

The formalisation of social-science research ethics: How did we get there?

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The USA's 'common law' regulation of ethics review in human subject research (Code of Federal Regulations 2009) is being overhauled (OHRP Undated). To unburden institutional review boards (IRBs), the Advanced Notice of Proposed Rulemaking (ANPRM, July 2011) entitled "Human Subjects Research Protections: Enhancing Protections for Research Subjects and Reducing Burden, Delay, and Ambiguity for Investigators", proposes to create a new category of "excused" research for studies "posing only informational risks" (Federal Register 2015). This new development in the administration of research ethics in the USA seems to return the responsibility for ethics review to the research professions and departments, while in Europe, research ethics is increasingly institutionalised and centralised, risking estrangement from the research profession. On the basis of discussions at an international symposium we held in November 2015 in Sussex and a colloquium in September 2016 in Durham, a group of researchers, and representatives of funding organisations (ESRC, ERC, Wellcome Trust) and ethics committees, and professional organisations for anthropology and sociology (BSA, ASA) discussed the questions 'Have we become too ethical' and 'How can we become more ethical'. On the basis of these meetings and some surveys, we here put forward some issues for debate.

Despite the widely-discussed misbehaviour of ethnographic researchers (e.g., Pels 2005), most social science-research is valued for and motivated by its expert engagement with moral questions regarding discrimination, unfairness, exploitation and so on, at home and abroad: knowledge of, and sensitivity to, the complexities around the violation of socio-economic, political and cultural norms and values are highly valued in the social sciences. Yet, since the 1990s, social science-research projects in the Anglo-American world have increasingly delegated research ethics to the scrutiny of University Research Ethics Committees (U-RECs), which may delegate the review to lower administrative levels, such as schools or departments¹.

This ethical entrustment gives a mandate to U-RECs, which may not always have suitable expertise, to vet research projects. In practice, this usually happens in a bureaucratic and time-consuming manner. It does not just lead to misunderstandings and frustration, but it also privileges research as defined by research ethics

¹ The majority of UK universities that conduct research in the social sciences delegate responsibility for ethical review to some degree. In most cases, however, this is to boards representing a collection of disciplines, including – in some cases – hard sciences or humanities.

committees, rather than in negotiation with the ethics ethnographers encounter in ‘the field’. Although formal research ethics clearly confuses early-career researchers (and others!) about the role of ethics in the field, its digital forms have come to shape our disciplines in various ways. For instance, the demand for prior permission to conduct fieldwork from institutions, e.g., clinics, NGOs, schools, before entering the field, and the use of information sheets and informed consent forms can hinder research into what are regarded as unsavoury and illegal practices, and forms of oppression (e.g., Verhallen 2016*). Any prescribed demands from interlocutors in the name of ethics can add a formality to encounters that tends to create suspicion and anxiety. On the basis of our research, an international symposium, a colloquium and a survey we discuss how we found ourselves in this position and we will make some suggestions on how to move forward.

The problem

The following interlinked issues regarding the organisation and format of ethical review and the situational nature of ethics seem to be recognised by both funding agencies and professional organisations.

In the UK, the application of the standard research model, a model associated with hypothesis-testing in biomedical research, formalised ethical review, informed consent forms and institutional permissions, has created a high workload for research ethics committees. The formalized nature of ethical review has forced researchers to either translate their methodological values and the rationale of complex research epistemology into the regulatory straightjacket and ethical principles of standard research models, or to stretch the meaning of planned activities to tick the right boxes (Lederman 2006; 2016; Rowley 2014). Thus, the planned ‘visit to illegal clinics’ becomes ‘interviewing managers’; ‘chatting with patients and children’ becomes ‘interviewing people with a disability and families’; ‘getting to know the community’ becomes ‘snowball sampling’; and, ‘building relations through mutual understanding and trust’ becomes ‘acquiring access permission based on informed consent’ (Hodge 2013).

Presentations by early career researchers (ERCs) indicated that ethical guidance is often experienced as bureaucratic interference, and ethical review is seen as a hurdle rather than as an opportunity for discussing relational ethics pertaining to ‘ethical actions and ideas that emerge through relations with others in context, rather than in universal principles or abstract regulations’ (Aellah et al 2016). Furthermore, as a preemptive mode of ethics review at home, early career researchers referred to it as giving a ‘false sense of ethical security in the field’. It also became clear that in some cases ethics committees prefer not to know about the details of potential conflicts and methods to solve them. This indicates that at least some RECs are not equipped to deal with complex ethical issues when they require expert attention, and that a gap exists between the liability the university is willing to accept and the necessities of

research as commonly practiced by anthropologists.

Ethical issues related to research participation need to be discussed in relation to the issues a project aims to address, which is usually understood best in the context of the particular disciplines, method area and geographical regions relevant to a project. Furthermore, such understanding requires an awareness that many of the ethical issues encountered in the field are part of a transcultural process of communication during which norms and values regarding relation building, access and participation (of the researcher!) are learnt and negotiated. It is this process that establishes the terms upon which communication and access to a particular community takes place. Institutional permission before fieldwork, as required by some ethical committees, and rules for informed consent and information sheets are often not feasible without defeating the research aim. For example, a formal approach to clinics involved in what is *in situ* regarded as clandestine therapy provision would fail. Instead, an approach that is sensitive to the context and situation in which ethics claims are made is called for, depending on the research aim.

Much scepticism exists regarding informed consent taking. One early career researcher remarked that, even when informants do sign consent forms, they never really consent to the way in which the knowledge and its analysis are employed by the researcher. Informants have their own agendas and wish to present themselves in a certain light. As is widely known among ethnographers, our informants are not just vulnerable, passive victims of research, but may be observed as part of practices that harm the public good. This performativity of informed consent raises the issue of the extent to which much behaviour in the field, including that of interlocutors, is covert, and the criteria used to evaluate its ethicality. As most ethnographers realise, not all informants are vulnerable, passive victims of research, and may be partaking in practices that harm the 'public good'. In fact, even 'the vulnerable', such as drug traffickers that act under duress, may play important roles in what are considered as harmful practices. In some cases, this justifies investigation through 'covert' social-science research. Of course, the value of covert research is difficult to weigh against the harm that can be done to research participants for a range of political reasons (e.g., research into criminal, illegal, exploitative activities). But it seems clear that if formal research ethics is considered as more important than the ethics of the research itself, then we miss the point of research.

Speakers at the international symposium ('Have we become too ethical?') regarded it as irresponsible to prioritise an objectified form of research ethics over the methods and epistemology of field studies, which need to consider the ethics operating in particular fields of research; these are often problem-related and situational. A panel of European and British funders and representatives from professional organisations expressed openness regarding this far more realistic notion of fieldwork ethics. Although the organisation, duties and responsibilities of RECs differ per university, U-RECs in the UK are solidly built upon an institutional governance of 'evidence-

based-ethics', while the European continent tends to prioritise a 'conscience-based ethics' and 'being ethical in the field'. This leaves us with the question of how the standard model has become core to research ethics in the UK.

Why in the UK?

Various factors may have played a role in shaping research ethics in the UK as it is today. The usual explanation for this is that the standard ethics model was adopted from biomedical research via the USA (Dingwall 2012; Schrag 2010), but this does not explain how it was embedded in university research governance. We asked a number of senior academics with accumulated fieldwork experience to give their views. First, formal ethics review initially took root through externally funded research, passing by senior researchers not engaged in funded research. Until recently, universities did not require formalised ethics review, so that many senior researchers had little to do with it. When seniors were not confident about the ethics of their research, they have used professional guidelines, or simply discussed their issues with colleagues.

Second, due to ethics requirements from research councils and a growing number of journals and funders, an increasing number of researchers have decided to submit their research to ethical review on a case-by-case basis. At the same time, the Research Councils UK, who structure research through funding conditions in universities and encourage competition through the REF (and, before that, the RAE), have normalised research ethics before ethnographers became fully aware of their implications for their respective research fields. Anthropologists, sociologists, social geographers and archaeologists, whose research relies heavily on fieldwork, have had little say in this process, though they have put together their own professional guidelines for research ethics.² Although applicants can refer to these, they do not exempt researchers from complying to the guidelines of the ethics committees involved.

Third, the working, composition and expertise of ethics committees is usually unclear, and modes of appeal are not explained. In combination with the one-sided anonymity of ethical review, this makes it difficult to know how and where to question the process. Partly because communication takes place digitally and forms are 'standardised', misunderstandings and errors are difficult to address. Furthermore, many social scientists regard ER as a hurdle and as irrelevant to their research, so that in busy academic lives, little time is spent on disputing it. Debate on ER among researchers is further frustrated due to the great variety of ethnographic research in respect to discipline and location, and the different approaches required when

² Examples are those of ASA (<https://www.theasa.org/ethics/guidelines.shtml>) and the BSA (<https://www.britisoc.co.uk/equality-diversity/statement-of-ethical-practice/>).

studying up or studying down (Simpson 2016).³ Finally, nation-wide professional debate is not easy to organise, as great variety exists in the ways in which universities organise RECs and in the degree to which these are centralised.

Fourth, political and reputational dimensions of university governance affect ethics review, making it difficult to discuss it in isolation from issues that were formerly not directly associated with ethics review. Thus, ethics review forms now have come to include sections on risk assessment, data protection and data ownership, and on national security (see the Prevent duty strategy, HEFCE 2017), as well as judgements related to reputational harm (Hedgecoe 2015). These legalistic and political functions go far beyond the weight that a project's ethics review should carry.

Moving forward

While ethnographers in the USA are still waiting for the formal public announcement of the devolution of research ethics, ethnographers, funders and professional organisations in the UK have become increasingly aware of the challenges encountered by researchers when submitting their research project for ethical review (see Verhallen 2016; Schrag 2012; Simpson 2011). Anxiety about doing wrong, false security about the ethics of projects, unawareness of the complex practicalities and effects of informed consent in the field, and a missed opportunity to reflect on ethics as part of the research encounter with research participants are just a few.

Although researchers need to consider both formal ethical guidelines and their individual conscience, academic disciplines involving fieldwork need to give their researchers more sophisticated tools than the standardised ethical toolbox offered by most universities. Ethics expertise does not make you an expert on the ethics that are embedded in particular societies, and there is no evidence that institutional ethics review prevents the risk of doing harm in the field (see Grady 2010). To most ethnographers it is blatantly clear that our disciplines need to teach that ethics is socially situated and that reflexivity is a necessary condition to understand it (Meskell & Pels 2005; Strathern 2000). It is clear to most ethnographers that ethics needs to be situated within the research process proactively. For this we need to improve our teaching of ethnographic research methods and epistemology throughout the research process, including in the post-fieldwork stages when knowledge and data are processed and made accessible. It is possible to train our students to imagine some of the difficulties they will encounter in the field, and to teach them how to improvise skilfully through, for instance, role-play. Although this does not cater for the serendipitous nature of fieldwork, researchers can learn to proactively defend their

³ Thus, conducting research among those thought to be in a more powerful position, e.g., the pharmaceutical industry, or in a less powerful position, e.g., children requires a different ethical approach.

plan and mode of working. It is this kind of ‘ethics review’ that should form the basis upon which research permission is given. In fieldwork training, it should speak for itself that ethics is part of research from the planning stage to the writing up and research-impact stages, and as such needs to be located within the curriculum.

As long as research ethics is not primarily embedded in the curriculum, we strongly recommend that ethics review is separated from other functions of governance, such as risk and national security. It should be possible to separate the function of ethics review and other accountabilities. Full openness about what ethics review is for would be very helpful to researchers, so that they know both the meaning and the significance of the questions asked on the forms. As long as the standard ethics model is in place, a strong link between current formal ethics review and the curriculum could help make researchers more aware of both the formal and the ‘immeasurable’ aspects of ethics explored in the curriculum. In addition, researchers should be provided with the means to decipher ethics forms and to challenge or negotiate the outcomes of ethical review. Ideally, ‘ethics review’ of ethnographic fieldwork (such as handling data, consent, permissions) should be explained in a full course on method and epistemology in all departments that use ethnography, which is also the level at which ethics review should take place.

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