

# Ethics and Academic Freedom in Educational Research

*Edited by*

**Pat Sikes and Heather Piper**



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Formal ethical review of research proposals is now almost the default requirement for all – staff and students – planning research under the auspices of colleges and universities in many parts of the world. With notable exceptions, the extant literature discussing educational research ethics takes a meta-ethical overview, is negatively critical about the ethics review process per se, or comes from America and focuses specifically on the workings of the Institutional Review Boards (IRBs) there.

This book, however, contains stories of lived experience from the UK, Spain, New Zealand, Bangladesh, and Australia, dealing with inter alia: dissatisfactions with criteria against which research proposals and designs and, by extension, researchers themselves are judged to be ethical; problems encountered in obtaining ethical clearance; changes which have had to be made to plans which are believed to have affected the ensuing research process and outcomes; cases where ethical issues and difficulties arose and required considered responses despite permission to undertake the research in question being granted; and benefits perceived to accrue from ethical review procedures.

*Ethics and Academic Freedom in Educational Research* will be of interest to researchers, students, members of ethics review boards and those teaching research ethics, primarily at postgraduate but also at undergraduate level.

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# **Ethical research, academic freedom and the role of ethics committees and review procedures in educational research**

## **Introduction**

Our aim is to re-present and reflect educational researchers' lived experiences of ethical review committees and procedures. We decided to put together this collection as a result of what happened to us when we sought clearance for an undoubtedly sensitive study of the perceptions and experiences of male schoolteachers (and those of members of their families, their friends and colleagues) accused of sexual misconduct with female students which they said they had not committed and of which they were eventually cleared or where the case was dismissed (Sikes and Piper 2008, 2010). We had a difficult time and consequently became curious about how it was for others. However, with notable exceptions such as Burgess (1984), Nind et al. (2005) and Simons and Usher (2000) the available literature concerning educational research ethics largely took a meta-ethical overview, or was negatively critical about the ethics review process *per se*, or came from America and focused specifically on the workings of the Institutional Review Boards (IRBs) in that country. We, therefore, decided to investigate whether and to what extent Mark Israel and Iain Hay's claim that:

social scientists are angry and frustrated. They believe their work is being constrained and distorted by regulators of ethical practice who do not understand social science research. In the United States, Canada, the United Kingdom, New Zealand and Australia, researchers have argued that regulators are acting on the basis of biomedically driven arrangements that make little or no sense to social scientists. (2006, 1)

spoke to the contemporary experience of educational researchers. Thus, we solicited, stories dealing with, *inter alia*: dissatisfactions with criteria against which research proposals and designs and, by extension, researchers themselves, are judged to be ethical; problems encountered in obtaining ethical clearance; changes (of whatever kind) which have had to be made in order to be allowed to proceed and how these are believed to have affected the ensuing research (positively or negatively); cases where ethical issues and difficulties arose despite permission to undertake the research in question being granted; and, the benefits perceived to accrue from more stringent and closer control of research practice consequent on ethical review procedures. We are also sought stories of satisfaction and accounts where the ethical review process did have positive outcomes.

This call, with its emphasis on personal experience, clearly struck a chord for we received over 50 enquiries, primarily, but not exclusively, from the countries Israel and Hay mentioned. Perhaps inevitably, given both the wording of the call and the propensity of people to feel moved to complain about bad experiences rather than to

praise good ones, the majority of responses concerned troubles, disagreements, barriers and prohibitions. We had, however, asked for positive accounts as well and a number of these were forthcoming, albeit usually offered by those who had an official role in the ethics review process.

### **Historical developments and their consequences**

Within the social sciences generally, and education in particular, the requirement to subject research proposals to ethical scrutiny by a formally constituted body is a relatively recent development. Histories of the development of ethics review procedures usually trace a line from the Nuremberg Nazi war crimes trials (Mitscherliche and Mielke 1947) through the *Tuskegee Study of Untreated Syphilis in the Negro Male* (Jones 1981) and, (if UK based), the *Alder Hey Organ Retention* case (Redfern 2001). Thus, medical scandals and the moral panics they generate are credited with being the impetus for the institution of regulatory systems of ethical oversight. Having originally been established in order to deal with biomedical research which obviously can, in some cases, involve the possibility of very serious harm being done to research participants, it would seem that the model has tended to prevail, pervade and persist, coming also to be applied to research in the social sciences, the arts and the humanities where research is rarely life threatening. Subsequently in America, the 1990s saw a growth in the scope and influence of IRBs (Institutional Review Boards), heralding what Patricia Adler and Peter Adler have called the ‘Dark Ages’ (1998, xiv–v) for ethnography in particular.

There is a common saying that what happens in America today affects everywhere else tomorrow and it would certainly seem to be the case that ethical regulation is now experienced by researchers throughout the world and in most disciplines. There has been what Kevin Haggarty describes as ‘ethics creep’:

characterized by 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. (2004, 391)

On the basis both of the extant literature, and of what those responding to our call reported, the consequences and the experience tend not to be positive. However, as Israel and Hay point out:

It is disturbing and not a little ironic that regulators and social scientists find themselves in [a] situation of division, mistrust and antagonism. After all, we each start from the same point: that is, that ethics matter. (2006, 1)

In the UK, Martyn Hammersley is of a similar opinion, and in commenting on the introduction in 2006 of the requirement of the Economic and Social Research Council (ESRC) that its grant holders abide by its ethics framework (ESRC 2005) (described by Saville Kushner as a ‘step change in the politics of social research’ [2006, 9]), he points out that there is no evidence to suggest that there is or has been ‘substantial unethical behaviour on the part of social scientists which would justify such a lack of trust’ (Hammersley 2009, 217–18). Indeed, the ESRC themselves have said that ‘almost without exception, social science research in the UK has been carried out to high ethical standards’ (2005, 1). Examples of social science research which have been considered by some to be unethical, for instance and probably most notably,

Laud Humphreys' (1970) *Tearoom Trade* and Stanley Milgram's (1974) *Obedience to Authority* studies, are relatively rare and in any case, usually raise questions about the difficulties inherent in applying blanket codes to attempts to study aspects of social life where, as Bruce Macfarlane has put it, 'developing an understanding of what to do is always a more challenging prospect than issuing edicts about what is not right' (2009, 3).

### Areas of concern

So what are the problems with, and criticisms of, ethical review procedures? Although such procedures do offer a means of opening up research plans to wider view and authoritative discussion which can act as a safeguard for the well-being of those touched by any particular project, they can be viewed as acting in a manner that is antithetical to both ethical research practice and the exercise of academic freedom. As Catherine Scott puts it:

The rationale for their establishment and continuing development is the prevention of harm. However, this intent to protect has arguably become a license to harm via its ability to prevent research, silence debate, and stymie the acquisition of knowledge about difficult issues. (2008, 13)

It has been suggested (e.g. by Cannella and Lincoln 2007; Halse and Honey 2007; Tierney and Blumberg Corwin 2007; Sikes 2008; Sikes and Piper 2008) that ethics committees are not simply concerned with addressing ethical matters, but now have a tendency to act as gatekeepers, with their chief concern being the avoidance of controversy and litigation. This is, perhaps, almost an inevitable consequence of living within a 'risk' culture (see Beck 1992; Furedi 2002; Castell 1999) where individuals, institutions and organizations seek to manage risk (Power 2004), even when perceived and imagined risks far outweigh the real likelihood of that which is feared, actually happening (Pieterman 2001). In such a culture, ethical review committees, their procedures and the discourses they have developed and promulgated both determine what constitutes ethical research and what ethical researchers do. They can create an 'illusion' of ethical practice which is not necessarily underpinned by a genuine 'philosophical concern for equity and the imposition of power within the conceptualization and practice of research itself' (Cannella and Lincoln 2007, 315). Rather, they work to limit, control and even stop particular research from being done and particular areas of enquiry being explored with inevitable consequences for the exercise of academic freedom.

Issues and areas around ethics review procedures which have attracted particular critique include:

- The establishment of ethics committees based on biomedical models which are governed by principles of scientific, objective, experimental inquiry (see Department of Health's UK 'Research Governance Framework' 2001, revised 2005). These models are problematic enough within their own fields and are often simply inappropriate when used within social contexts which are complex, changing and subject to multiple interpretations (Richardson and McMullan 2007).
- There is by no means consensus concerning which types of ethics should prevail in any particular case. Thus, ethics reviewers may, variously, look at proposals

from a Kantian deontological, a consequentialist, an Aristotelian virtue, a situational or a Buberian relational ethical perspective. Different decisions can hinge on particular viewpoints.

- Membership of ethics review committees can be problematic in that those being required to make judgements may not be experienced in the particular area under consideration. In some cases there is a requirement that certain sectors (e.g. religion, law) be represented and these people may have little or no research experience. It is worth pointing out here that across the world, ethics review is approached in different ways ranging from tightly structured committees through relatively informal procedures.
- The assumption by many ethics review committees of an essentialized view of human beings and human nature, which is manifested by a technicist, one-size-fits-all and once and for all approach. As Richard Pring (2000) points out, each research situation generates its own ethical questions and issues that demand unique and contextual attention on a case-by-case basis (see also Piper and Stronach 2008; Allen et al. 2009). Throughout the course of a research project too, things may change and there may be need for reassessment of ethical risk and concerns.
- A lack of sensitivity to different cultural contexts (Tuhiwai Smith 1999; Cannella and Viruru 2004; Allen et al. 2009).
- The universal and uncritical implementation of consent forms can, as Michelle Fine et al. (2000) (amongst others) note, be invoked to absolve researchers from their moral and ethical responsibilities. Furthermore, what Scott (2003, 2008) depicts as the contemporary ‘obsession’ with consent forms also infantilizes research participants and especially those considered ‘vulnerable’, such as children and babies, the differently abled and indigenous peoples. Ironically, the wordy and detailed character of many consent forms means that they may well conceal more than they reveal (Scott 2008, 18). In addition, consent forms are not sensitive to contexts and cultures where signing one’s name can cause unease, suspicion and even fear (e.g. Tuhiwai Smith 1999; Bristol 2008; Redwood 2008).
- While potentially infantilizing research participants, ethics review committees cast researchers as irresponsible, dangerous (Sikes and Piper 2008) and even as ‘morons’ (Tierney and Blumberg Corwin 2007, 396) against whom people need protecting. This carries risks of de-motivation and de-professionalization (see Piper and Stronach 2008).
- Ethics review committees can enforce methodological conservatism (Lincoln 2005; Johnson 2008a), especially when there is already a tendency, if not a stronger imperative, for researchers to use particular approaches if they wish their work to attract official approbation or funding.
- Ethics review committees may be cautious about granting permission for research on ‘difficult’ or ‘sensitive’ topics, for example those which link children/young people and sex (e.g. Piper and Stronach 2008; Sikes 2008; Sikes and Piper 2008; Johnson 2008b), or which involve people deemed by the members of the committee to be ‘vulnerable’ (e.g. parents of terminally ill children [Redwood 2008]; young people diagnosed with eating disorders and their parents [Halse and Honey 2007]). The consequence of this is that attempts to expand knowledge which might be used to address the problems under investigation are felled at the first hurdle.