

public officials in some form of mandamus or contempt,⁶⁷ and against private professional persons through disbarment or loss of license. Still another possible supportive legal measure is to require registration for the possession of all privacy-invading devices.⁶⁸ The alternatives are clearly varied. It should be noted, however, that the existing legislative attempts to prohibit eavesdropping by use of devices have been uniformly defective. The current statutes are either inadequate in scope or indiscriminate in application, or both.

A precondition for the development of a proper balance between the values of privacy and those of behavioral research is the growth, among behavioral scientists themselves, of a heightened sense of their own confidential professional relationship with their informants. One of the best ways of articulating and developing this heightened sense of the confidential professional relationship is through the development and observance of codes of ethics in which the claim to privacy is recognized.

Codes of ethics for the several disciplines of scholarship and research are sound and sensible, and such codes should be general rather than specific, simple rather than complex. A workable code of ethics should be subject to expansion, interpretation, and application in specific cases according to the distinctive character of the research situation.

In accord with this view, seven principles are suggested for inclusion in a general code of ethics for behavioral research:

One: There should be a recognition, and an affirmation, of the claim to private personality.

Two: There should be a positive commitment to respect private personality in the conduct of research.

Three: To the fullest extent possible, without prejudicing the validity of the research, the informed, and voluntary, consent of the respondents should be obtained.

Four: If consent is impossible without invalidating the research, then before the research is undertaken, the responsible officials of the institutions financing, administering and sponsoring the research should be satisfied that the social good in the proposed research outweighs the social value of the claim to privacy under the specific conditions of the proposed invasion. These officials in turn are responsible, and must be responsive, to the views of the larger community in which science and research must work.

Five: The identification of the individual respondent should be divorced as fully and as effectively as possible from the data furnished. Anonymity of the respondent to a behavioral research study,

67. The Swedish Ombudsman suggests another interesting possibility. See *A State Statute to Create the Office of Ombudsman*, 2 HARV. J. LEGIS. 213 (1965).

68. Maryland, by House Bill 1197, approved by the Governor on April 8, 1965, added a new § 125D to Article 27 of its Annotated Code and thereby became the first state to require "every person possessing any eavesdropping and/or wiretapping device" to register such device with the State Police. Unless registered it is unlawful to manufacture or possess any such device. It will be interesting to see how vigorously and effectively this new statute is enforced. Will it be applied, for example, as it would seem was intended, to the manufacturers of tape recorders or dictaphones? Or to the lawyers or scientists who use them?