reintegrative Conditions Absent</td>
<td>Commission Reports: Summaries, Recommendations, Discussion, Conclusions</td>
</tr>
</tbody>
</table>
### Table 3

**Public Influence**

<table>
<thead>
<tr>
<th>Independent Variables</th>
<th>Description</th>
<th>Operational Definition</th>
<th>Coding</th>
<th>Source of Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>News Coverage</td>
<td>The intensity of news coverage about the commission's activity.</td>
<td>News coverage is robust when the number of articles exceeds 10.</td>
<td>( 1 = \text{News Coverage Present} ) ( 0 = \text{News Coverage Absent} )</td>
<td>LexisNexis Guided News Search</td>
</tr>
<tr>
<td>NGO Mobilization</td>
<td>Organizations outside of the commission provide examples of research deviance in relation to each commission.</td>
<td>Mobilization occurs when the authors of newspaper articles include details of a research deviant or a deviant research event.</td>
<td>( 1 = \text{NGO Mobilization Present} ) ( 0 = \text{NGO Mobilization Absent} )</td>
<td>LexisNexis Guided News Search</td>
</tr>
<tr>
<td>Public Participation</td>
<td>Refers to public organizations and representatives or other outside constituency which a commission acknowledges as contributing to the commission.</td>
<td>Public organizations in the forms of national associations, religious experts, or any other outside stakeholder organizations mentioned in commission recommendations.</td>
<td>( 1 = \text{Public Participation Present} ) ( 0 = \text{Public Participation Absent} )</td>
<td>Commission Reports: Summaries, Recommendations, Discussion, Conclusions</td>
</tr>
</tbody>
</table>
Commission characteristics

a) Expert body

Partisanship is an important element when discussing commission dynamics. Examples of unsuccessful commissions in the past have been attributed to malfunctioning commission components (Dean, 1969). Also, commissions have been seen as desirable due to their potential ability to avoid partisan politics in the form of an expert body (Kriner and Schwartz, 2008; Parker and Dull, 2009). Commissions often employ the expertise of professionals whose specialization can contribute to commission inquiries, but they have also been headed by members of Congress. The issues often handled require expertise and a reduced focus on stakeholder imperatives. The production of deviant labels is a likely outcome when experts are contributors to the commission process. An expert body was detected when the majority of commission members did not hold political office and a 1 was recorded. A 0 was recorded if commissions had a majority of members which hold political office.

b) Duration

The duration of a commission was also included as a condition. The length of commission meetings can be seen as an important characteristic for commission success (OTA, 1993). The commissions included in the sample can be considered transitory and their duration often varies. A longer duration commission suggests it has been successfully fulfilling its purpose as a commission, and its relationship to deviant labeling would be interesting. Amy Zegart (2004) requires a commission to last four years which is the length of a presidential term; however, a commission can be amended to meet for extended lengths of time and in some circumstances may even last for more than a single presidential term. A cut off value of 2 years
was chosen since the suggestion of four year maximum was considered a maximum length. For the purpose of this study, duration was defined as beginning from the date the committee was formally created and ending when the last report was released. If a committee existed for two or more years it was coded as a 1, and less than two years was coded as a 0.

c) Whistleblower

Commissions handling deviant claims have been dramatically impacted by the presence of a whistleblower. Kaur (2009) defines a whistleblower as an employee, former employee, or member of an organization, especially within a business or government agency, who reports misconduct to people or entities that have the power and presumed willingness to take corrective action. Often times organizations deploy strategies of protection to avoid deviant labeling which would be otherwise difficult to uncover without insider testimony and the leakage of incriminating documentation (Browning, 1988).

The presence of a whistleblower can significantly reduce the ability of an organization to resist claims of deviance. Robert Agnew (2011: 35-36) put forth a definition of crime that merges the legalistic standard with acts which are not formally defined as crime through legislation which can be considered harmful. Blameworthy harms are those for which individuals or groups bear some responsibility, are unjustified and inexcusable. The sources in which these harms can be formulated can come from human rights, social customs and legal sources. The suggestion then, is that is a whistleblower increases the blameworthy harm associated with deviant claims in commission deliberations.

A famous example is the social reaction to the explosion of the space shuttle challenger and the formation of the Roger’s Commission. The commission was in charge of determining
the causes of the shuttle explosion. Roger Boisjoly along with other engineers performed whistle blowing activities before and after the space shuttle explosion that were instrumental in helping the commission rebuild the events which led to the tragedy as an event of organizational deviance (Vaughn, 1990). Whistle blowers then are essential components for successful deviant claims as part of commission dynamics and ought to be represented for analysis. For the purpose of analysis, if an employee, former employee, or member of an organization who reports misconduct was described or identified explicitly by the commission, a 1 was recorded. When a whistleblower was not detected, a 0 was recorded.

d) Extended mandate

The legal mandate of an ad hoc commission, whether it comes from laws or executive orders may be amended to extend its lifespan. These extensions can explain why commissions often meet for periods which exist longer than one presidential term. This observation contradicts Zegart’s (2004) conception of presidential commissions lasting up to a presidential term. Commissions do not immediately dissipate once it has fulfilled its purpose for forming the panel, or when a presidential term has ended. Commissions may be issued a legal extension which assigns other tasks, extends meetings and salaries paid, etc. If a commission is extended, it may suggest an increased opportunity to focus on human subject research issues which may include deviance, and also represents the issuance of additional commission goals. When a formal extension of a federal ad hoc commission was detected in the form of legal amendments, such as an executive order, resolution, etc.), a 1 was recorded. When laws extending the life and purpose of the commissions were not found, a 0 was recorded.
e) Commission type

The final commission characteristic to consider for analysis is the type of commission. For the purpose of this study, commissions are considered to fall within either a presidential or congressional setting. Here a commission is considered presidential if it was initiated by executive branch staff through an executive order. Congressional committees utilize other legal mechanisms such as laws or acts to initiate commissions. The purpose for including a measure of congressional involvement is to suggest that a more de-centralized process contributes to deviant labeling by commissions since it has larger involvement in its initiation by outside constituents. There are different purposes for forming a commission, and some commissions may be more likely to produce an outcome which includes deviant labels. When a law or act initiates a commission, a 1 was recorded as a congressionally initiated commission. When a congressional commission is found to be absent, a 0 was recorded. Due to the nature of the sample, a 0 also indicates the presence of a commission initiated by an executive order and can be characterized as presidential.
### Table 4
Commission Characteristics

<table>
<thead>
<tr>
<th>Independent Variables</th>
<th>Description</th>
<th>Operational Definition</th>
<th>Coding</th>
<th>Source of Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expert Body</td>
<td>An expert body consists of commission members which do not hold political office and may have specialized backgrounds.</td>
<td>When the majority of the commission panel have specialized professional backgrounds and do not hold political office.</td>
<td>1 = Expert Body Present 0 = Expert Body Absent</td>
<td>Commission Reports: Summaries, Recommendations, Discussion, Conclusions</td>
</tr>
<tr>
<td>Duration</td>
<td>Duration refers to the length of time in which a commission convenes.</td>
<td>The duration of a commission begins when the commission is formed to when it issues its last report. When the number of years within the range provided exceed two, the significant duration is detected.</td>
<td>1 = Duration Present 0 = Duration Absent</td>
<td>Commission mandates which are often listed within reports or from source archives.</td>
</tr>
<tr>
<td>Extended Mandate</td>
<td>The Commission’s investigations extended using legal authority.</td>
<td>A commission mandate is extended when an executive order or act is passed to extend the purpose and duration of commission activity.</td>
<td>1 = Extended Mandate Present 0 = Extended Mandate Absent</td>
<td>Federal Register matched with legal sources listed in reports or listed by the archive which contains the source documents.</td>
</tr>
<tr>
<td>Whistleblower</td>
<td>Kaur (2009) defines a whistleblower as an employee, former employee, or member of an organization, especially within a business or government agency, who reports misconduct to entities that have willingness to take corrective action.</td>
<td>When a commission refers to an insider affiliated with a deviant organization who offers evidence of deviant claims.</td>
<td>1 = Whistleblower Present 0 = Whistleblower Absent</td>
<td>Commission Reports: Summaries, Recommendations, Discussion, Conclusions</td>
</tr>
<tr>
<td>Type</td>
<td>The type of commission is defined as congressionally initiated.</td>
<td>A commission law found in a commission report or the source archive after being verified in the federal register.</td>
<td>1 = Congressional Initiation Present 0 = Congressional Initiation Absent</td>
<td>Federal Register matched with legal sources listed in reports or listed by the archive which contains the source documents.</td>
</tr>
</tbody>
</table>
Offender characteristics

a) Collection offender

Offender Characteristics are a variable that measures characteristics of suspect researchers which are discussed by the commission. While the formation of a committee signifies a need for resolution, the issues that need to be resolved vary between commissions. To follow the variation between types may correlate with the types of deviance discussed. Labeling a research deviant is likely to increase if an offender is explicitly named.

The first type of offender will be the collective offender. The operational definition entails tracing whether suspect research by a commission is linked to a corporate body. Since commissions are likely to display overlap regarding the nature of deviant claims it is possible for a commission to fulfill more than one category. This variable will be operationalized from the available commission documents which summarize the conclusions of commission proceedings.

f) Individual offender

The next category is the individual offender. This refers to when the suspect research investigated by a commission was attributed to a particular scientist, researcher or organization. When an individual offender is detected it is likely to contribute to a labeled deviant as an outcome. When an attribution to an individual is discovered, a 1 will be recorded. If there is not an individual offender, a 0 will be recorded.
Victim characteristics

a) Victim testimony

Victim characteristics are the last independent variables to be operationalized. A victim consists of conditions which lead to the assignment of the special role of a harmed individual or group with certain rights and duties (Miers, 1989: p.4). By including victim characteristics it is possible to record a perceived victimology of deviance (Downes and Rock, 1978). A deviant label may require the commission to acknowledge a victim to validate labels. If commissions include claims of victimization, a social reaction may promote the production of deviant labels as an outcome during the commission process. Victims are also an important feature of shaming since determining the degree of harm can relate to the subsequent punishment attached to deviant behavior (Miers, 1989).

Victim testimonies are considered to be important elements for presidential and congressional commissions on human subject research and will be recorded. Victim testimonies were recorded as to whether or not the victim was included in commission proceedings. The commission is required to identify and provide testimony of an acknowledged victim. For this study self-labeled victims will not be counted since it must enter the consideration of the commission. A 1 was recorded when testimony was found to be present and a 0 was recorded when testimony was absent.

a) Victim race and gender

Tuskegee is often presented as an example showing that discriminatory selection of subjects has occurred in the past. Historic cases such as Tuskegee suggest the possibility that selection may fall along racial differences (Reverby, 2001). Scholars of critical criminal
jurisprudence reverberate similar concerns, asserting that sex and race likely yield significant patterns when examining issues of victimization. Therefore, victim characteristics of sex and race were also recorded. Sex was recorded as 1 for the presence of male victims and a 0 for the absence of male victims. In terms of race, all non-whites labeled as victims by the commission were considered minorities. Race was recorded by placing a 1 in the category of minority, and a 0 when no minority victims are found mentioned in commission reports.

a) Victim reported

Another important characteristic that was recorded was whether commissions acknowledged victims as an important source for its conclusions. Labeling research deviant may also require a perceived victim, and an indicator of perceived victimization by commission members is through the reports which are produced. If a commission mentions a victim and/or remedies for victimization in its final reports, then a 1 was recorded. If a commission did not mention a victim in its report, a 0 was coded.
<table>
<thead>
<tr>
<th>Independent Variables</th>
<th>Description</th>
<th>Operational Definition</th>
<th>Coding</th>
<th>Source of Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collective Offender</td>
<td>Suspect research investigated by the commission is linked to a research organization, government agency, or some other corporate body.</td>
<td>A collective offender is present when the commission identifies a research organization, government agency, or some other corporate body in relation to deviant research.</td>
<td>1 = Collective Offender Present 0 = Collective Offender Absent</td>
<td>Commission Reports: Summaries, Recommendations, Discussion, Conclusions</td>
</tr>
<tr>
<td>Individual Offender</td>
<td>Suspect research investigated by commission is linked to an individual.</td>
<td>An individual offender is present when the commission identifies a particular scientist or individual as a participant in deviant research.</td>
<td>1 = Individual Offender Present 0 = Individual Offender Absent</td>
<td>Commission Reports: Summaries, Recommendations, Discussion, Conclusions</td>
</tr>
</tbody>
</table>

Table 5
Offender Characteristics
<table>
<thead>
<tr>
<th>Independent Variables</th>
<th>Description</th>
<th>Operational Definition</th>
<th>Coding</th>
<th>Source of Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>Victim Reported</td>
<td>Victim is identified in commission report summaries.</td>
<td>When a victim is identified by a commission in their reports, or when someone is identified as a recipient of deviant research.</td>
<td>1 = Victim Present in Report</td>
<td>Commission Reports: Summaries, Recommendations, Discussion, Conclusions</td>
</tr>
<tr>
<td>Sex</td>
<td>The sex of identified victims are provided by commission members</td>
<td>The sex of the victim will be identified male members who have been identified as victims.</td>
<td>1 = Male Victim Present</td>
<td>Commission Reports: Summaries, Recommendations, Discussion, Conclusions</td>
</tr>
<tr>
<td>Race</td>
<td>The race of identified victims are provided by commission members.</td>
<td>Racial characteristics will be detected when they are mentioned in relation to an identified victim.</td>
<td>1 = Minority Present</td>
<td>Commission Reports: Summaries, Recommendations, Discussion, Conclusions</td>
</tr>
<tr>
<td>Victim Testimony</td>
<td>Victim testimony is included in the commission meetings.</td>
<td>Victim citation is detected when victims are mentioned in commission reports.</td>
<td>1 = Victim Testimony Present</td>
<td>Commission Reports: Summaries, Recommendations, Discussion, Conclusions</td>
</tr>
</tbody>
</table>
DATA COLLECTION

Reports were collected from distinguished archives which have collected these documents. Archival materials were collected from designated areas since materials are not archived together. Serious efforts were made to locate reputable sources for each set of relevant documents. Materials are easy to obtain due to the governments open access policy of commission proceedings in compliance with the Federal Advisory Commission Act (FACA).


Two other commissions were added to the sample for their role in recognizing human subject abuse in research during deliberation. The first committee added was the United States Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities in 1975, which is also commonly referred to as the Church Committee (CC). Also added was the United States President's Commission on CIA Activities Within the United States from 1975 which is often referred to as the Rockefeller Commission (RC). Both committees briefly discuss deviance of human subject research. The commissions themselves were examining cases of deviance in national security, especially the CIA.
The documents which are most often utilized to record and catalogue commission attributes are: laws, staff lists, meetings, historical materials, reports and transcripts. For many of the commissions included in the sample, materials are located together on a website which is managed by a reputable archive. Many commissions, especially older commissions, may not have been catalogued with all relevant documents. However, not all commission materials are available either. For example, the Church Committee and the Rockefeller Commission have documents which are still classified. Therefore, commission documents were limited to actual reports for the commission process to be re-constructed. A report serves standard however, the laws forming commissions as well as a list of staff members can be verified from outside sources and inform condition requirements.

The Georgetown Bioethics Library contains links to many of the commissions which they have listed as U.S. Bioethics Commissions. Their selection is based off of their federal initiation, commission classification, and explicit status of bioethics commissions. Some of these links are maintained by the Bioethics Library themselves. The list includes: National Bioethics Advisory Committee (NBAC), the President’s Council on Bioethics, President’s Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research (PCEPMB) and The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research (NCHSBR). The last two only have reports available and will need to be supplemented using outside sources such as the federal register to verify information.

The Library of Congress maintains a listing of all public laws, and has been used to verify and further locate the legal basis of forming Congressional commissions. The federal register was used to verify all executive orders. Most executive orders are kept with commission
documents. For example, the Presidential Commission for the Study of Bioethical Issues (2009-present) has its own website which includes all relevant documents listed along with added materials like blogs and webcasts. If they are not together, copies were located or verified from the National Archives. The Church Committee reports and Senate resolution can always be found in the archive maintained by the U.S. Senate Select Committee on Intelligence. The Biomedical Ethical Advisory Committee laws have been located at the National Institute of Health and verified with the Federal Register. This particular commission did not produce a report.

The National Security Archive (NSA) maintains a roadmap of the official records of the ACHRE reports and proceedings. The National Security Archive is a non-governmental research institute and library which is affiliated with George Washington University in Washington D.C. The Georgetown Bioethics Library has a link to this particular location on their list of bioethics commissions.

The current commission, the President's Commission for the Study of Bioethical Issues (PCSBI), has its own website where materials are well-organized and could be directly downloaded. The Gerald R. Ford Presidential Library was contacted for their assistance in obtaining the appropriate links for the United States Commission on CIA Activities, or the Rockefeller Commission (RC). Some of its documents are still classified so assistance was crucial for pinpointing all available documents.
Table 7: Results of the Commission Labeling Process

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>Public Participation</th>
<th>Mandate</th>
<th>Extension</th>
<th>Victim Representation</th>
<th>Victim Rights</th>
<th>Victim Protection</th>
<th>Commission Communication</th>
<th>Police Involvement</th>
<th>Other Involvement</th>
<th>Total Present</th>
</tr>
</thead>
<tbody>
<tr>
<td>Characteristic 1</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>Characteristic 2</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Characteristic 3</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Characteristic 4</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Characteristic 5</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>Characteristic 6</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
</tbody>
</table>
RESULTS

The study performed was an attempt to pursue concerns related to modern technological development along with national security initiatives which have often produced number of deviant forms of human subject research. Federally initiated *ad hoc* commissions contain a discourse of deviant claims which may inform broader social reactions in the form of their policy recommendations. To study this phenomenon, a convenience sample of the laws and reports of 9 commissions, along with newspaper articles, were all clustered into categories of public influence, commission characteristics, offender characteristics, and victim characteristics. These characteristics were hypothesized to contribute to the production of a deviant label applied to a research deviant. A secondary analysis was performed where reintegrative and stigmatic conditions were detected as outcomes in their own separate analysis.

A crisp set Qualitative Comparative Analysis (csQCA) was utilized to analyze the data, and produce a truth table which is summarized by **Table 7** on page 50. The truth table outlines each binary result when a variable was found present or absent in relation to the presence or absence of each proposed outcome. As previously mentioned, the results from the fsQCA software are calculated according to parsimonious, intermediate and complex stages of minimization which provided sets of combinations.

Each set produced in the formula also consisted of specific measures which helped to ascertain the robust nature of results. There is a measure of consistency which represents the degree to which terms of the solution and the solution as a whole represent subsets of the outcome. The robust result would report a consistency above .75 as suggested by the software (Ragin, 2006). Coverage is a measure of how much of the
outcome is explained by each solution term and by the solution as a whole. In other words, coverage "assesses the degree to which a cause or causal combination 'accounts for' instances of an outcome (Ragin, 2008: p. 44). There is a raw coverage score and a unique coverage score and both should exceed .75 for robust results. For this study, only the raw coverage scores are displayed since they are not required for crisp-set analysis.

In order to perform Boolean minimization, the fsQCA software was used which analyzes truth tables according to the Quine-McClusky algorithm to calculate its results (Ragin et al., 2006). FsQCA produces an output with a complex solution, an intermediate solution and a parsimonious solution which corresponds to the three stages of minimization described in the methods section. The conditions from the hypotheses and solutions from the outputs are represented with symbolic representations in the form of letters which were assigned in Table 7 on page 51. If a condition is represented by an uppercase letter, it was found present and a lower case letter signifies the absence of a condition.

The model originally suggested an expert body and whistleblowers as commission characteristics, however, the results impacted the Boolean minimization process due to lack of variability within each variable. While limited diversity is a frequent observation of naturally occurring social phenomena, it also interrupts social scientists that attempt to use QCA for assessing causal conditions (Ragin, 1987: p. 104). This was also true for the victim testimony variable which was originally included as part of victim characteristics. All three variables were dropped from the Boolean minimization process to allow for an examination of causal conditions to proceed. The raw coverage value for each combination is listed in Table 8 on page 54.
Table 8
Summary of fsQCA Analysis

<table>
<thead>
<tr>
<th>Research Deviant</th>
<th>Reintegrative Shaming</th>
<th>Stigmatic Shaming</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complex</td>
<td></td>
<td></td>
</tr>
<tr>
<td>dEfhiKLmopQ</td>
<td>0.167</td>
<td>dEfHikLmopQ</td>
</tr>
<tr>
<td>defhiKLMopQ</td>
<td>0.167</td>
<td>defhiKLMopQ</td>
</tr>
<tr>
<td>DEFhiKIopQ</td>
<td>0.167</td>
<td>DEFhiKLmopQ</td>
</tr>
<tr>
<td>DEFhiKlmpQ</td>
<td>0.167</td>
<td>DEFHIkLMOP</td>
</tr>
<tr>
<td>DEFHIKLMOPQ</td>
<td>0.167</td>
<td>DEFHIkLMOPQ</td>
</tr>
</tbody>
</table>

| Intermediate     |                       |                   |
|------------------|                       |                   |
| ELQ              | .50                   | ELQ               | .75* |
| KLMQ             | 0.167                 | KLMQ              | 0.20 |
| DFHKMQ           | 0.167                 | DFHKMQ            | 0.20 |
| DEfHIOPQ         | 0.167                 | DEfHIOPQ          | 0.40 |
| DEHIkOPQ         | 0.333                 |                   |     |

| Parsimonious     |                       |                   |
|------------------|                       |                   |
| fQ               | .67                   | L                 | 1*  |
| M                | .50                   |                   |     |
| L                | .67                   |                   |     |
| qQ               | .67                   |                   |     |
| kQ               | .50                   |                   |     |

*raw coverage of .75 or above
The model hypothesized consisted of examining the pattern of causal conditions found when a research deviant had been labeled. The model suggested that a research deviant would be labeled when public influence is present in the form of considerable news coverage, when a non-governmental organization (NGO) mobilizes to present deviant claims and when public participation is found to be present. The public present is also to be combined with the presence of commission characteristics, where a commission contained duration beyond 2 years, the mandate is extended, and it is a congressional commission. Offender characteristics are the third set which suggested the presence of a collective offender and an individual offender. Victim characteristics represented by the presence of a victim reported, minorities detected when male victims are also hypothesized to be present. An identical hypothesis was proposed for the reintegrative and stigmatic conditions found present as a secondary analysis. Table 8 on page contains the hypotheses compared to the results of the fsQCA truth table analysis.

The complex solutions of all three outcomes each contained up to 11 variables with low raw coverage values. Parsimonious solutions represent only those conditions which are essential for indicating whether a given outcome was present. News coverage (D) was found to be an essential component for the outcome of stigmatic shaming. Reintegrative conditions as an outcome produced an intermediate solution where NGO Mobilization (E), a collective offender (L) and the presence of a reported victim (Q). This was the most complex empirically relevant subset. The parsimonious solution essential for reintegrative conditions as an outcome was the collective offender (L).
Table 9
Summary of Robust Set Solutions

I) Reintegrative Conditions

<table>
<thead>
<tr>
<th>Hypothesis</th>
<th>( B = \text{DEFHIKLMOPQ} )</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intermediate Solution:</td>
<td>( B = \text{ELQ}^* )</td>
</tr>
<tr>
<td>Parsimonious Solution:</td>
<td>( B = \text{L}^* )</td>
</tr>
</tbody>
</table>

II) Stigmatic Conditions

<table>
<thead>
<tr>
<th>Hypothesis</th>
<th>( C = \text{DEFHIKMLOPQ} )</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parsimonious Solution:</td>
<td>( C = e + D^* + K + M + P )</td>
</tr>
</tbody>
</table>

*raw coverage \( \geq 75 \)
Table 10

Results of Third Stage of Analysis

<table>
<thead>
<tr>
<th>Labeled a Research Deviant</th>
<th>Stigmatic Shaming</th>
<th>Reintegrative Shaming</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Raw Coverage</td>
<td>Consistency</td>
</tr>
<tr>
<td>Complex</td>
<td>Complex</td>
<td></td>
</tr>
<tr>
<td>EkQ</td>
<td>0.667</td>
<td>1</td>
</tr>
<tr>
<td>eKQ</td>
<td>0.333</td>
<td>1</td>
</tr>
<tr>
<td>Intermediate</td>
<td>Intermediate</td>
<td></td>
</tr>
<tr>
<td>EkQ</td>
<td>0.667</td>
<td>1</td>
</tr>
<tr>
<td>eKQ</td>
<td>0.333</td>
<td>1</td>
</tr>
<tr>
<td>Parsimonious</td>
<td>Parsimonious</td>
<td></td>
</tr>
<tr>
<td>kQ</td>
<td>0.667</td>
<td>1</td>
</tr>
<tr>
<td>eQ</td>
<td>0.33</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Legend:
E/e= NGO Mobilization       K/k= Congressional
L/l= Collective Offender    Q/q= Victim Reported
After careful consideration, a third stage of analysis was performed. To summarize, there were originally 14 variables proposed, three of which had to be dropped due to their lack of variability. From there, a truth table analysis was performed using the fsQCA software and the 11 remaining variables. The results yielded some robust values when reintegration conditions were found to be present. Variables from other sequences also had values which came close to reaching the cutoff value of .75. The presence of a large number of variables combined with a small number of cases likely caused further challenges producing robust results using fsQCA since it produces too many possibilities without enough information to extract from cases. A final stage of analysis was performed, the results of which are summarized in Table 10 above. The total number of variables in the study was reduced to only four, one from each category of conditions. Further, variables were compared according to the coverage values produced from the results in Table 7 on page 51 along with the level of solution coverage score resides.

NGO mobilization (E) produced coverage scores close to the proposed threshold, and was selected as the public characteristic. The type of commission was the commission characteristic (K) and the offender characteristic was a collective offender (L) as well. Finally, the victim being reported (Q) was the victim characteristic due to its coverage score. The same analysis was then performed, where 9 cases were run in fsQCA to examine labeling conditions in relation to the presence of a labeled research deviant. The shaming conditions were also analyzed in relation to each variable, dropping the cases to 6 commissions which each produced a deviant label.

This analysis yielded a final recipe of conditions for each level of solutions which are summarized in Table 11 on page 60. The recipe from the complex solution suggests
that if an NGO was mobilized through newspaper articles (E), the executive branch initiated the commission, a collective offender (L) and victim were reported present (Q), the existence of reintegrative conditions surrounding a labeled research deviant was also present \((B = E\text{kJ}LQ)\). The intermediate solution yielded a recipe that suggests the presence of reintegrative shaming is dependent upon the mobilization of an NGO (E), the presence of a collective offender (L) and a reported victim (Q). The parsimonious solution shows that it was essential that a collective offender (L) was present in order to cause the presence of a deviant label with reintegrative conditions. The analysis did not produce coverage scores which suggest the conditions included significantly influence the production of a deviant label, nor were stigmatic conditions found to be a significant part of the labeling process either.
Table 11

Final Hypothesis and Robust Sets

<table>
<thead>
<tr>
<th>Hypothesis</th>
<th>B = EKLQ</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complex Solution</td>
<td>B = EKLQ*</td>
</tr>
<tr>
<td>Intermediate Solution</td>
<td>B = ELQ*</td>
</tr>
<tr>
<td>Parsimonious Solution</td>
<td>B = L*</td>
</tr>
</tbody>
</table>

Legend:
E = NGO Mobilized   L = Collective Offender
K = Congressional   Q = Victim Reported
B = Reintegrative Conditions

*raw coverage ≥ .75
Discussion

After three stages of analysis, a recipe was found which was highly consistent; however, the study does not include enough cases to warrant generalization. What we can determine of the commissions included in the sample, commissions produce deviant labels about human subject research. The first research question was to consider which conditions of commissions contribute to the production of deviant labels. Those deviant labels failed to remain consistent when analyzed as part of a set of hypothesized conditions. This suggests that of the conditions proposed, many were not consistently found to causally associate with the outcome of a labeled research deviant. The labeling process was found to be more consistent when reintegrative conditions were associated with the outcome.

The presence of reintegrative conditions in the intermediate solution was caused by a combination of victim and offender elements of labeling theory as well as the presence of a public social reaction from outside the commissions. The final research question was concerned with if a commission’s acknowledgement of a victim or an offender influence whether the label takes on stigmatic or reintegrative qualities? The complex and intermediate solutions show that reintegrative shaming was influenced by the presence of an offender and a victim.

A collective offender was present in the parsimonious solution, and suggests reintegrative conditions as an outcome are strongly associated with organizational deviance. Such a finding supports Braithwaite’s (2002: 74) observation that reintegrative conditions tend to correspond with the shaming of organizational offenders in Western and Asian countries. Lemert and Winter (2000) also suggested that one possible
consequence of a social reaction is being integrated back into normative society which may serve as an important function for commissions from a criminological perspective. The causal presence of an organizational context in the form of collective offending producing deviant labels and shaming as outcomes corroborates the notion that human subject deviance is a particular form of white collar crime (Braithwaite, 2002; Sutherland, 1949).

The public represented as NGO’s discussing commissions in relation to deviant events contributes to debates regarding the role the public plays in the commission process (Johnson, 2006; Dzur and Levin, 2004; 2007). The importance of the public in association with a causal relationship with a reintegrative shaming outcome supports the hypothesis that the public can influence a commission independently of explicit commission characteristics. A related finding is that the same results are supportive of deviant labeling as being a process of interaction which takes place in an organizational setting (Schur, 1971 : p.11). The public also has an opportunity to interact with commissions and influence commission processes. The results suggest that this interaction, when combined with a victim reported is causally associated with reintegrative shaming conditions. An interesting area of scholarly development lies in tracing the differences these proximate publics bring to the commission apart from the results of this study.

The presence of an offender and a victim are two of the contributing factors when labeling behavior deviant (Downes and Rock, 1971). The victim being reported was an important predictor at every level of solutions in the third stage of analysis. The presence of a victim in regard to a labeling apparatus will increase the chance of reintegrative
conditions surrounding deviant claims. This supports the notion that a commission can more generally serve as a labeling apparatus by producing characteristics supported by labeling theory.

Additional patterns arose when the actual deviant labels and their associated shaming conditions were compared. Commissions often imbed labels within the presentation of recent or past historical events of human subject deviance. Some commissions provided much more attention and detail about the event than others, and many lacked a great deal of information about victims and offenders. Some deviant labels were of more immediate concern to commissions like the ACHRE or the PCSBI. Other commissions offered deviant labels which were brief and not of immediate concern. The PCEPMB mentioned a research deviant in order to further discuss the issue of who is responsible for reporting deviant research.

Many newspaper articles as well as commissions presented deviant claims about infamous past events in relation to the purpose of commission meetings. The PCSBI dedicated an entire report to a past event of human subject deviance in Guatemala. There were 1,308 victims reported which included prostitutes, children, psychiatric patients and soldiers. Each was involved in different experiments of which some included attempts to intentionally infect subjects with STD's. The report mentions over 7 collective offenders and two individual offenders. Stigmatic and reintegrative conditions were presented in the report since the behaviors were repeatedly shamed while at the same time, the commission also provided a rich context to explain the need for research and the theoretical misconceptions of race and ethical research which were more normative at the time.
Labels could have also been given little space within the commission discussion. This was true for the PCB and the PCEPMB. The first detected label by the NCHSBR was provided other deviant labels were detected while continuing a search for other variables. Therefore, some labels could have provided different information fell outside of the parameters of the study. The PCB mentioned a researcher who was guilty of misconduct while using Federal Funds, but it was only mentioned to inform a larger debate about whistle blowing.

The sample of federal *ad hoc* commissions also shows some of the obstacles faced by commissions regarding their ability to adequately label a research deviance. Many commissions are formed for a variety of procedural, ethical and regulatory concerns. Many of the more salient events of research deviance were often difficult to document, occurred in the distant past and commissions often do not choose their subject matter and how it will inform commission recommendations.

**Limitations**

While an exhaustive search for other federal *ad hoc* commissions, the study is not generalizable beyond the sample. Also, reports were limited to sections with headings such as summaries, recommendations or conclusions. While focusing on conclusions is important to the production of commission labels, other sections in reports may still have yielded information that was relevant for the variables in the analysis. There were two reports which did not contain any keywords in report titles that would suggest focusing on a summary sub-section. Therefore, the whole document was utilized for the analysis.
The hypothesis included large number of independent variables and the sample size being limited to 9 cases. Another example is the large number of essential explanatory combinations in the parsimonious results of the labeled deviant solution. Increasing the sample size and narrowing the variables could significantly improve the design of the study. The sample size could potentially increased by extending beyond congressional and presidential initiation. National associations which also form their own expert panels such as the National Institute of Health (NIH) provide as one potential source. Also, there are other government forums such as senate hearings or intra-departmental studies of significant national institutions by commissioned panels which may lend themselves to QCA.

Also, two commission characteristics were problematic for causal analysis while others were not as causally impactful for this study and should not hinder the further exploration of this method applied to commissions. The variables attempted help provide analytical tools in an area which struggles to produce comprehensive analysis using quantitative and comparative methods (Flitner, Jr. 1986; Zegart, 2004). The role of a commission requires a better conceptualization of characteristics which contribute to deviant labels. Commissions themselves consist of a wide array of potential characteristics which contribute to excessive variability as a challenge for research. They each have their own contexts which require further consideration for future studies.

The large amount of qualitative materials required rigorous and time consuming extraction of relevant information. Attempts to remove mistakes from researcher error were made by carefully taking notes and rechecking each variable to ensure it adequately met the requirements for detection as a condition or an outcome. There were two
instances where the researcher detected a labeled research deviant and performing a secondary sweep, detected two errors where the recorded value had to be changed. First, the researcher mistakenly found research deviance rather than a labeled research deviant. The second mistaken deviant label involved the accidental inclusion of a section that fell outside the scope of the research design. All other conditions and outcomes contain significant notation survived further scrutiny by the researcher.

The final limitation worth mention was the information loss experienced within the study design. While the very nature of crisp sets produce information loss, there were some example in the study where information loss could have been reduced. For example, whether a victim was reported as male or female did not seem to occur anymore frequently, and their reporting was low among the sampled commission recommendations. An improved conceptualization is if sex was to be recorded as present or absent, and the researcher can take note of the differences between sexes found. The minority condition is an example of a better conceptualization of this type since it allowed for the recorded of different minorities to be detected under the same category.

Victim characteristics were not found to have a strong causal role in the production of deviant labels. The victim characteristics which were reported but were not included by the study design were the presence or absence of females, the presence or absence of children, and the institutional affiliation of the victim. Organizational affiliations of victims that were often reported were prisoners, soldiers, and patients of hospitals and psychiatric wards. The hypothesis did not include these variables due to the exploratory nature of this study, which was a partial test of labeling and RST with limited success.
Significance of Study

Schur (1971) contends that the purpose of labeling theory is to discover the type of social response that actions attract. Following in this tradition, an examination of federal ad hoc commissions on human subject research examined which conditions contribute to labeling a research deviant. Theoretical contributions to sociological studies of labeling theory were made by focusing on an organizational process along with the discovery of a causal relationship between components of labeling theory and the outcome of reintegrative conditions associated with a deviant label.

The area of human subject research deviance was identified as a phenomenon which belongs within the broader debate around white collar crime. The organizational affiliation of offenders was established as well as a particular form of the institutionalized victim. Future studies in sociology and criminology should further explore the relationship between state goals, social control and deviant forms of human subject research to understand this relationship more deeply.

Reintegrative Shaming Theory (RST) was established around the idea that the shaming of organizations was reintegrative, while individuals tended to receive shaming along with stigmatic conditions (Braithwaite, 2002: 74). This study also contributed to studies which observe the role of publicity and its relationship to the conditions of shaming of organizational offenders (Fisse and Braithwaite, 1983). Finally, a methodology was applied to commissions which contain the potential to provide comparative rigor to the complexity often attributed to federal ad hoc commissions.

A study which identifies important victim characteristics along with the conditions that present deviant labels regarding human subject research contributes to
studies of victimology (Meiers, 1989). The victim served as an important resource for understanding features of deviance worthy of study in federal *ad hoc* commissions. Indeed, it seems their presence can potentially propagate social responses which amplify shaming conditions. Also identified were other victim characteristics that can be studied which involve the institutional context of victimization. Procedural rights of victims where human subject deviance is detected, may not always be possible, especially within a forum which filters a social response such as the federal *ad hoc* commission (van Dijk, 2009).
CONCLUSION

The existence of federal *ad hoc* commissions has been shown to participate in a particular social reaction which produces deviant labels in a national context. The results of a csQCA performed on the sample of 9 commissions show that labeling theory helps to explain the presentation of deviant labels in commission report recommendations when reintegrative shaming is the outcome. Such findings validate the approach of an etiology of criminality which studies a system of definitional processes in an organizational setting (Schur, 1971: 11). Labeling theory can be applied to settings which have not been conceived in the past. Commissions were shown to have public characteristics, victim and offender traits which promote commissions to label research deviants. Further study of the problem of white collar crime involving the abuse of human subjects should search for other forums which facilitate social reactions to deviant claims of human subject research to strengthen the data for analysis.
APPENDIX

HSIRB APPROVAL LETTER
Date: June 6, 2013

To: Gregory Howard, Principal Investigator
   Brian Rossana, Student Investigator for thesis

From: Amy Naugle, Ph.D., Chair

Re: Approval not needed for HSIRB Project Number 13-06-13

This letter will serve as confirmation that your project "Labeling Research Deviant" has been reviewed by the Human Subjects Institutional Review Board (HSIRB). Based on that review, the HSIRB has determined that approval is not required for you to conduct this project because you are analyzing historical materials and not collecting personal identifiable (private) information about individuals.

Thank you for your concerns about protecting the rights and welfare of human subjects.

A copy of your protocol and a copy of this letter will be maintained in the HSIRB files.
Date: June 6, 2013

To: Gregory Howard, Principal Investigator
   Brian Rossana, Student Investigator for thesis

From: Amy Naugle, Ph.D., Chair

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