Research Ethics for Social Scientists

Informed Consent

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Introduction

Most guidelines for ethical research require all participants to agree to research before it commences (American Sociological Association, 1999; British Society of Criminology, 2003; NHMRC, 1999; RESPECT, n.d.;Tri-Council, 2003). They typically require that consent should be both *informed* and *voluntary.* Their approaches to informed consent depend on conventional Western notions of autonomy and the primacy of the individual (see Chapter 3) and are a response to a history of research practices largely in biomedical research that have come under intense criticism over the past 30 years.

In a highly influential analysis of informed consent, bioethicists Ruth Faden and Tom Beauchamp (1986) distinguished between the process of obtaining informed consent from a potential research participant and the process of obtaining recognition that the researcher has done enough to meet institutional requirements. These two processes do not always align with each other. Indeed, Thomas and Marquart (1987) suggested that:

> It is not always ethical behavior that the profession seeks, but rather its appearance, a cynical exercise at best, and a hypocritical one at worst. (1987, p. 83)

The call for informed consent may seem relatively straightforward, but many researchers have found it extremely difficult to gain informed consent in practice and in some situations have argued that the need for such consent has damaged their research and has not been in the best interest of research participants. In this chapter, we look at some basic issues associated with **[p. 61 ↓]** informed consent comprehension, coercion and deception and examine some of the situations when the question of how or whether to gain informed consent has proved problematic.

What constitutes informed consent?

Informed consent implies two related activities: participants need first to comprehend and second to agree voluntarily to the nature of their research and their role within it.

Informed

Faden and Beauchamp (1986) argued that research participants need to understand, first, that they are authorizing someone else to involve them in research and, second, what they are authorizing. Most commentators have concentrated on the second issue. In most circumstances, researchers need to provide potential participants with information about the purpose, methods, demands, risks, inconveniences, discomforts and possible outcomes of the research, including whether and how results might be disseminated.

For Faden and Beauchamp (1986), research participants can make an informed decision only if they have substantial understanding an adequate apprehension of all information that, in their view, is material or important to their decision to grant consent (see Table 5.1). A piece of information may still be material to a decision even though it might not alter the final decision. Researchers might be able to determine what they consider material as well as the kinds of things that most research participants would want to know. However, it may be difficult to predict what a particular research participant might want to know. Faden and Beauchamp concluded that researchers must invite participants to engage actively in the exchange of information. Researchers should '… ask questions, elicit the concerns and interests of the … subject. And establish a climate that encourages the … subject to ask questions' (p. 307).

In some cases, this may take considerable time and effort, as both researchers and participants struggle to deal with complex risks, uncertainties and problems of cultural and linguistic divides (see Appendix, Case 3). In other situations it may be sufficient to provide potential participants with a list of their entitlements and a range of information that they can choose to request from the researchers. In general, participants' agreement to take part should be **[p. 62 ↓]** recorded, by asking them to

sign a form, return a survey, or give consent on audio- or video-tape, though the method adopted may change according to the research.

Term	Definition
Substantial understanding	Someone has substantial understanding of an action if he or she has an adequate apprehension of all information that is material or important to a decision
Autonomous action	Acts committed intentionally, with understanding and without controlling influences
Informed consent	Acts of informed authorizing of a professional to involve the participant in research
Controlling influences	Influences that stop independent or self-directed actions - may result from coercion or manipulation by others or from psychiatric disorders
Coercion	One person's controlling influence over another by presenting an irresistible and credible threat of unwanted and avoidable harm
Manipulation	Intentional controlling influence of someone by non-coercively altering the actual choices available or non-persuasively altering the person's perceptions of these choices
Material information	All information that, according to the participant, is germane to his or her decision whether to consent, including the nature of the action and the foreseeable

	consequences and outcomes of consenting or not consenting
Effective communication	Communication that leads to both parties having justified beliefs about the other's statements and intentions

Standard approaches to informed consent often require participants to have high levels of literacy and linguistic ability. While some people may have the competence to make independent decisions about involvement in a research project, this can be diminished if written information is unclear or constructed without sensitivity. Written consent forms can be difficult to follow and may not be helpful in guiding queries. These problems can be overcome. For example, investigators engaged in participatory research have involved research **[p. 63 ↓]** participants in both the construction of information sheets and the brokering of access to peers. In her evaluation of user participation within a community mental health service in the United Kingdom, Truman (2003) was encouraged by research participants to include them in the evaluation group. This had consequences for the formal process of obtaining informed consent required by the ethics committee at Truman's institution. Aware that their research participants tended to distrust forms because such documents had so often been used to control the lives of people with mental health problems, the evaluation group used a peer network to explain and justify the research. Rather than distributing a formal information sheet with a questionnaire, one member of the group sent a letter encouraging other users to complete the form.

Other researchers have attempted to check whether potential participants understand that they are authorizing research as well as what that research might be. Within medical research, Miller and Willner (1974) used consent forms containing short series of questions that tested whether their participants' comprehension was sufficient to allow them to give informed consent.

Particular difficulties arise if researchers and participants do not share common languages or cultures. Benitez, Devaux and Dausset (2002) discussed how they obtained and documented informed consent for a genetic population study of Guaraní Indians in Paraguay. Most of the potential participants were illiterate and, while most spoke some Spanish, their first language was Guaraní. The researchers developed an

information document and a consent form and translated them from the original French into Guaraní. The documents were then translated back into French to check whether the initial translation had been accurate. The materials were read aloud in Guaraní to potential participants by two Guaraní- and Spanish-speaking investigators who invited and answered questions from the audience. According to the researchers, Guaraní social codes and customs do not allow explicit refusal. However, they do allow implicit refusal by inaction or silence, so the researchers invited people to agree by stepping forward to give oral consent in their first language. In addition, participants were asked to sign or fingerprint a written form. The process of both written and oral consents was documented using audio recording, video recording and photography.

In many circumstances, researchers have to ensure they negotiate consent from all relevant people, for all relevant matters and, possibly, at all relevant times. For example, a study of deviance among school students might require the consent of an educational authority, school head, parents and students. Participants' consent might cover an interview but not inclusion of their **[p. 64 ↓]** names or photographs in a publication. So, in the Guaraní study, the researchers would not have been able to use photographs documenting the process of informed consent to illustrate research publications without further consent from the participants.

Several researchers have argued that consent should not be limited to the beginning of the research project but, rather, should be dynamic and continuous. This point has been made particularly forcefully by anthropologists (El Dorado Task Force, 2002). In some cases, changes may occur during the research that call into question the continuing capacity of the participant to give consent a significant problem for researchers working with people suffering from degenerative diseases. Other changes may occur between fieldwork and publication that require the researcher to renegotiate the nature of the consent. As part of work on counter-exile violence by the South African state, Mark Israel interviewed political exiles in the United Kingdom in the early 1990s, providing assurances that the names of interviewees would remain confidential. By the time of publication (Israel, 1999), the government had changed in South Africa, removing the most important reasons for desiring anonymity. In addition, many of the exiles had related their stories in other fora, making it more difficult to preserve anonymity. As a result, Israel contacted interviewees in some cases eight years after they had spoken to him and obtained consent to reveal their names. Of course, any threat of a return to a

more repressive regime could have warranted a re-evaluation of this decision (Fontes, 1998).

Voluntary

Faden and Beauchamp (1986) depicted informed consent as a kind of autonomous action, an act committed intentionally, with understanding and without controlling influences resulting either from coercion or manipulation by others or from psychiatric disorders. The Nuremberg Code (1947) discussed this in terms of ‘voluntariness’ (Box 3.2, paragraph 1).

On the basis of the definitions proposed by Faden and Beauchamp, it is unlikely that anyone can offer informed consent in the face of coercion or, in many cases, manipulation. For these authors, coercion occurs when someone forces another to act to avoid the threat of harm. Of course, some threats and even some punishments may be so unimportant that the person subject to them is still substantially free of controlling influences.

However, researchers may find it difficult to assess whether potential participants do have freedom of action. Young people may view some researchers as part of government and believe they will be punished if they refuse to take **[p. 65 ↓]** part despite emphatic denials from researchers. This problem of assessing participants' freedom of action also arises in the context of research on or in institutions. For example, Waddington (1994) received permission from the Metropolitan Police in London to undertake his observational study of public order policing. However, he was well aware that once the organization had consented,‘it was difficult, not to say impossible, for subordinates to object’ (p. 211) if and when they discovered he was undertaking research. It was even more unlikely that non-police participants in meetings between police and protest organizers might be in a position to offer informed consent. Waddington's approach can be contrasted with Reiner's efforts, in his interview-based study of police unionism in the United Kingdom (Reiner, 1978), to obtain the consent of the Police Federation, senior police officers, the Home Office and, at the insistence of the Home Office, individual police officers.

For Faden and Beauchamp, manipulation takes place when the actual choices available to a person are altered non-coercively or, alternatively, perceived choices are altered non-persuasively without appeal to reason. In some cases, research participants may be able to offer informed consent despite experiencing manipulation by researchers. However, the line may be difficult to draw, particularly when the manipulation comes in the form of an inducement an offer of a reward to participate. Fontes (1998) described two Brazilian research projects that focused on street children in Porto Alegre. One group of researchers concluded that offering money to participants would compromise the ability of the children to reach an autonomous decision while a second research team decided that it would be exploitative *not* to pay the children. Faden and Beauchamp suggested that the autonomy of an individual might be compromised by unwelcome offers that were difficult to resist. Although this is a subjective standard depending on the circumstances and inclinations of potential participants, Faden and Beauchamp counselled researchers to restrict offers to those that were likely to be welcomed, but could also be easily resisted, by participants if they wished.

In some disciplines, particularly psychology, several researchers have claimed that the integrity of research design may be compromised if participants were not misled in some way. Two significant experiments, one by Milgram (1974) in the 1960s (see Box 3.3) and another by Zimbardo in the 1970s, have been especially controversial. In 1971, psychologist Philip Zimbardo created a mock prison at Stanford University and recruited 24 male student volunteers as guards and prisoners. The volunteers had answered an advertisement in a local student newspaper and completed informed consent forms ‘indicating that some of their basic civil rights would be violated if they **[p. 66 ↓]** were selected for the prisoner role and that only minimally adequate diet and health care would be provided’ (Zimbardo in Zimbardo et al., 1999). The research into the effects of institutional settings was abandoned after six days when the guards subjected prisoners to physical and psychological abuse and many prisoners started to behave in pathological ways (Zimbardo, 1973). One psychologist who visited the experiment and whose intervention led to the end of the project described ‘feeling sick to my stomach by the sight of these sad boys so totally dehumanized’ (Maslach, in Zimbardo et al., 1999).

Zimbardo acknowledged that the research had been ‘unethical because people suffered and others were allowed to inflict pain and humiliation’ (Zimbardo, in Zimbardo et al.,

1999) well beyond the point at which the experiment should have been called off. However, he also argued that there was no deception because there had been consent. While there may have been informed consent at the beginning of the experiment, it is not obvious that this consent continued throughout. Although five student prisoners were released before the end of the experiment, this occurred only after one had had ‘an emotional breakdown’, three had ‘acted crazy’ and another had broken out in a full body rash (Zimbardo et al., 1999). Others may have wanted to leave but there is evidence that they may have believed that they could not. At one point, one prisoner told the others that they would not be allowed to quit the experiment. Zimbardo described this as untrue, yet recognized that ‘shock waves’ from the prisoner's claim ‘reverberated through all the prisoners’ and substantially altered their subsequent behaviour (Zimbardo, in Zimbardo et al., 1999).

By the early 1970s, ‘a wide variety of deceptions had slipped into psychological researchers' methodological arsenals’ (Rosnow and Rosenthal, 1997, p. 121). Indeed, by then, the student pools of subjects commonly used by experimental social psychologists routinely expected to be deceived and measures had to be taken in experimental design to counter this (Diener and Crandall, 1978).

We might be concerned by such strategies because the deception could compromise both the informed and voluntary nature of consent. On the other hand, it might be impossible to gain access to some participants if other people are not deceived. For example, Carolyn Hoyle (2000) conducted research on the policing of domestic violence in the United Kingdom. She sought to interview female victims and acknowledged that she deceived the male perpetrators so that they would leave her alone with victims. She did not tell the male partners that the research was about domestic violence, leaving them to believe that it was about policing all kinds of disputes instead. She also **[p. 67 ↓]** told the men that they would be asked the same questions as their partners they were not:

> I believed that minimising the risk of further violence to the victim and having the opportunity to talk openly and honestly to a victim whose opinions may not have previously been taken seriously by anyone justified this duplicity. (p. 402)

Other researchers of family violence have taken similar measures (Jewkes et al., 2000).

In laboratory research, several investigators have found that alterations to procedures for obtaining informed consent can change the results. They argue that the adoption of standard informed consent protocols introduces a bias into experimental investigations. In one example, Gardner (1978) conducted an experiment before and after a change in protocols mandated by the United States government. He found that participants exposed to unpredictable and unpleasant noise were affected to a lesser extent if they were told that they could withdraw from the experiment than those who were told they could not. Gardner concluded that this might be because the informed consent procedure created a perception among the former group that they had some control over the noise.

Informed consent procedures appear to have far less impact on social survey research, perhaps because respondents find it easier to decline to participate than do pools of experimental subjects drawn from psychology students (Beecher, 1959). Various researchers have reported that response rates improve as interviewees are given greater detail about the contents and purposes of interviews (for example, Singer and Frankel, 1982). On the other hand, potential respondents may refuse to answer sensitive questions if required to sign the form before an interview. Deception is difficult to justify on deontological and rule-utilitarian grounds (see Chapter 2). Does potential benefit to many justify infractions of the rights of an individual subject? Act-utilitarians might argue that an act of deception could only be justified if the balance of expected benefits over expected harms were greater than would be achieved without deception. However, such a case is extremely difficult to achieve. We shall return to the matter of the problems of obtaining informed consent during qualitative fieldwork later in his chapter.

The practices of informed consent

Most social scientists accept that the process of informed consent forms a worthwhile part of how they negotiate their relationship with participants. **[p. 68 ↓]** However, many scholars have had difficulty when a standardized process has been imposed on all research interactions.

Is formal consent really needed?

The principles of informed consent have been adopted slowly and unevenly by different parts of social sciences. For example, the American Anthropology Association (1998) only included the matter in its statement on ethics in 1998 and Fluehr-Lobban (2000) argued that by 2000 formal informed consent was still not commonly being sought by anthropologists.

Part of the resistance has been directed towards the method of obtaining informed consent proscribed by institutional ethics committees. This, some qualitative researchers have claimed, has been biased towards quantitative research (Bosk and De Vries, 2004; Israel, 2004b; van den Hoonaard, 2001). In contrast, researchers using open, inductive, methodologies may not even have an interview schedule, nor will it be immediately apparent what the risks of such research might be.

In many countries, codes of ethics require researchers to obtain the informed and voluntary consent of participants except in specific, defined circumstances (Chapter 4). However, many social scientists have been concerned that the principle has been adopted mechanically by research ethics governance structures, creating an artificial and culturally inappropriate bureaucratic process (Israel, 2004b). In Canada, van den Hoonaard (2001) attacked the way anthropological fieldwork had been distorted by the ‘hard architecture’ of ethics forms imposed by ethics committees (a point that our commentators discuss in the Appendix, Case 1).

> One can imagine many instances where the insistence on a signed consent form may be unwise or tactless. In studies of street-corner men, poachers, prostitutes, fishers, drug users, professional thieves, the homeless and, in general, those with socially defined problems, this would simply elicit an angry response. (2001, p. 28)

Yet, several research ethics committees in Australia have only been willing to sanction research if a formal written form is used. One committee required police informants recruited for academic research to sign consent forms. Another committee required street-level ethnographers to obtain written consent from drug users (Israel, 2004b).

Researchers have argued against consent forms on several grounds. First, the requirement that participants sign their name has the potential to remove the **[p. 69 ↓]** protection of anonymity from incriminating statements. But for the signed consent form, no identifying details would have been recorded. Instead of protecting participants, such a requirement places them at greater risk (Social and Behavioral Sciences Working Group on Human Research Protections, 2004). Second, the use of standardized wording can affect the quality of the research data by reducing response rates because participants believe they are being tricked or because the form encourages them to overestimate the risks of potential harms. Third, the form itself may compromise informed consent if written information is unclear or constructed without sensitivity. Roberts and Indermaur (2003), for example, reported that the forms used in their own institution, the University of Western Australia, required a reading level attained only by people who completed secondary education beyond the comprehension of many participants. This trend has also been noted in the United States, where the Committee on Assessing the System for Protecting Human Research Participants noted that 'consent forms have been hijacked as "disclosure documents" for the risk management purposes of research organizations' (Federman et al., 2002, p. 92).

In other contexts, it is difficult to introduce formal consent forms into the interaction when following drug users to their supplier, or talking to traffickers in women. The task becomes particularly difficult when multiple ethics committees require a total of 22 sheets be signed before an interview conducted using an interpreter may begin (cited in van den Hoonaard, 2001). Van den Hoonaard also noted that some Canadian researchers felt that consent forms were obtrusive, turning an exchange based on trust into one of formality and mistrust. Although the Tri-Council Policy Statement (2003) does allow for oral consent (Article 2.1), the Social Sciences and Humanities Research Ethics Special Working Committee (SSHWC, 2004) identified a case where a research ethics committee tried to insist that a researcher undertaking fieldwork outside Canada obtained signed forms from participants who might be killed if their government discovered that they had cooperated with the researcher. This difficulty was recognized by the Canadian Sociology and Anthropology Association (1994), which urged researchers 'to employ culturally appropriate methods to allow subjects to make ongoing decisions to participate or to withdraw from the research process' (s.15).

In its section on qualitative research, the Australian NHMRC's *Human Research Ethics Handbook* (2001a) now recognizes that, as long as the researcher can justify it:

> in some qualitative studies it may be more appropriate to gain consent verbally rather than in writing. This is relevant where the participant may feel particularly vulnerable, as in research related to sexual issues or illegal or stigmatised activities. **[p. 70 ↓]** Here, written consent is likely to result in significant harm to the participant in that they are potentially identifiable.

In addition, some demands by research ethics committees may have led to significant gaps in research. For example, there has been little empirical research on homeless adolescents in the United States. Levine (1995) argued that some adolescents over 14 years old might be able to consent by themselves to research that poses minimal risk. Nevertheless, the United States Department of Health and Human Services requires researchers to obtain consent from parents and agreement from each child to participate, before that child may be included (Office for Protection from Research Risks, 1993; Porter, 1999). The Department's regulations are unclear whether parental consent is required if there has been a breakdown in the relationship between minor and caregiver. Consequently, the gap in research on adolescent home-lessness has left American treatment providers unable to address the needs of runaway and homeless youth (Meade and Slesnick, 2002).

Institutional ethics committees need not view informed consent so rigidly. Fluehr-Lobban (2000) argued that anthropologists should not see informed consent in terms of forms but as offering an opportunity to initiate discussion with participants about the research. Responding to strong criticism of the role played by a US anthropologist in research carried out since the 1960s on the Yanomami tribe of Venezuela and Brazil, the American Anthropological Association commissioned a Task Force to review, among other things, how anthropologists had negotiated informed consent with indigenous peoples (El Dorado Task Force, 2002). As part of this review, Watkins (2002) called for anthropologists involved in work with indigenous peoples and related communities to move from research simply done with the consent of research subjects towards mutually beneficial collaborative and participatory practices. The Task Force supported this argument.

Whose consent should be obtained?

In some cases it may be necessary to obtain the consent of organizations, groups or community elders as well as the individuals concerned. In New Zealand, the Maori Health Committee (1998) noted that the Treaty of Waitangi gave Maori *iwi* (tribe or nation) and *hapu* (group of families with a common ancestor) authority over their peoples' involvement in research. The Australian NHMRC (1991) and the Canadian Tri-Council Working Group on Ethics' 1996 draft guidelines both considered establishing standards for research involving **[p. 71 ↓]** collectivities. Both Councils sought to protect the interests of indigenous communities. The NHMRC adopted protocols that called on researchers to consult communities on whether the research would be useful to them; and to benefit communities through the research process by, for example, employing members in the research, and reimbursing the community for research costs (NHMRC, 1991). In contrast, the final Canadian documents (Tri-Council, 1998) were watered down ‘because there had been no formal consultation with aboriginal communities’ (Weijer et al., 1999, p. 279), a quite extraordinary state of affairs given the nature of the topic being discussed.

Working within indigenous communities can be complex and a researcher's ability to undertake work may be jeopardized if the process of obtaining consent is handled insensitively. Darou, Hum and Kurtness (1993) described how a research assistant's attempts to gain access to subjects in a remote Cree village in Canada were rejected by the tribal leader. The researcher met the same response from the school principal and the minister. The researcher's attempts to get around the tribal leader by contacting the others were seen as divisive for the village, and the researcher was warned to ‘take the next plane out of the village or sleep in a snow bank’.

In some environments there are competing views about whose consent is required. For example, James Waldram (1998), a Canadian anthropologist, was invited by prison authorities to undertake research on Native American prisoners. The correctional authorities appeared to believe that they were able to volunteer prisoners for research purposes. Nevertheless, Waldram obtained consent from the authorities, Aboriginal Elders and from individual Indigenous prisoners.

> It becomes both absurd and repugnant when the permission of the warden … takes precedence over that of the individual research participant who happens to be an Aboriginal prison inmate. (p. 243)

Waldram's initial predicament is not unusual many researchers have relied on consent from institutional gatekeepers, often senior management, and have not gone to the same lengths to obtain informed consent from other people present at the research site, whether the organization is a school (Burgess, 1989; Riddell, 1989) or, as we have seen, the police.

Special procedures are often adopted when attempting to obtain consent or assent from children. The United Nations Convention on the Rights of the Child (1989) requires that the best interests of the child must be the primary consideration in all actions concerning children (Article 3). Under Article 12, **[p. 72 ↓]** children capable of forming their own views should have the right to express those views freely in all matters affecting them, due weight being given to their age and maturity. The British Educational Research Association (2004) concluded that this meant that ‘Children should be facilitated to give fully informed consent’ (p. 7). However, Homan (2001) observed that many British educational researchers have been deeply reluctant to work in this way.

Any problems caused by researchers' reluctance to seek consent from children may be compounded by some children's recognition that teachers' ‘requests’ may really be requirements. As a result, some educational researchers have acknowledged that consent within the classroom may ‘shade into coercion’ (David et al., 2001, p. 351), with participation in research becoming simply more schoolwork (Denscombe and Aubrook, 1992).

Some researchers have challenged the need to obtain parental consent if children have already given consent. David et al. (2001) investigated children's understandings of parental involvement in education. They obtained parental consent for interviews with children at home but only sought parental consent for school-based activities if the school required it:

> In hindsight … given our intention to focus on children and young people as competent agents, where we did need to obtain consent from

> parents, we were much less concerned with how well informed they were before making a decision (beyond providing them with a copy of our adult-directed leaflet …) than we were for their children. (p. 361)

The American Sociological Association (1999) requires its members to obtain consent from both children and their guardians except where: the research imposes minimal risk on participants; the research could not be conducted if consent were to be required; and the consent of a parent ‘is not a reasonable requirement to protect the child’ (s.12.04b) as in, for example, cases where the child has been abused or neglected. A similar exception is outlined in the ESRC's Research Ethics Framework (s.3.2.2). However, some institutions are less flexible and it can prove difficult to meet their requirements (Porter, 1999).

Before being allowed to undertake work on juvenile gangs in St Louis, Decker and van Winkle (1996) faced opposition from their university's research ethics committee which initially demanded that they obtain permission not only from gang members but also from the members' parents:

> We told the university's Human Subjects Committee that we would not, in effect, tell parents that their child was being interviewed because they were an active gang member, knowledge that the parents may not have had. (p. 52)

[p. 73 ↓]

In an effort to maintain confidentiality, the researchers rejected the Committee's approach and appointed a university employee to act as an advocate for each juvenile participant. As advocate, the colleague made sure that interviewees understood both their rights in the research process and the nature of the confidential assurances.

In the United States, medical researchers have augmented individual informed consent with community advisory boards, composed of people who may share a common identity, ethnicity, history, language or culture with participants (Strauss et al., 2001). Such boards can liaise between researchers and participants, helping to develop materials and providing advice for the process of informed consent. While these boards

have been criticized for masking lack of real community involvement, we do not yet know how useful they may prove to be (Wailoo, 1999).

Should some research occur without consent?

Given the role played by institutions in policing research conduct, social scientists have argued that research might be able to occur in a range of contexts without consent. Researchers have argued that consent is unnecessary where the research occurs in public space or concerns public officials. Alternatively, they have argued that informed consent need not be obtained where the harm caused by lack of consent might be outweighed by the public benefit obtained.

Those who rely on publicly available information or engage in observational studies carried out in public spaces have argued for a long time that informed consent is simply not required (Brewster Smith, 1979; Reiss, 1978). On the other hand, many codes are concerned to protect the dignity and privacy of people even in public spaces. The American Sociological Association (1999) accepted the legitimacy of this practice (s.12.01c), as have the Canadian Tri-Council (2003, Article 2.3) and the NHMRC in Australia. Canadian Tri-Council (2003) regulations interpret attending public meetings or demonstrations as an acceptance of public visibility and so researchers who wish to observe participants in those environments need not seek approval from their Research Ethics Board.

One area of heated debate among social scientists is the degree to which deliberate manipulation of information deception by lying, withholding information or misleading exaggeration might be warranted in research (see Appendix, Case 3). So, in work on drug dealing, Jane Fountain (1993) chose not to reveal her position as a doctoral student to all the people she encountered for fear of jeopardizing the business networks of her key informers. **[p. 74 ↓]** However, Fountain also accepted that her decision was based partly on her fear that she would not be allowed to observe dealing if she asked.

Several researchers have argued that covert strategies may be justified in limited circumstances (Bulmer, 1982). One example often cited is the work of Bruno Bettelheim (1960) who studied a German concentration camp while he was interned against his will during the Nazi period. Other researchers have been concerned about the effect of the known observer on participants or the desire of 'powerful or secretive interests' (British Sociological Association, 2002; Socio-Legal Studies Association, n.d.) to block access by social scientists. The Canadian Sociology and Anthropology Association (1994) recognized that researchers may have to deploy deception 'to penetrate "official," "on-stage," or "on-the-record" presentations of reality' (s.16).

British and American sociologists have supported the use of covert methods in work on extremist political organizations and illegal activities (Ditton, 1977; Fielding, 1982; Galliher, 1973). Such studies have been defended on the basis of non-maleficence, suggesting that it reduces both disturbance of research subjects and potential risks to researchers. Both arguments were dismissed by Herrera (1999) as failing to consider the need to protect research subjects from having their interests infringed by paternalist researchers. Further, in the case of radical political groups, Macklin (1982) questioned whether researchers were in an appropriate position to decide which groups are bad enough to warrant deception.

Although he acknowledged powerful arguments against covert research and believed that the need for such research was frequently exaggerated, Bulmer (1982) concluded that some covert studies, voluntarily undertaken, *had* produced good social science, and the value of covert studies has been accepted by the British, Canadian and American sociological associations and the Australian NHMRC (1999) in exceptional circumstances.

The American Sociological Association (1999) only authorizes the use of deception in research where it can be justified in terms of the value of the research, and there is no equally effective alternative that does not use deception (s.12.05a). The Association allows members to undertake covert activities only if the research involves no more than minimal risk to participants. Similar provisions are contained in other national and professional codes such as the National Statement in Australia (NHMRC, 1999, 17.2(d)) and the ESRC's Research Ethics Framework in the United Kingdom (2005, 2.1.4). It is unclear whether such provisions might exclude the possibility of using

covert research in institutions to expose, for example, state violence or corporate misconduct. It depends on whether the institution is considered a research **[p. 75 ↓]** participant. In Canada, the Tri-Council Policy Statement (2003) suggests that institutions should not be protected in this way. In the United Kingdom, the Research Ethics Framework makes provision for a similar argument (s. 2.1.7). The Canadian Statement recognizes that ‘social science research that critically probes the inner workings of publicly accountable institutions might never be conducted without limited recourse to partial disclosure’ (Commentary on Article 2.1). As a result, researchers are not required to obtain consent from those corporate or government organizations that they are researching, nor are such institutions entitled to veto projects, though private organizations may refuse researchers access to records or create rules governing the conduct of their employees that might make it difficult for those employees to cooperate with researchers. Nevertheless, even in these situations, the research cannot involve more than minimal risk to participants (Article 2.1(c)i), which might make it difficult for researchers to work with whistleblowers in some jurisdictions.

The line between overt and covert research may be difficult to identify. For instance, social scientists may draw on observations made prior to formal research, perhaps based on experiences gained before they entered a research career. Alternatively, researchers may be drawn into covert observational roles by research subjects Ken Plummer's (1975) work on gay men who concealed their sexuality could not be disclosed to the family and friends of research participants whom Plummer met while carrying out observation of his subjects.

Conclusion

Drawing on the principle of respect for persons (Chapter 3), a requirement that researchers should obtain informed consent from participants might seem relatively uncontroversial. Designed to combat a series of appalling abuses that had occurred in human experimentation, codes of research ethics (Chapter 2) generally require researchers first to explain to participants the nature of their research and the potential consequences of involvement. Then, before research can commence, participants need to agree to taking part in the research on the basis of a fully informed and voluntary decision. As part of the consent process, researchers have developed a range of tools

for consulting and communicating with potential participants and for checking that participants understand the implications of the consent process.

However, in practice, the requirements of informed consent have proved to be anything but straightforward in the social sciences. First, researchers have noted that the formal nature of the consent process that has been mandated **[p. 76 ↓]** by national codes or local committees has tended to compromise both the possibility of gaining genuine consent and of providing assurances of anonymity. Second, some have argued that the assumption of individual autonomy within informed consent protocols fails to recognize the coercive nature of some institutional, community and family-based relationships. Conventional consent requirements also imposed Western notions of autonomy on communal decision-making structures that might be deployed in other societies. Finally, researchers have claimed that requirements for informed consent are not always necessary or appropriate and that researchers should be able to conduct work in public spaces or involving public officials without obtaining informed consent. In addition, and more controversially, some researchers have argued that deceptive experiments and covert research might be justified in particular situations by reference to the balance of risk and public benefit. Although some national codes have ruled against covert research, recent Canadian and British regulations suggest a greater willingness on some occasions to sanction research that does not have the consent of all research subjects.

In short, the regulation of informed consent could operate in such a way that it protects the interests of vulnerable groups from harmful research carried out by more powerful organizations such as government agencies. Alternatively, it could protect powerful agencies from scrutiny by independent researchers by robbing researchers of one of their most powerful methodologies, covert research. Currently, various jurisdictions and institutions have taken different positions and it is unclear in which direction future regulators will move.

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