Research Ethics Insurrection: Challenges to REB Criteria from the Social Sciences

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Abstract

Social Science relies heavily on the use of ethnography and other forms of qualitative study, research that may place the researcher as well as their subjects at significant ethical risk. In Canada, Research Ethics Boards are responsible for protecting research participants during these studies. But how much ethical oversight ought the Research Ethics Boards be entitled to? Are they repressing valuable qualitative studies or are the Social Science simply rebelling against new but appropriate control mechanisms not formerly applied to them? This paper evaluates how well the changes made in the TCPS 2 respond to the concerns of Social Scientists as presented in the literature.

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1. Prefatory Material

Ironically, it seems, it takes an android to make a human rights judgement about appropriate behaviour — at least, in the 1998 film *Star Trek: Insurrection.* The film opens with Commander Data on secondment to a 'duck-blind'[1] observation of the Ba'ku people. Data uncovers secret information which causes him to re-assess the ethics mandate of the operation of which he is a part. He becomes involved in a skirmish and sustains damage which causes him to go rogue — initiating his primary function of ethical-only behaviour. With his ethics-chip controlling his actions, he ceases to privilege his undercover identity and begins to openly protect the Ba'ku people from the unethical treatment from Starfleet. Eventually the crew of the Enterprise discover the surreptitious intent of Starfleet, and after siding with Data's assessment of the situation, Picard makes a decision to halt the activities on the planet.[2]

This is not the first time the writers of *Star Trek* have tussled with the nature of Social Science research; several episodes — and at least two of the films[3] — specifically engage the ethics of studying people to gather either qualitative or quantitative data. These films and TV programs arose in the context of (relatively) recent studies which involved the inappropriate ethical treatment of subjects and participants, some of the more controversial include the Milligram experiments of 1961, and the Stanford prison experiment;[4] however, the prologue of *Star Trek Insurrection* specifically addresses concerns arising from unethical Social Science research such as *Humphrey's Tearoom Trade*.[5] It is not that the results of Humphrey's research were not helpful, nor is it that they did not help change societal perceptions and influence the way in which the law viewed cottaging — it is that the research was collected in a manner that did not seek to eliminate or reduce the harm to participants of his study.[6]

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[1] A reference to the kinds of covers that bird hunters/watchers use which hide them from the birds.

[2] Star Trek: Insurrection. Dir. Jonathan Frakes. Perf. Patrick Stewart, Jonathan Frakes, Micheal Dorn, Brent Spiner, Gates McFadden, Marina Sirtis, and LeVar Burton. 1998. Paramount Pictures, 1998. DVD.

[3] First Contact and Star Trek: Insurrection. The former does not concern itself with ethnographic study, but certainly has significant ethical considerations analogous to that which is performed in ethnographic study.

[4] Haney, Craig, W. Curtis Banks, and Philip G. Zimbardo. "A study of prisoners and guards in a simulated prison." *Naval Research Reviews* 9, no. 1-17 (1973). A psychological study to evaluate the causes of conflict between guards and prisoners.

[5] *Humphrey's Tearoom Trade* by Laud Humphreys (1970) was an analysis of homosexual acts taking place in public toilets. The research has been profoundly criticised for its lack of ethical consideration.

[6] For instance, Humphrey used licence plates to track down his subjects and called at the home of those subjects to interview them without revealing the true nature of his research — seemingly

Following objections to studies with ambiguous ethical considerations, efforts were made to more carefully manage studies involving human participants. Institutional Review Boards (IRBs, or Review Ethics Boards (REBs) in Canada), which arose out of concerns about bio-medical issues such as the Nazi Medical Experiments during the Second World War and more locally instituted abuses such as the Tuskegee Syphilis Study, were chosen to manage the ethics of all university ethical research involving human participants.

1.1 Prolegomena

In the spirit of transparency and for the purposes of impartiality, it should be mentioned that I am a philosopher and ethicist (not a Social Scientist); I maintain no allegiance to, or connection with, the TCPS — nor do I sit on any institutional REB; and finally, as I am not a scientist, I hold no preference with respect to qualitative vs. quantitative data collection methodologies. In this measure, I must also confess to having only a working knowledge of the nuances of Social Science research methodologies; concordantly, this paper should *not* be considered to be a critical evaluation of the methodologies used in the conduct of Social Science research. Furthermore, the discussion over the 'ethics' of qualitative research itself is already well represented in the literature — this paper makes no attempt to augment that literature. Likewise, this paper does not have the space to give a full treatment of the contributions that qualitative Social Science makes to broadening our sensitivity to ethical issues in research[7] — nor does it provide statistical data or evidence to support conclusions (a methodology more familiar, perhaps, to the Social Science). Instead, this paper analyses the *reasonableness* of the claims against the TCPS 2 and evaluates them with respect to the responses to those concerns within the TCPS 2.

Throughout this discourse, I have tried, wherever possible, to remain balanced with respect to the motives of researchers, however, it is important to point out that the iniquitous cases here listed are not fully representative of Social Science research in general — nor do I hold that natural science research is

unperturbed by the fact that the individual's family were home. This inappropriate research exposed the pseudo-participant to a tangible harm.

[7] Consequently, I am constrained to engage the ethics of such research only in clearly difficult areas (such as deception research) where the ethics of research are innately problematic — at least from the perspective of this ethicist. My thanks to reviewer, William Ramp, for providing suggested further reading on the ethical dimensions of qualitative or ethnographic work: Scott Grills, *Doing Ethnographic Research: Fieldwork Settings*. Thousand Oaks, CA: Sage Publications, 1998.; Paul Atkinson. "Ethics and Ethnography." J*ournal of the Academy of Social Science* 4, no. 1 (February 10, 2009): 17-30. Accessed January 12, 17.; William Van Den Hoonaard; Deborah K. Van Den Hoonaard. *Essentials of Thinking Ethically in Qualitative Research*. Walnut Creek: Left Coast Press, 2013.; and Rose Wiles. *What Are Qualitative Research Ethics?* London: Bloomsbury Academic, 2012.

necessarily any more rigorous or dependable; indeed the ethics of research in the sciences is, in many cases, equally problematic and not without its own ethical concerns. It should also be noted that, due to the topic of this paper, focus has been given to where and how qualitative research has been (and to some extent, continues to be) problematic; *this paper should not be considered to be a criticism of either qualitative research methods or the Social Science in general, but be thought of as a careful and rigorous evaluation of how the TCPS 2 responds to a selection of complaints from academics in the Social Sciences — as they appear in the literature*.

It is difficult to say to what extent the problem cases are representative of qualitative research in general, but the number of papers and the vehemence with which they are written by academics within the Social Science seems to indicate that concerns about IRB/REB evaluation of qualitative research applications are widespread and systematic (though this, of course, does not imply that every qualitative research application is fraught with issues). Similarly, the cases mentioned in this paper must also be considered merely examples that arise in the literature, and do not necessarily identify the most paradigmatic cases (though the fact that such issues repeatedly arise in the literature seems to indicate the they are, at least somewhat, representative).

Though much of the material on this debate is specifically focused on IRBs, this paper is being written in Canada and shall, therefore, focus on Review Ethics Boards, or 'REBs'. REBs follow procedural guidelines laid down by The TCPS (the Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans). The TCPS "is a joint policy of Canada's three federal research agencies — the Canadian Institutes of Health Research (CIHR), the Natural Sciences and Engineering Research Council of Canada (NSERC), and the Social Science and Humanities Research Council of Canada (SSHRC). . . .," which structures and delineates the protocols for the "ethical conduct for research involving humans."[8] To date the TCPS has released two 'policies'; the latter (2010) supersedes the former (1998).[9] The most recent edit is *partially* an attempt to address the concerns of Social Scientists that research applications from their disciplines are viewed negatively at REB review and shall be referred to in this document as the 'TCPS 2'. It should be noted that, though some of the literature cited in this paper refers to IRBs, the terms 'IRB' and 'REB' should be considered interchangeable.

Below the prefatory material which constitutes section **1,** this paper is divided into two further sections: Section **2** offers a selection from the literature which identify concerns of the REB's management of Social Science human research applications. Each concern is broadly elaborated upon in turn to provide context and is followed by an in impartial evaluation of the TCPS 2's response to

[8] TCPS 2
[9] Ibid.

those concerns (if it does so at all). In each case, my response to the TCPS 2's responses are formed around three questions:

1. What are some of the objections from the Social Scientists;
2. How have the TCPS addressed these concerns; and
3. Is that response sufficient to answer the objections from the Social Scientists?

Since each point in section **2** is considered and evaluated in turn, any traditional 'conclusion' section to reiterate these findings would be supererogation. Instead, section **3** identifies residual concerns around the TCPS 2's responses to Social Science criticism, and also briefly identifies the potential of innate issues with certain types of Social Science research; in addition to these concerns, section **3** also offers a personal reflection upon the effectiveness of any academic praxis of the tone encountered in the literature.

1.2 Background

Researchers wishing to undertake a study involving human subjects for medical or Social Science research must submit an application to the appropriate IRB/REB and be approved before their study can commence.[10] However, many Social Scientists[11] feel that the bio-medical history and structure of the IRBs are well suited to research conducted by Social Scientists and are frustrated that their research applications are often rejected through ethical concerns (more clearly, that the IRBs and REBs are inexperienced with and misunderstand the efficaciousness of the ethical systems that are in place within those applications). Much furore has been raised that IRBs incorporate ethical demands that neither consider the specific nature of qualitative or ethnographic study (for example), and often require elements such as written consent (which, in certain circumstances, can be unreasonable or valueless). The nature of some Social

[10] Canadian Institutes of Health Research, Natural Sciences and Engineering Research Council of Canada, and Social Science and Humanities Research Council of Canada, Tri-Council Policy Statement: Ethical Conduct for Research Involving Human, December 2010, (Hereafter TCPS 2); Haggerty, Kevin. "Ethics Creep: Governing Social Science Research in the Name of Ethics." *Qualitative Sociology*. 27.4 (2004): 391-414.; Wynn, L. "Ethnographers' Experiences of Institutional Ethics Oversight: Results from a Quantitative and Qualitative Survey." *The Journal of Policy History*. 23.1 (2011): 94-114.

[11] For example: In Bosk, 2004: Bruner, Edward M. "Ethnographic practice and human subjects review." *Anthropology News* 45, no. 1 (2004): 10-10. Harvard.; Denzin, Norman, Yvonna Lincoln and Michael Giardina. "Disciplining Qualitative Research." *International Journal of Qualitative Studies in Education*. 19.6 (2006): 769-782.; Librett, Mitch and Dina Perrone. "Apples and Oranges: Ethnography and the IRB." *Qualitative Research.* 10.6 (2010): 729-747..; Haggerty, Kevin. "Ethics Creep: Governing Social Science Research in the Name of Ethics." *Qualitative Sociology*. 27.4 (2004): 391-414.; et al.

Science research requires sensitive management and REB/IRB demands are incompatible with such research. As a result, Social Science researchers have developed the practice of incorporating ethics into their research methodologies. Thus, it would be unreasonable to claim that researchers think the ethics of their research are unimportant — more reasonable, perhaps, to suggest that they feel that they are more likely than an IRB board to get the ethics of their situation right. In an application for research, then, it is not that researchers deny that ethical guidelines are needed — but that they question who is in the best position to make those ethical judgements. In light of Juvenal ('*Quis custodiet ipsos custodes*'[12]), IRBs and REBs are obligated to *also* consider safety of researchers. As such, I believe it would be unwise to let a researcher judge the ethical ramifications of their own research and I support the instantiation of an ethical 'overseer'.

The comprehensive remit of the IRBs and REBs is inherently broad-spectrum. Many of the protocols incorporated by the IRBs are designed to apply cross-discipline, and though fine-tuning is often done when an application does not fit neatly under one specific branch of control, the organisational structure of the IRB/REB may disallow the study without fully understanding the nature of that study. Regardless of its potential failures, the IRB/REB's primary obligation is to the protection of the human elements of research, and the TCPS's response has always been to err on the side of caution.[13]

2. Social Science Challenges to REB Criteria and Responses from the TCPS 2

2.1 The Squeeky Wheel: A Repudiation

One objection — the accusation of 'ethics creep'[14] — arises often in the literature, however, despite its ubiquitousness, it proves to be a much less persuasive argument than others engaged below. Because of its pervasiveness in the literature, I wish to first engage and repudiate this objection before proceeding to more well founded criticisms.

Haggerty is responsible for coining the term 'ethics creep', and defines it as: "… a dual process whereby the regulatory system is expanding outward to incorporate a host of new activities and institutions, while at the same time intensifying the regulation of activities deemed to fall within its ambit."[15] Since then the term has spread amongst academic journals like some sort of purpura,

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[12] Trans. 'Who will guards the guards themselves'? Juvenal, Satire VI, lines 347–8. Bosk and De Vies (2004: 261) also identify this issue, but misattribute this quote to Plato; a commonly made error.

[13] TCPS 2; Plattner, Stuart. "Comment on IRB regulation of ethnographic research." *American Ethnologist*. 33.4 (2006): 525-528.

[14] Originated in: Haggerty, Kevin. 2004: 391-414.; also, for example, in: Wynn, L. 2011: 94-114.

[15] Haggerty, Kevin. 2004: 391-414.

appearing like a rash amid otherwise well-presented papers. Part of the problem with this term is that not only does it succeed in prescribing a pejorative meaning to an undeserving situation, but that it also erroneously describes the event in the first place — misdirecting readers to believe that the 'ethics' of the REB and IRB have become more repressive when this is not the case.[16]

The term has been employed to represent the notion that the IRBs were originally created to control and monitor the medical fraternity and to ensure that events such as the Nazi medical experiments do not re-occur.[17] However, due partly to the fact that several Social Science and psychological research experiments resulted in harm to the participants, control of research in these areas were brought under the remit of the IRBs.

2.2 Ethics Creep — A Broader Investigation.

I should point out that I am not insensitive to Haggerty's broader concerns — certainly there has been an incorporation of Social Science research into a controlling body which has, for at least 30 years, sought to guide the practices of psychological and medical research.[18] Being generous, one might read Haggerty to mean 'ethics-according-to-the-biomedical-model-creep' — thought this does not necessarily reduce to a change of ethical *standards*. It is even possible to accept that those governing organisations have 'intensified the regulation of activities', though there is no 'ethics creep' here *either*, as merely being more acute in one's duties does not change the duties one practices: more accurately measuring the coffee in your extra-large mocha does not change it into a half caff, quad shot, less hot, extra dry, skim, mocha with whip and a shot of sugar free sweetener!

Primarily, I wish to repudiate Haggerty's argument simply because the term 'ethics creep' is both pejorative and misdirecting (as it is not so much the 'ethics' which is creeping but the 'mission' in general which has broadened); and in that respect, the term represents a misnomer. I am not alone in this concern, in a commentary to Haggerty's argument Charles Bosk suggests that accusations of 'ethics creep' "… appear to me to be a misinterpretation of both the spirit and the letter of the Canadian regulations," and "…not so much an example of the danger of 'mission creep' in the research review process. Rather, it seems to be an

[16] The academe is not the place for cozening and histrionics; also, rhetoric is a tool best left to politicians.

[17] Denzin, Norman and Yvonna Lincoln. "The Discipline and Practice of Qualitative Research." in *The Handbook of Qualitative Research — Chapter 1*.: 1-32.; Bosk, Charles. and De Vries, Raymond "Bureaucracies of Mass Deception: Institutional Review Boards and the Ethics of Ethnographic Research." *The Annals of The American Academy*. 595. September (2004): 249-263.

[18] Though, it should be mentioned that for an equal, if not longer time, it has *also* guided Social Science research!

example of what happens when social scientists do not take an active role in shaping the way regulations are interpreted and applied."[19]

In a further justification, Haggerty notes that journalists do not answer to REBs. He continues to point out that some journalism is (apparently) quite similar to Social Science research and so it must follow that Social Science research should not fall under REB constraint.[20] This reasoning is guilty of several informal fallacies and some inductive fallacies, but let us focus on just one fairly significant issue: Let us grant, for a moment, that journalism *is* similar to Social Science research; such an acquiescence still does not lead us to the conclusion that Social Science research should not fall under REB constraint, it merely suggests that the two systems ought to be *similarly* constrained — not *similarly unconstrained*.[21]

Holding that Social Science research should be as flimsily restrained as journalism is, frankly, insulting to those of us who have somewhat nobler desires for the field of academic research. Bosk, himself an ethnographer, argues that the Social Science criticism of IRBs/REBs (in general) *is inaccurately strident*,[22] and in relation to Haggerty's journalism argument, opines that "[o]ne deceptively simple answer is that perhaps we should aspire to a higher standard than the average journalist."[23] Even remarking that "[o]ur constant whining that we are somehow the targets and victims of intrusive regulation is not only tiresome; it is inappropriate."[24] Bosk also goes so far as to claim that 'mission creep' is not really the problem that social scientists think that it is.[25]

All of this discussion about what entities are governed by IRBs and REBs is moot, however, because the IRBs and REBs actually have little control over their purview. In the US, it was the Food and Drugs Agency[26] which empowered IRBs and stipulated over what they have governance.[27] Thus, the revision of the TCPS

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[19] Bosk, 2004: 419

[20] Haggerty, Kevin. 2004. 394.

[21] Yet, even this may be too generous: it is more likely the case that journalism may be its own special case (ethically speaking) and should perhaps regulate itself (given that screaming to an incident in your news van, peeing in the gutter, and then gulping a coffee may not give you sufficient time to run an ethical risk assessment of the interview past an REB!)

[22] Bosk & De Vries. 2004. 255; Emphasis mine

[23] Bosk & De Vries. 2004. 255-6

[24] Bosk, 2004: 417

[25] "Social Scientists have complained about the "mission creep" that occurred when IRB jurisdiction expanded from biomedical research to all research involving human subjects. Whether this truly was mission creep or just a natural extension of a mandate is for others to debate and decide; however, the fact that IRBs began to review proposals with biomedical research in mind has had a number of implications for Social Scientists using qualitative methods." Bosk, 2004: 258

[26] Specifically the Office for Human Research Protection.

[27] Librett, Mitch and Dina Perrone. "Apples and Oranges: Ethnography and the IRB." Qualitative Research. 10.6 (2010): 729-747.

in 2010 is fundamentally unable to address or respond to concerns about 'ethics creep' or criticism of the perceived extended remit of their operations.

2.3 Concerns Over Qualitative Study

Arguably, the most significant argument raised by the social scientists (in that in my survey of the literature in this area, this matter is more often raised than any other) is that of the disconnect between Science Based Research methods (mostly quantitative), and preferred Social Science Based Methods (often qualitative).[28] For a long time there has been a concern that REBs were fundamentally unable to fairly process research proposals from the Social Science because they were unable to handle the maxims of qualitative study. Librett and Perrone summarise the ethnographer's concern succinctly:

> The disciplinary composition of review boards can vary tremendously from institution to institution and it is logical to assume that boards top-heavy with attorneys, social workers, and quantitative scientists will indubitably (though perhaps in a subtle manner) privilege their own perspectives when evaluating research proposals.[29]

Social Scientists, who favour the use of qualitative research methods, feel that a board made up of individuals experienced in quantitative research methods simply does not understand proposals presented with indeterminate assessments of risk or unclear procedures for informed consent. Moreover, the Social Scientist — who cannot always implement qualitative research methods in their research — has almost no chance of submitting a proposal upon which the REB would look favourably. Librett & Peronne argue that REBs, historically geared to medical research, are entrenched in privileging *quantitative* studies:

> Naturalistic inquiry relies upon researchers engaging in as little interference in the everyday course of activities and events among the population of interest as possible. This distinguishes ethnographies and the like from methodologies that include some degree of manipulation or experimentation involving human subjects; the latter are far more numerous in academic research proposals seeking Institutional Review Board (IRB) approval.[30]

[28] Ibid.; Denzin, Norman, Yvonna Lincoln and Michael Giardina. "Disciplining Qualitative Research." in *International Journal of Qualitative Studies in Education*. 19.6 (2006): 769-782.; Wynn, L. (2011): 94-114.; Haggerty. 2004. 391-414.; Bosk. 2004.; Librett & Peronne, 2010

[29] Librett & Peronne, 2010.

[30] Ibid.

Librett and Perrone believe that a prevalence of quantitative studies over qualitative studies in research applications jeopardises an ethnographic research application. Their justification is that REBs and IRBs require certain requirements from research proposals that, according to many Social Scientists, are in fundamental apposition to the *concept* of ethnographic qualitative study. Bosk explains:

> [Ethnographers] cannot inform [their] subjects of the risks and benefits of cooperating with us for a number of reasons. First, the risks and benefits for subjects are not so different from those of normal interaction with a stranger who will become a close acquaintance, an everyday feature of a lifeworld, and then disappear, after observing intimate moments, exploring deep feelings, and asking embarrassing questions.[31]

Though there are many elements (according to social scientists familiar with such methodologies) fit well with quantitative study practices, REB's concerns about breaches in anonymity and confidentiality have resulted in 'tightened' proposal constraints.[32] Two primary issues are raised by Bruner:[33] "(1) being asked to get written consent from illiterate peoples and (2) having colleagues refuse to answer questions about difficulties with IRBs until they were assured that the inquiry itself had been sanctioned by an IRB".[34]

Of significant interest in this discussion the claims from Denzin et al., who maintain that fundamental schisms in comprehension occur because "[p]ositivists[35] further allege that the so-called new wave ethnographers and non-traditional qualitative researchers write fiction, not science. The new ethnographers, *they* claim, have no way of verifying their truth statements. For the critics, a decolonized methodology dissolves into values and politics."[36] In obfuscating postmodernist rhetoric, Denzin et al. continue to posit that contemporary practices have placed an emphasis on scientific data and hard evidence; disciplines which prefer qualitative study, therefore, find it increasingly difficult to get research approval (if it is possible to get an ethnographic study to

[31] Bosk. 2004. 253

[32] For more detail see Haggerty, Bosk, Rambo, Blee, et al.

[33] In Bosk & De Vries, 2004: Bruner, Edward M. "Ethnographic practice and human subjects review." Anthropology News 45, no. 1 (2004): 10-10. Harvard

[34] Bosk & De Vries. 2004. 253

[35] The identity of these 'positivists' is somewhat unclear, but the thrust of Denizen's paper is directed at the politicisation of the IRBs. Who is presumably meant is the IRB board members who prefer quantitative (and positive) data.

[36] It is also worthy of note that nowhere do Denzin et al. indicate who '*they*' are. Denzin et al. Emphasis mine.

be passed by IRBs at all.)[37] Denzin et al.'s position represents the zenith of the Social Science response toward a climate of increased dependence on scientific evidence-based 'data'.

Denzin, a prolific writer, has published a number of papers related to what he sees as the effective expulsion of qualitative study from the field of academia. He bases this notion on a political and academic predilection and an over dependence on positive, fact based, quantitative research — which reduces the number of qualitative studies.[38] Because IRBs were originally orientated around medical research (a 'scientific' field) he considers them to be institutionally biassed towards the former. Denzin et al.'s position, here, may have some merit given that REB's balance risk against importance of research, and we accept their implicit claim that the importance of research from a post-modernist might be judged by a traditional REB to be just about zero. Further, but broader support, for Denzin et al.'s concerns above can be found in the kinds of information that are required by the REB to be submitted along with a research application:

1. Some sort of informed consent (usually written),
2. The need for a list of questions (or at least question formats),
3. A précis of potential harm,
4. Fairness and equity throughout the study, and
5. Maintenance of privacy and anonymity,

A propensity for fact-based research can be inferred from these types of questions, and, as a result, many ethnographers consider REBs to promote nothing more than 'quantitative and positive dogma which is fundamentally incompatible with qualitative research practices' — and therefore, are dismissive of the Social Science as an important and relevant academic discipline.

Though at times bordering on the frenzied, some of Denzin et. al.'s concerns are shared by many in the Social Science community and we have similar articles from Blee, Rambo, Wynn, Haggerty, and others[39] — even the more tempered writings of Bosk reference minor concerns with the 'ill-fitting' nature of REB/IRB expectations with qualitative research practices.

Though Bosk goes so far as to comment that some of his contemporaries have '. . . complained that the regulations violate a First Amendment right to unfettered speech,"[40] he also comments that the objections from his peers are often "un-collegial" — explaining that it was criticism from Social Scientists that

[37] See Rambo: *Handing IRB an Unloaded Gun.*

[38] I assume here, that he has this notion as a function of the difficulty that a qualitative study has in becoming approved compared to the (perceived) ease that a quantitative study has in becoming approved.

[39] Blee. 2011. 401-413; Rambo, 2007. 353-376.; Wynn. 2011 and 2007.; Haggerty 2004.

[40] Bosk & De Vries. 2004. 254

was partly culpable for the increase in the oversight of the medical fraternity[41] in the first place. The broadening of the jurisdictional brush stroke to cover Social Science was, he thinks, a necessary and ultimate conclusion. Bosk opines:

> There is more than a whiff of hypocrisy in imposing obligations on others — in this case, physicians and medical researchers who cannot be trusted because their self-interest makes unreliable their judgments of others' best interests— while resisting those very same obligations for oneself because our work is harmless, our intentions good, and our hearts pure.[42]

Despite Bosk's balanced appraisal of the current debates, he does suggest several possible methods for improvement of IRB handling of qualitative-based research proposals:

1. Encourage more and better studies of how IRBs work,
2. Increase social scientist participation on IRBs,
3. Increase Social Scientists' knowledge of IRB rules,
4. Educate IRB members
5. Have in place a speedy appeals process,
6. Explore other ways of organizing review of Social Science research.

Specifically, Bosk — in line with many of his peers — agrees that despite the significant structure and number of board members, and "[even] with this extensive disciplinary and organizational coverage, qualitative research is under represented in the membership of the working group."[43]

2.2.1 TCPS 2: The Response to Concerns Over Qualitative Study Methods

The TCPS 2 seems to pay significant attention to the concerns over qualitative research. PRE (the Panel on Research Ethics — which is essentially responsible for writing having written the TCPS 2)[44] comprises members from many different backgrounds and receives highly processed information from three committees: the Canadian Institutes of Health Research, the National Sciences and Engineering Research, and the Social Science and Humanities Research Council.[45] These committees are made up of members from the requisite disciplines, who have been charged with the deliberation of policy elements from their respective points of view. The results of the long deliberation were presented towards the PRE,

[41] Social Science concerns about certain ethical misconducts in medical and psychological researches lead to the formation of the Belmont Report, which was a pivotal document in the formation of IRBs and research oversight.
[42] Ibid, 256
[43] Ibid, 251
[44] TCPS 2 is the second edition of the TCPS, issued 2010.
[45] TCPS 2

who, to prevent bias, are themselves unpaid experts in their fields. In addition to geographical and gender representation, PRE membership provides:

- A balanced representation of researchers in biomedical and health sciences, Social Science and humanities, and those in the natural science and engineering fields undertaking research involving humans;
- Expertise or experience in ethics, law, REB operations and research administration at an institutional level;
- Representation from the Aboriginal community and research participants.[46]

In fact, one of the PRE's specific mandates was "establish or commission *ad hoc* expert groups to address specific issues."[47] More evidentiary is the inclusion of Chapters 4 (Fairness and Equity in Research Proposal) and 10 (Qualitative Research). The inclusion and elaboration of these elements seems to directly address some of the concerns from the Social Science presented earlier in this paper.

TCPS 2 presents a much more flexible and sensitive approach to qualitative research and notes:

> It is sometimes difficult to ascertain the beginning and end of a qualitative research project. Access to particular settings and populations often develops over time, and it is not unusual for researchers to be passive observers, or simply passively interested in a setting for some time, before any formal effort is made to establish a 'research' relationship.[48]

Presenting, in the opening dialogue concerning the application of the TCPS 2 to research proposals, a fundamental acknowledgement of the ambiguities which are extant in qualitative study, demonstrates a sympathy to the tribulations of ethnographer's and their research. This awareness persists throughout the document addressing issues such as:

- The permission for preliminary visits as separate from the research proposal,
- Modalities of Consent (with respect to the difficulty of written consent and truly *informed* consent),[49]
- Observational Studies,

[46] Ibid: Organisational Structure
[47] Ibid.
[48] Ibid, Chapter 10.
[49] During the literature survey for this paper what is, or is not, clearly understood as *informed* consent was profoundly troubling. Discussion of this issue has been excluded from this paper — though a brief treatment is offered later.

- Privacy and Confidentiality in the Dissemination of Research Results,
- and Qualitative Research Involving Emergent Design.[50]

The incorporation of these specific concerns demonstrate a respectful position towards qualitative study based research proposals; and are specifically *aimed* at (though not presented *because* of) the past responses and ire of the Social Science community.

Chapter 10 of the TCPS 2 is a specific attempt to provide all REBs with a greater understanding of the methods and practices of qualitative study. It includes an overview of qualitative study; the methodologies and problems occurred in the practice of ethnography; the concerns about potential harm; and the ambiguous and tentative nature of the research in general. The chapter is especially aimed at those individuals who sit on REB panels in respective institutions and who may have had little experience with qualitatively based research proposals; and as such, responds acutely to the list of improvements suggested by Bosk, as well as those presented above by his contemporaries.

2.3 Concerns Over IRB Composition

The constitution of the boards themselves follows directly from concerns over the lack of understanding of the REB of the methods and practices of qualitative study. Wynn suggests two ways of dealing with the board's lack of familiarity with ethnographic study practices: 1) Educate the 'positivist' board members with respect to the requisite paradigms, or 2) incorporate Social Scientists (presumably well versed in their own discipline's techniques) onto the board.[51] According to Wynn:

> The single 'big lesson' that was finally learned was that you could not resist the rise of the IRB, you could only make sure that you got a representative people on it — that is, anthropologists everywhere learned it was best to get an anthropology faculty member to serve on the IRB, or an academic from a kindred discipline such as Sociology, Women's Studies, Geography, etc.[52]

In some respects (and Bosk is keen to urge common sense), one practical way around this problem is some sort of action: "We are not bureaucratic dolts, we are not generally mute or defenseless, we are not helpless here — we can act as agents of change."[53] Bosk seems to identify many of the Social Science to be comprised of 'inanimate whiners' — in that whilst busily complaining about their

[50] Loc. cit..
[51] Wynn, 2011. 94-114.
[52] Loc. cit.
[53] Bosk. 2004. 417-420.

lot, the members of the discipline seem to want to do little else other than write journal articles about their dilemma. One may note from the tenner of Wynn's quote, that the ethnographer seemed to realise the cure to the predicament, but rather hoped that *someone else* would volunteer to sit on the board — rather than play a part themselves.

With the hectic schedules of many academics, it is unsurprising that there are few volunteers for such a tedious task as sitting on an REB. Plattner and Haggerty write from personal experience of having being involved in REB/NSF[54] boards, and alludes to the fact that the effort and time that was invested was considerable. The latter seems to be concerned with the tediousness of the minutiae, and considers such attention to detail pedagogically concerning: ". . . I fear that one unintended consequence of this inclusive definition of 'research' is that it stifles the initiative of some of our most enthusiastic students."[55] Haggerty may be right, but he ought to take note of Plattner's caution: "When one has a 'right', one has the ability to demand something. What researcher [even, and especially students] has the 'right' to demand that a respondent answer his or her questions?"[56] If the data is likely to produce harm, then it needs controlling — amongst many things (and after sitting on a REB for several years, Haggerty ought to know this), the REB is challenged with balancing the potential harm which may occur from any given research.

Moreover, concerns about dogmatism within the REB speaks more to Haggerty's 'ethics-creep' than it does to inappropriate board constitution — yet it does lead to a predicament. For what Haggerty ought to know better is that the REB is charged with making these decisions for the very reasons that Plattner highlights. A board consisting of the right balance of members across the different faculties ought to facilitate this; and if it is the case that his board were not making the right sort of decisions (or at least, decisions that Haggerty was comfortable with) then I can only think that either his influence on the board was insufficient, or he was outvoted — which does seem to question the position that Haggerty was taking.

2.3.1 TCPS 2: Response to Concerns Over IRB Composition

Though a specific REB generally comprises members of an academic facility's faculty, the REB is nevertheless, somewhat constrained in its composition. As mentioned in section ***2.2.1***, the TCPS's advising members were drawn from a wide variety of faculties and disciplines to reflect the wide remit of REBs. This response addresses some of the concerns of Denzin, Wynn, Rambo, Blee, et. al., and also

[54] National Science Foundation.
[55] Haggerty. 2004. 391-414.
[56] Plattner, Stuart. "Comment on IRB regulation of ethnographic research." American Ethnologist. 33.4 (2006): 526

produces a more balanced approach to the constitution of the TCPS itself. This change in focus has also drifted into the policy itself.

However, the concerns that Blee, Wynn, Haggerty and Plattner raise as to the tribulations of specific research applications and remit of REB constraints apply directly to an institution's REB. The TCPS 2 states:

> Each institution is accountable for the research carried out in its own jurisdiction or under its auspices. In fulfilling this responsibility, where research involving humans takes place within the jurisdiction or under the auspices of an institution, that institution shall establish the necessary structure of an REB (or REBs) capable of reviewing the ethical acceptability of that research.[57]

Clearly then, the TCPS itself may only provide the policy through which the REB must act. If there are continued issues along the lines laid out above, then this is a failure or a misinterpretation of the policy at the REB level. Certainly, a larger number of Social Science faculty members sitting on an REB would be advantageous in order to avoid excessive 'positivism'; but how to ensure that positions on the board are evenly distributed, falls again at the feet of those who, in the words of Bishop Berkeley "raise a dust, and then complain that they cannot see."[58] The advice given to the REB's by the TCPS amounts only to specific regulations governing the composition of the institutions board:

> The number of REBs and the expertise of their members will depend on the range and volume of research for which that institution is responsible, in accordance with Articles 6.4 and 6.5 relating to REB composition.[59] Large institutions may find it necessary to create more than one REB to cover different areas of research or to accommodate a large volume of research. Small institutions may wish to explore regional cooperation or alliances for access to an REB based on formal agreements between the institutions (see Article 8.1).[60]

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[57] TCPS 2. 2010

[58] Berkeley, George. A Treatise Concerning the Principles of Human Knowledge (excerpts) in A.A. Luce and T.E. Jessop, *The Works of George Berkeley Bishop of Cloyne,* Thomas Nelson and Sons Ltd. 1949, 26.

[59] "6.4) Basic REB Membership Requirements: The membership of the REB is designed to ensure competent independent research ethics review. Provisions respecting its size, composition, terms of appointment and quorum are set out below. Article 6.4 The REB shall consist of at least five members, including both men and women, of whom: (a) at least two members have expertise in relevant research disciplines, fields and methodologies covered by the REB; (b) at least one member is knowledgeable in ethics. . ." TCPS 2

[60] TCPS 2

Thus the only reasonable response to Wynn et. al.'s concerns over Specific REB composition might heed Bosk's advice and note that: "[Social Scientists] can act as agents of change."[61]

2.4 The Problem of Written Consent

Bosk presents this problem very succinctly: "The formula is simple: no trust, no access: no trust, no consent: no trust, no data."[62] The type of research that ethnographers do is worlds apart from many other research styles. Because of cultural and linguistic barriers (not to mention other more fundamental and historical problems) written consent in the form used for clinical or more typical types of research simply cannot apply. Bosk argues "[o]nce we have established trust, consent — much more fully informed than that specified on the standard document describing the routine randomized clinical trial — follows naturally."[63] He has a point. One of the peculiarities which faces ethnographic study of atypical subjects is the difference between our cultural practices and theirs. For a large majority of anthropological subjects and participants, the notion of written consent is understood — but that does not mean that it is favoured, or even considered trustworthy; certain there exist cultures in the world who consider contracts of the written kind to be valueless.

Donald Birchfield was often heard discussing the value of the treaties signed in good faith by the Sovereign Choctaw Nation,[64] only to be found worthless — despite their obvious legality — when later relied upon in court. As a result, Birchfield protested, the "illegal state of Oklahoma"[65] was formed. That Oklahoma state could be ratified reduced several signed treaties with the American government to nothing more than an historical quirk — or, as he liked to put it 'good fire-lighting material'.[66] Birchfield points out, in his usual enthusiastic, acerbic, and satirical style, that the Choctaw Nation decided to never undersign any agreement with 'white man' again.[67] The Sovereign Choctaw Nation are not alone.

Many peoples of the world are reluctant to sign anything — whether or not it is beneficial to both peoples. Bruner's examples gives an example of this

[61] Bosk, 2004. 417-420.
[62] Ibid.
[63] Ibid, 418
[64] Donald, was a very loud, vivid, and much loved professor of Native American Studies at the University of Lethbridge, and was regularly heard wandering at rare hours the halls engaging students in heated discussion of "that illegal state." Should one choose to flick through the index of many of his books, one would find the entry: "Oklahoma; Illegal State of, . . ."
[65] Birchfield, Donald, *How Choctaws Invented Civilization & Why Choctaws Will Conquer the World*, University of New Mexico Press, 2007
[66] Ibid.
[67] Ibid.

problem: ". . .being asked to get written consent from illiterate peoples."[68] What the Social Sciences develop as a form of trust is often based upon acts rather than documents. From the point of REBs, this ideology is a nightmare. The REB perspective is legitimate: 'how are we able to be sure that fully informed consent has been attained if all we have is the researchers word of it?' Yet Social Scientists are equally frustrated, as research proposals are often rejected over inadequate consent.[69]

Plattner addresses the issue of consent, and instead of siding with the ethnographers "when they counterpoise academic freedom and IRB oversight," he remarks that the ". . .solution is researcher education in the principles of human-subject protection, transparency in relations with research participants, and a meaningful process of informed consent."[70] For Plattner, it is not sufficient to entrench oneself with the 'hard-done-to' mentality — one must strive to make up the middle ground. Presumably, this middle ground would require the researcher to obtain some tangible form of consent; and would impinge upon the REBs to consider less stringent and Westernised consent mechanisms. Though Plattner notes that the "level of bureaucratic oversight should be directly related to the level of risk,"[71] one could also suggest that this is a sensible place for the REB to start: the level of consent required must reflect the intrusion of the researcher into the participants life, and represent a fair risk assessment of potential harm. For instance, researchers in long term studies often complain that they are unable to even enter the field sites without a planned ethical appraisal.[72] While there seems to be good justification for this, it might be considered helpful if the REB were to be more lenient for the preliminary 'scouting' visits.

2.4.1 TCPS 2: The Problem of Written and Informed Consent

For its part, the TCPS has paid considerable attention to concerns over consent: Chapter 3 (The Consent Process) is one of the longest and most comprehensive in the TCPS 2. The general principles remain much the same: Consent Shall Be Given Voluntarily; Consent Shall Be Informed; Consent Shall Be an Ongoing Process; Consent Shall Precede Collection of, or Access to, Research Data. However, the TCPS also considers departure from the normal forms of consent: "Article 3.7: The REB may approve research without requiring that the researcher obtain the participant's consent in accordance with Articles 3.1 to 3.5 where the REB is

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[68] Bruner. 2004.

[69] Blee, Kathleen and Ashley Currier. "Ethics Beyond the IRB: and Introductory Essay." *Qualitative Sociology.* 34.(2011): 401-413.

[70] Platner. 2006. 526

[71] Loc. cit.

[72] Ibid.; Blee. 2011. 401-413.; Bosk, Charles. (2004): 417-420.; Lederman, R. "Ethnography Proposals Pose Problems for IRBs." *IRB Advisor*, Sep. 2006: 102-106.

satisfied…"[73] That the TCPS has made such efforts to encompass the various issues related with consent, speaks for itself. The tightening of the requirements for, and what consists in 'consent' is fairly treated. That the TCPS have made such efforts to address what was seen as a significant problem in ethnographic research proposals ought to both please Social Scientists, and alleviate issues with their research project proposals.

2.4.1.1 Deceptive Research

Of particular interest is the TCPS's attention to the existence of 'deceptive research' which is employed fairly frequently in Social Science research.[74] Indeed, many of the deceptive research studies performed over the last 40 years have produced valuable and significant data. Haggerty worries that being "up front about the focus of your research can simply preclude valuable forms of critical inquiry."[75] This position leads us dangerously close to the concerns of Plattner: "[w]ho gives us as ethnographers the 'right' to observe and participate in community activities as part of our research project? These are privileges that our respondents allow us to enjoy, and in most cases our institutional identifications legitimizes our request for the privilege."[76] Ellis, who wrote an ethnographic study of a fishing community, *Fisher folk: Two Communities on Chesapeake Bay*, discovered that the reaction to deceptive research is often unpleasant — both for the participants, and specifically in Ellis's case, the researcher. Ellis had forged what she considered to be long term and meaningful personal relationships with many people from a village in the course of her research.[77] However, upon returning some years later, she discovered that another social scientist had been reading some of the more intimate excerpts of the book to the (mostly illiterate) villagers. Consequently, when Ellis returned to the community twenty years after her original research, the relationships she had forged had become significantly tainted. The lash-back from the occurrence with the 'Fishneck' community affected Ellis profoundly, and as a result she spent several years in introspection and wrote several frank and honest apologist papers. The Ellis case has been a topic of ethical research discussion in the Social Science:

> Unlike Ellis, a significant number of sociologists who have engaged in deceptive research remain unrepentant. This group insists there is nothing unethical about deceiving one's subjects to a greater or lesser extent in the name of scientific research. Those who defend

[73] TCPS 2, Chapter 3; B. Departures from General Principles of Consent.
[74] "Between 1965 and 1985 approximately one-half of all social psychology articles published in the United States involved some form of deception (Korn 1997, p. 2)." Haggerty. 2004. 406
[75] Ibid, 406
[76] Plattner, 2006; 526
[77] Ellis, Carolyn. *Revision: Autoethnographic Reflections on Life and Work*. Left Coast Press. 2009.

> deceptive techniques claim subterfuge is sometimes the only way to elicit information from deviant and marginal groups--or from socially powerful groups that can otherwise justify secrecy. Defenders of deception typically use a cost-benefit analysis: If the deception doesn't hurt anyone very much and the payoff in data is high, covert research is worth doing.[78]

The TCPS 2, aware of the existence (and to some extent, the necessity[79]) of deceptive research notes that:

> Some Social Science research, particularly in psychology, seeks to learn about human responses to situations that have been created experimentally. Some types of research can be carried out only if the participants do not know the true purpose of the research in advance. For example, some Social Science research that critically probes the inner workings of publicly accountable institutions might never be conducted without the limited use of partial disclosure.[80]

That the TCPS acknowledges that there is a potential for such research, responds to many of the concerns that Haggerty (and others) has over limiting certain types of research;[81] for instance, Haggerty argues that there are a number of studies which might provide handsome data, but that may never be conducted due to the complicated nature of consent and the large level of deception involved.[82]

Richard Leo's study on the police presented exactly that sort of uncomfortable line when an appearance or belief is needed to be deceptive in order to not 'blow the cover'. What was most ethically concerning is not just that there were participants who were unclear about the real identity or beliefs of the researcher, but that the researcher — whose cover persona differed considerably from that of the researcher — was also at risk of losing his/her identity:

> Richard Leo's essay in the Spring 1995 issue of The American Sociologist made precisely this argument — in defiant, provocative language. Leo, then an assistant professor of sociology at the University of Colorado, boasted that he 'consciously reinvented' his

[78] Allen. Charlotte.; *Spies Like Us*, Lingua Franca 1997.
[79] Haggerty, 2004.
[80] TCPS 2, Chapter; Research Involving Partial Disclosure or Deception
[81] Haggerty presents examples of studies into the effects of undercover police work. These studies have difficulty in obtaining any kind of consent and may need the researcher to deceive in order for the undercover police officers 'cover' to go un-questioned. These are interesting ethical concerns, and possibly the subject of further investigation into the ethics of these specific types of study. Haggerty, 2004; 406
[82] Ibid.

> 'persona' in order to gain admission into police interrogation rooms for research on his UC-Berkeley dissertation.[83]

Much like Haggarty, Allen believes that "Leo's larger point was that sociologists should have an evidentiary privilege — like doctors and lawyers — so they are not obliged to testify in court about what they see and hear in the field. But what struck many of his readers was his ardent defense of certain deceptive techniques."[84]

The TCPS does *not* disavow this kind of study though, and advises:

> In some research that uses partial disclosure or deception, participants may not know that they are part of a research project until it is over, or they may be asked to perform a task and told about only one of several elements the researchers are observing. Research employing deception can involve a number of techniques, such as giving participants false information about themselves, events, social conditions and/or the purpose of the research. For such techniques to fall within the exception to the general requirement of full disclosure for consent, the research must meet the requirements of Article 3.7.[85]

That the TCPS does not instantly dismiss deceptive research ought to be some comfort to the Social Scientists; clearly, there is some movement in these delicate and tricky areas. Yet it ought not be possible for the researcher to get an open permit for research — there are valid concerns arising from the unfortunate ramifications of the Milgram[86] experiment and Humphrey's 'Tearoom Trade' study. However, that the TCPS has created provision for discourse in these sensitive areas shows an open mind and a willingness to pay attention and respond to the concerns of the Social Science discipline.

Social Science research does not have the benefit of having an android like Data who has an ethical-only behaviour protocol. Consequently, before research commences, we need to be certain that the ramifications of research does not permit harm to come to those we are observing. The Ba'ku people were being

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[83] Allen.1997.

[84] Ibid.

[85] TCPS 2

[86] The Milgram experiments were a series of social psychology experiments conducted by psychologist Stanley Milgram starting in 1961 and the results being released in 1963. The experiments measured the willingness of male participants to obey an authority figure who instructed them to perform acts which were intended to conflict with their personal conscience. The experiments determined that concordance with instructions was very high — even if the acts were (apparently) causing serious injury and distress. For more information, see: Milgram, Stanley. "Behavioral Study of Obedience". *Journal of Abnormal and Social Psychology*. 67 (4): 1963, 371–8.

deceived in several ways — one of those ways was almost identical to the Ellis case, where relationships with a community were being forged without the community knowing that they were being analysed for research purposes. The movie strikes a chord with the viewer because the viewer is aware of the harm being done and can empathise with those harmed. The TCPS, perhaps, can be seen as the ethics chip that guides Data's response to a research which is deceptive and without any form of participant consent. It is that which protects the participant from the potential harm that studies may engender.

3. Residual Concerns

3.1 Communication

The nature of ethics in research calls for a perpetual discourse. The recent onslaught from the Social Science has been neither helpful nor productive;[87] and if anything, it has succeeded in only in alienating those non social-science board members who are entrenched in promoting academic study — be it of the qualitative variety or not. Rather than unleash a spate of uncollegial and tiresome[88] academic articles, full and open discourse ought to be exchanged between the TCPS and (some participating authority who speaks on behalf of the) Social Scientist. Further tightening of areas of concern (which will, no doubt, grow as a natural consequence of the implementation of the TCPS 2) ought necessarily be a process of discourse and transparency. The TCPS, in its current form, has addressed much of the recent dissent from the Social Sciences. Yet I also concur with Bosk in that Social Scientists are behoved to become more practically engaged in REBs and IRBs in order to further ameliorate the contentious issues they themselves have identified.[89] Nevertheless, such integration is, as Bosk notes, likely to be a difficult one:

> [The] structural flaw [an uneven-ness of representation between IRB and researchers] is a generic one for tasks where a consensus that satisfies a vast array of interest groups needs to be reached, but to promote effective deliberation, the size of the working group must be limited. . . After all, conversion and co-optation are, as ethnographers of deviance and social control have demonstrated, two very effective strategies for neutralizing problem populations.[90]

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[87] Bosk has argued that these responses are actually counter-productive. Bosk 2004; Bosk and De Vries, 2004.
[88] Ibid.
[89] Ibid.
[90] Bosk, 2004; 252

Nevertheless, as the gap between the REBs and the Social Scientists continues to narrow, an increased communication will help avoid a repeat of the recent animosity.

3.2 Advancing Deception Research Methods

It is with respect to sensitive issues like deception research that this discourse mentioned above is paramount. As some of the TCPSs amendments do not really guide REB members on how best to implement their procedures, the finer details are left to be beaten out during REB meetings. The TCPS has certainly elaborated on its position in the TCPS and has offered clarification on the implementation of its new guidelines, however, some areas still remain unacceptably vague.

That the TCPS does not fully address deception research (specifically as to what level of deception it finds acceptable or not) is a significant oversight on behalf of the TCPS 2; remedying this oversight will require further discussion and debate at board meetings. Yet debating applications which use deception research at the board is not sufficient, it is also important that discourse channels between and REB and the TCPS are opened so that the TCPS 2 is, not only made aware of its oversight but also, encouraged to offer clarification of (and amelioration on) the matter. Without further clarification from the TCPS, an REB may be only able to deny the project until such time as clearer guidelines are laid down — which will further frustrate Social Scientists and likely fuel the furore.

The TCPS does provide a fairly significant level of guidance for REBs on the interpretation of other research methodologies, but as those REBs ought err on the side of caution, I see it as inevitable that some research proposals will be denied due to a lack of finer direction from the TCPS 2. In the mean time, and that is to say in the time it takes the TCPS to address the lack of guidelines for deception research, Social Scientists themselves should pay great attention to the potential harm that deception research may engender, and provide a clearer explication or risk assessment with their proposal in order to reduce the chance of a research proposal being declined.

3.3 More Perspicuity for Potential Harm

A recent work, *Pyramids and Nightclubs* by L. L. Wynn, details how information on tourists was gleaned from local Cairo and Alexandria Taxi drivers.[91] The potential for harm to the cab-drivers here seems slight — until you consider the possible negative image that their data presented on Saudi tourists. Curiously this book is not for sale in Egypt or Saudi Arabia; however, were it for sale, and were it to be read by tourists from the Middle East, then these same tourists may choose

[91] Wynn, L. L. *Pyramids and Nightclubs*, The University of Texas Press, 2007. ISBN: 978-0-292-71702-2

(uncertain of which companies were interviewed) to boycott cabs in favour of public or tother transport methods in those cities thus affecting the cab drivers income.

This may seem a histrionic position to take, but through personal experience I have seen the detriment a small amount of the wrong kind of reputation can bestow onto a city cab company. Though remote, the potential for significant harm is there. It is unlikely that Wynn may have even considered the broader ramifications of her questioning — and the drivers themselves are unlikely to appreciate the potential fall our from their voluntary contribution to the research.

These odd ramifications are exactly the reason that members from several different disciplines are encouraged to sit on an REB. It is the job of the REBs to ensure that no harm comes to the participant. There should, as Plattner observed, never be the occasion that research was granted *over and above* the rights of the participant.

3.4 Auto-Ethnography

The TCPS has little to say about auto-ethnography, other than a brief description found in the appendix of Chapter 2: "Scholarship based on personal reflections and self-study where no one other than the researcher is involved in the research (e.g., auto-ethnography)."[92] Carol Rambo wrote a piece of praxis based upon applying for permission to publish an auto-ethnographical work entitled *Handing the IRB an Unloaded Gun*[93] in which she discusses her almost having an affair with a student. Her application was declined by the IRB (based upon both concerns over potential harm to the student, who was not named) and resistance from her department Chair (who was concerned, quite reasonably in my opinion, over both institutional reputation and legal issues and legal issues). The brief mention afforded in the appendix of the TCPS 2 certainly does not address the broader concerns that Rambo's paper presents — nor does it address the increasing proclivity towards auto-ethnography as an alternative to more traditional qualitative methodologies.

Auto-ethnographies are considered by many Social Scientists to contain very little in the way of potential harm; and it is certainly true that the TCPS does not present any guidelines to the REBs for auto-ethnography studies. But auto-ethnographies *do* have the potential to harm: both Ellis's auto-ethnography, *Revision: Auto-ethnographic Reflections on Life and Work,*[94] and Rambo's, *Handing the IRB an Unloaded Gun*, have been seen by IRBs as containing

[92] TCPS 2, Chapter 2, Appendix

[93] Rambo, Carol. "Handing IRB an unloaded gun." *Qualitative Inquiry* 13, no. 3 (2007): 353-367.

[94] In which Ellis uses short stories in the form of large auto-ethnographies to investigate elements of her life and work.; Ellis, Carolyn. *Revision:* 2009.

significant potential for harm. Rambo's work presents a potential harm were the student (with whom she almost had an affair) to read about their relationship in print, and although the chance of her ex-student reading her auto-ethnography was slight, the amount of harm that it may have induced would be significant. I therefore believe — from a strictly procedural perspective — that the IRB was right to kibosh permission for publication.[95] That said, I also sympathise with Rambo's claims that the likelihood of the student *finding* the piece was slight-to-none.

Auto-ethnographies are not significantly different to Oral Histories, and the TCPS 2 has little to offer in respect to 'Oral Histories'. This loophole has occasioned Social Science research to produce research in these formats in order to by-pass ethical review board constraints on research. Given the increased interest in other research paradigms such as auto-ethnography and the desire to publish Social Science work as 'Oral-History', the TCPS should revisit their guidance on these types of research proposals.[96]

3.5 Call for Independent Social Science Driven REBs

I should briefly mention the notion of an independent REB-like board which covers only those fields of Social Science. Whilst it is the case that qualitative study practices are clearly very different from those practiced in the majority of academic disciplines, it seems excessive to claim that the Social Science ought be afforded their own ethical board. There are numerous reasons for such a claim, unfortunately, there is only room for one here: self-governance tends to be less restrictive and objective than those extra-discipline governance.

Objectivity is difficult to maintain as it is, and were ethical review self-contained, then there is the possibility that positions such as Haggerty, Wynn, and Leo's would be representative on such a board — in fact, as these individual's views are the most outspoken, then it is likely that were such governance be

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[95] I am grateful to a reviewer, Dan O'Donnell, for his insight on my perspective here (which has resulted in a slight tightening of my claim). Dr. O'Donnell observes (quite rightly) that were the events of Rambo's near-affair to have occurred today, then they would probably have appeared all over a Facebook feed (or at least mentioned in dispatches in other social media). Dr. O'Donnell also observes that 'obscurity is not security anymore', and I am sympathetic his argument. I feel, however, that an IRB and Chair must make decisions based upon facts as they are so presented. In this case, the IRB must decline the application based upon the potential for harm — unless, of course, that the harm is diminished or eliminated by the student 'owning' the affair on social media. The IRB, at least, is responsible for monitoring that harm — if the affair were out on social media, the harm would be negligible given that the affair were already public; of course, the other way to manage the harm would have been to garner the authority of the student in question! I make no claim about the response of the Chair, as legal matters are entirely another discussion!

[96] Much more can be said about oral histories as a method of Social Science research, but space prohibits here.

permitted, the boards would be primarily composed of such academic positions. Necessarily, fair and constrained ethical oversight can only be provided by a body whose membership is made up of many different backgrounds.

3.6 Overall Summary of the TCPS 2

Whilst I think the TCPS 2 performs admirably in *almost* every area, and whilst it responds well to *almost* all of the concerns from the Social Science benches, I think it can be said to still be flawed in one respect: The TCPS is designed to 'flag' a potential research application issue and offer guidelines on how each REB ought to respond to that issue; what it sometimes does is 'skirt' around contentious issues and be neither sufficiently dogmatic nor offer clear and transparent boundaries and constraints. Thus an REB may be left in a predicament that, whilst they are aware of the general thrust of the TCPS's perspective on an issue, how it might apply to this or that unusual research problem may often be short on actual guidelines and details — as can be seen in relation to Rambo's auto- ethnography. In short, the TCPS 2 can be perceived as being vague in areas it needs to be clear on. Some of this vagueness in order to permit an REB's flexibility to interpret the TCPS — something for which the Social Sciences have been campaigning. The upshot of this, though, is that some of the more unusual practices, or applications of qualitative study slip through the net, or are simply so different from the constraints provided that the TCPS doesn't even apply.

Finally then, the TCPS 2 is a clearly ambitious affair. It needs to be: the remit of the TCPS is vast and incredibly complicated. However, I believe the TCPS has risen admirably to the occasion; and with continued support and discourse from the Social Sciences — as well as all of the other disciplines which also fall under TCPS/ REB jurisdiction — they can together progress towards a more capacious and less vague policy which must necessarily remain in perpetual development.

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