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6 Ethical dilemmas

Introduction

This chapter outlines some of the everyday ethical dilemmas that researchers experience in the conduct of research. All research generates ethical issues of one type or another. Some of these can be predicted before the research commences but many have to be managed ‘in the field’ as the research proceeds. The dilemmas that emerge and the way that they are managed are inevitably specific to the research context and the researcher’s moral and ethical framework. While there have been some ethical ‘horror stories’ in the social sciences, these are few and far between. For the most part, researchers manage the ethical issues that emerge in considered and reflexive ways that enable them to conduct research which will produce valid findings while at the same time treating research participants with respect. The need for careful consideration, evaluation and justification of ethical decisions is central to good ethical decision making.

Ethical ‘horror stories’

There are some celebrated ethical ‘horror stories’ in the social sciences. The most commonly cited ones are two psychology experiments, Milgram’s obedience to authority experiments which began in 1961 and Zimbardo’s Stanford prison experiment conducted in 1971. Milgram’s experiment involved research participants in the role of ‘teacher’ being told to administer what they thought was an electric shock to another person in the role of ‘learner’ if they failed a word test. Study participants continued to administer what they thought were electric shocks when told to do so, despite the apparent distress experienced by those receiving the shocks. Study participants were debriefed at the end of the experiment to explain the nature of the experiment and that the electric shocks were not real.

However, concerns have been raised about the anxiety generated among participants. Zimbardo's experiment was a study of the psychological effects of being a prisoner or prison guard. Students were allocated the role of 'prisoner' or 'prison guard' in a simulated prison. The experiment was stopped after six days due to the abusive behaviour of the 'guards' and the stress and anxiety experienced by the 'prisoners'. These two studies were behavioural experiments rather than qualitative studies.

A less commonly cited 'horror story' and one that is clearly qualitative is Laud Humphreys' ethnographic study of homosexuality conducted in 1970. Humphreys studied homosexual activity in public toilets in the park of a large US city. Humphreys acted as a 'lookout' in the toilets in order to observe the activity of the men. Most of this research was conducted covertly as he argued this was the only way this study could be conducted. In order to collect demographic information on the men he observed, Humphreys traced their home addresses via their car licence plates. He then approached them at home, disguised as a researcher conducting research on men's health, and asked them questions which enabled him to collect data on their race, marital status and occupation. Humphreys' study has been widely criticised as being unethical in virtually all aspects: his study involved deceit of participants both in the initial observation and follow-up interviews and he violated privacy. Nevertheless, the findings of the study did generate important insights and Humphreys has argued, from a consequentialist position, that this justifies the research design (see Warwick, 1982).

These 'ethical horror stories' in which problematic practice is central to the research design are relatively few and far between in qualitative research in the social sciences. While a number of horror stories have emerged from medical and experimental research, there appear to be far fewer in the social sciences, perhaps reflecting the much lower risks that qualitative social research poses for study participants. This of course does not mean that serious ethical breaches do not continue to occur in qualitative social research; it may be that we just do not get to hear about them. However, more likely is that there are very few cases of serious 'breaches', particularly in the current climate of ethical regulation of research. For the most part, the ethical issues that researchers encounter are managed carefully and reflexively and ethical horror stories are avoided. However, this does not mean that researchers do not experience ethical challenges and dilemmas in the process of conducting their research.

Below are some ethical dilemmas based on experiences reported by researchers. Rather than outlining how these ethical challenges were resolved these are presented as illustrations of the types of ethical challenges that emerge in research and as prompts for readers to reflect on ethical challenges.

Dilemma 1: In a study exploring people's experiences of recovery from a heart attack, an interviewee expressed extreme feelings of worthlessness resulting from his health condition which meant he was unable to work or to undertake activities he viewed as part of his male identity. Feeling he might be depressed and at risk, the interviewer suggested that he talked to his doctor about his feelings but he said he didn't want to do that as all the doctor would do would be to give him more medication. He also commented that he didn't want his wife to know or she would worry. The researcher promised confidentiality but was concerned about his mental health. Should she tell someone about him and if so, who?

Dilemma 2: In a study in an educational context exploring school-based friendships and using participatory and child-friendly research methods, the process for consent for children to participate in the study was that consent was needed from both the child and his/her parents. On the day the research was to take place, one child gave in her consent form on which the parent's signature had clearly been forged. The child denied they had forged it, and was desperate to take part in the research project and expressed anxiety about feeling excluded if she was unable to participate. Should the researcher overlook the forged consent given the research does not pose any risks to the child and indeed excluding them might be judged as more harmful?

Dilemma 3: A physiotherapist who is undertaking an ethnographic case-study project in a school for children with special needs for her PhD observed that a teaching assistant was encouraging a child to write rather than use a computer. The physiotherapist was aware that the child's physical condition was such that they will not have the dexterity to use a pen long-term and will need to develop computing skills in order to keep up with their work. However, her role in the school as a researcher who is observing interaction meant that if she intervened,

the staff and the child would see her in a different light and this would be likely to impact on the relationships she had with them and the quality of data collected. However, if she did not intervene then she would not be acting in the best interests of the child which she was professionally obliged to do. Should she intervene in the interests of the child's well-being even if that does pose a risk to the research or should she continue to observe what is happening in the setting without affecting it?

These three dilemmas encompass the common broad ethical issues that researchers encounter in their research; issues of consent, anonymity, confidentiality, risk and role conflict. While these broad issues are common themes that emerge in research, the specific ethical dilemmas researchers experience within them are inevitably unique to the research project being undertaken. Consequently the way that dilemmas are managed is, to some degree, unique in that it must be the most appropriate decision in the light of the research topic, the participants and the context. As has been noted in chapter 2, ethical frameworks are important in helping researchers to address ethical dilemmas but these do not provide an immediate answer. Rather, each issue must be carefully considered, drawing on ethical frameworks, in order to decide how it can be resolved.

Three detailed case studies are now presented. These draw on accounts of research in which ethical issues are described in some detail. They provide an exploration of three different types of dilemmas and how they were resolved in the context of the specific research project. These explore dilemmas of consent (Lawton, 2001), dilemmas of disclosure (Rowe, 2007) and dilemmas of confidentiality (Edwards and Weller, 2009).

case study

Dilemmas of consent: Julia Lawton

Julia Lawton's (2001) research was conducted in an in-patient hospice in the UK and explored the experiences of dying patients. The study aimed to explore the phenomenon of social death, that is the loss of identity and personhood that has been identified as occurring during the course of terminal illness, and the effects of a patient's death on other patients. Research in palliative care had, at the time the study

was conducted, largely excluded dying people from research because of their assumed vulnerability and the considerable ethical and practical considerations such research raises. Lawton sought to address these concerns by conducting a participant observation approach in which she took on the role of an in-patient volunteer in order to unobtrusively observe patients and day-to-day life, and death, in the hospice. This observation was conducted with consent both from the hospice staff and patients. Patients were informed about the study by senior medical staff at the time that they were admitted to the hospice and were given the opportunity to opt out of any observations that were made. Despite the plans in place to manage the informed consent of hospice patients, several dilemmas in relation to consent were raised. A full discussion of the issues discussed here can be found in Lawton (2001).

The first dilemma concerned the difficulties in the process of gaining informed consent among a very fluid and ever-changing population. Large numbers of patients were admitted to the hospice and on some occasions, several patients were admitted at the same time in situations that were often chaotic because of patients' competing needs or the nature of an individual's medical condition. The admission of patients to the hospice was not necessarily a situation in which gaining informed consent for a study was a primary concern. As Lawton (2001: 698) notes:

A fairly significant proportion of patients was admitted on an emergency basis ... it was not unusual for patients to be admitted in a state of extreme anxiety, experiencing very distressing symptoms, the consequences being that some were in no state to be informed of, let alone take in, the details of the research. A small proportion actually reached the hospice in a coma and died within a matter of hours of their admission.

So this first set of dilemmas about informed consent concerned whether it was always possible to assume that informed consent had been achieved prior to observation taking place. In such a busy and stressful environment patients clearly were not able to give lengthy consideration to whether or not they were willing to participate in a research project. It may also have been the case that not all patients would remember consenting to the study. The difficulty also emerged

in relation to people who were comatose when they were admitted. In these cases, their family members were consulted for consent on their behalf but this raises a number of ethical dilemmas concerning whether or not relatives should be able to give consent for another person.

The second set of dilemmas concerned issues of ongoing consent. Consent was obtained at the time of admission to the hospice but this did not necessarily mean that patients remembered that the research was taking place in subsequent encounters with the researcher. This is a particularly problematic issue in participant observation. In this case, Lawton's role as a volunteer could have meant that patients viewed her primarily in this role rather than as a researcher. This led her to question whether information provided to her during interactions with patients, particularly that of a personal nature, could legitimately be used for research purposes. This could have been resolved by giving patients frequent reminders that the research was taking place. However, she felt that constantly highlighting the research would have adversely affected the unobtrusive nature of the research and ultimately the quality of the findings.

A related dilemma concerned the extent to which a patient's consent could be assumed to remain valid when their medical condition deteriorated such that they ceased to be the person they were when they gave initial consent. Lawton refers to a case of someone she calls 'Annie' who changed from being 'lively and talkative' when she first came into the hospice to being 'withdrawn and disengaged' as her condition deteriorated, so much so that she requested heavy sedation with the result that she was unable to communicate in the last two weeks of her life (Lawton, 2001: 700). Annie had given consent to the study on her admission to the hospice and was supportive of it. However, the fact that she was sedated meant that it was impossible to ascertain whether she wished to remain in the study once her condition deteriorated. Including people in the last stage of their life was important for the study because one of the study aims was to explore the impact of patients' deaths on other hospice patients. This case, and others like it, was important in informing the study findings which had organisational implications for the hospice. However, as Lawton (2001: 700) notes it is important to consider how Annie and others like her might have felt if they had known how their data were to be used.

The third set of dilemmas concern a different aspect of consent which relates to the ways in which, in qualitative research, the specific outcomes of research cannot be predicted. At the outset of a study, a general research focus and research question or set of research questions will generally have been designed but the number of study participants, the period of data collection and the specific direction the research will take is often dependent on the data collected and the emerging analysis. This has particular implications for consent. In common with other qualitative studies, Lawton's study evolved into something other than that for which participants originally gave their consent and her findings ended up critiquing the hospice movement. This left Lawton to pose the question whether patients would have consented to participate, and indeed whether hospice staff would have granted her access, had they known what the outcome of the research would be.

The dilemmas identified by Lawton centre around the need to conduct high-quality research that can provide answers to important research questions which will have the ability to impact on policy and practice but to do so in ways that respect research participants' wishes as well as their dignity. Lawton managed these dilemmas, not by continual checking of consent in relation to the data collected and used, but by careful and selective use of the data collected. She notes (Lawton, 2001: 699):

Researchers who employ this methodology have a responsibility to use the data they collect in a sensitive, ethical and reflexive manner. In this project, every effort was made to quote patients and to use specific case studies in a highly selective fashion. The experiences of many patients were only drawn on in abstract ways, for example, in developing the generalized themes and trends that were highlighted in the study.

Dilemmas of disclosure: Michael Rowe

Michael Rowe's research was a study of British policing (Rowe, 2007). Using ethnographic methods, he accompanied uniformed police officers as they went about their normal duties in three areas within one police service. The aims of this study were to explore the factors that shape officers' decision-making and their exercise of discretion. His research involved accompanying and observing police in their day-to-day activities over a period of 18 weeks and taking field notes of his observations. Rowe (2007) identifies a number of ethical issues that emerged from his research but the focus here is on two specific incidents which presented him with ethical dilemmas. These two incidents centre around issues of role conflict, namely if and when a researcher should report an incident they are concerned with which will result in breaking confidentiality and/or affecting the very thing a researcher has set out to observe. Rowe noted that his reading of ethnographic studies of policing led him to expect to find malpractice that would lead to serious ethical dilemmas. In fact the situations he observed were comparatively minor but nevertheless did cause concern. A full discussion of the issues outlined below can be found in Rowe (2007).

The most significant incident that Rowe observed concerned an incident in which a police officer lied to a victim of crime. The 'victim' was a woman with learning difficulties who reported the theft of a mobile phone by a young man known to her. The officer said that he would go and talk to the person she had accused of stealing her phone. However, the officer told the researcher that he thought that the mobile phone may not have been stolen at all and that the woman may have lent it to the person she accused of stealing it and he had simply not returned it as agreed. Even if this were not the case he thought that the young man would probably lie and say that it was. Either way it was felt that the woman would not be a 'credible witness' due to her learning disability and, given the incident was minor, it was not likely to lead to any criminal proceedings. The officer decided that he would tell the woman that he had spoken to the young man's mother and that she would get him to return the phone to her once he arrived home even though this was not the case. The officer noted:

There's no point making a crime report, or a statement. We would get the same result after two hours' paperwork, so why bother? (Rowe, 2007: 46)

Rowe was very surprised by this incident, both the fact that the officer had lied and also that he had been open to the researcher about it. The incident was viewed as particularly troubling because the victim of the crime had learning difficulties. He decided that three options were available to him: to do nothing; to discuss the matter with the officer; or, to report it to a more senior officer. The first of these would protect his position as a researcher because he was not intervening but would mean he was colluding with the officer's behaviour which fell short of official stated police standards. The second might impact negatively on the relationship developed by the researcher with the officers he was studying and might result in officers limiting the activities that he was able to observe or censoring their behaviour while he was observing. The third option would be likely to result in significant consequences in relation to the ongoing research and relationships with officers as well as the additional problem that he would be breaching confidentiality and also run the risk of spoiling the field for other researchers. Rowe decided not to report the incident primarily because he felt the seriousness of the officer's behaviour did not outweigh the likely consequences of reporting it. He notes that if an officer had committed an offence of a more serious nature a different decision might have to be taken.

A second incident, which did not involve criticism of an officer, was managed in rather a different way. In this incident, the researcher observed a suspect put something in his mouth and swallow it. This occurred outside of the view of an officer. The researcher was concerned that the suspect may have swallowed drugs, an action that might have a detrimental impact on them and the officer. At the same time, however, from a methodological point of view, he did not want to interfere with the situation and influence events but rather to observe what would naturally unfold if he was not present. However, he decided that the potential impact on the suspect and the officer were primary and so he told the officer what he had seen.

The dilemmas identified by Rowe centre around a similar issue to that identified by Lawton, that of how to manage ethical issues that emerge in the context of naturalistic enquiry that seeks to minimise

the researcher's impact on the field. For Rowe, moral questions about whether to intervene and the consequences of such interventions for the research and those involved with it are dilemmas which have to be considered situationally, according to the severity of the incident. He notes (Rowe, 2007: 47, 48):

This response was based on a calculation of outcome rather than the content of the action – and so reflects broader debates about the status of ethics in a postmodern era ... Since policing is unpredictable, the ethical dilemmas police researchers might face cannot be easily anticipated. Given this Norris's conclusion that ethics are inevitably situational (Norris, 1993) was borne out in this study. If an absolute code of ethics is not feasible, researchers must be prepared to be reflexive in terms of ethical dilemmas.

case study

case study

Dilemmas of confidentiality: Timescapes

A research project on young people's lives conducted by Edwards and Weller raised significant, and perhaps unusual, ethical dilemmas relating to confidentiality. The project was conducted as part of Timescapes, a UK programme of qualitative longitudinal research projects. The focus of the project was on the meanings, experiences and changes over time in young people's relationships with siblings and friends. The study involved repeated interviews with young people born between 1989 and 1996. During the course of the final set of interviews, conducted during 2009, an ethical issue relating to confidentiality emerged following the unexpected death of one of the study participants. This raised some issues and dilemmas about consent but more importantly about confidentiality. The project researchers invited researchers involved in other Timescapes projects to contribute their thoughts about how these ethical dilemmas might be resolved. Details about these deliberations and the project more generally can be found here: <http://www.timescapes.leeds.ac.uk/research-projects/siblings-friends>

The sudden death of the research participant, Dan, raised ethical and legal issues concerning the data collected. While he had verbally agreed to all the data collected being archived, it had been intended to provide participants with more detailed information about archiving and asking them to sign 'consent to archiving' forms in the round of interviews that were due to take place at the time of his death. Edwards and Weller raised the question as to whether they could archive the data from Dan that they had already collected on the basis of his verbal consent given two years previously. They considered asking his parents to give consent but this raised further issues, such as whether this would mean that his parents had ownership over the data and what to do if they demanded their own copies of Dan's data, thereby overriding the promises of confidentiality given to Dan. Another issue was what to do if they refused permission despite Dan's verbal consent at an earlier stage which could be seen as overriding Dan's wishes. The researchers also identified a further moral issue relating to confidentiality. They felt that, given Dan's sudden and unexpected death, his parents would like to have, and perhaps should be provided with, some of the non-sensitive audio material they had collected from Dan during interviews. While making such an offer would go against promises of confidentiality made at the time of the interviews, this might be seen as acceptable given the circumstances, as long as the data provided were of a non-sensitive nature.

Edwards and Weller received eleven responses from fellow researchers within the Timescapes programme to the issues they raised, representing a range of views. Some researchers felt that there was no justification for overriding the promise of confidentiality given to Dan, while others felt the situation warranted the disclosure of non-sensitive data. The range of responses illustrates the lack of consensus about these issues among the social science community. Edwards and Weller note that there was no single solution to these ethical dilemmas. Drawing on an ethics of care perspective, they took what they felt to be the morally caring course of action. They decided that Dan's former verbal consent was adequate to enable them to archive Dan's data without consent from his parents. However, they offered his parents the opportunity to archive any personal memories they had of Dan alongside this. They also offered Dan's parents a sample of Dan's voice. Dan's parents wanted to take up this offer and

were provided with a DVD of extracts from Dan's interview where he discussed his likes and his career aims.

The dilemmas identified by Edwards and Weller centre around the contexts in which agreements made, such as for consent, confidentiality and anonymity, might be breached. Their experience was relatively unusual, but not unheard of or without parallel. In their case, their views about what was the 'morally caring' course of action for all concerned which would, as far as they could be aware, not go against the wishes of their study participant defined the action they took.

case study

Making ethical decisions

These case studies drawn from published research provide interesting and unusually detailed descriptions of ethical dilemmas raised by research in different contexts. They demonstrate that, in making ethical decisions, researchers frequently have to balance the quality of their research with the ethical treatment of their research participants and that at times there can be a conflict between these two aims. They illustrate how there is often not one clear solution to the ethical dilemmas that emerge in research but rather that decisions are situational and contextual. They also illustrate how other researchers, drawing on different moral frameworks, might resolve ethical dilemmas in different ways to the researchers in these case studies. In short, they illustrate that specific ethical issues may be viewed and justified differently according to the specific issue, the context and the researcher. Importantly, however, they illustrate the careful consideration and reflexivity that these researchers have employed in resolving their ethical dilemmas.

Summary

There are a number of ethical 'horror stories' in the social sciences. However, for the most part, researchers manage the ethical issues that emerge in considered and reflexive ways that enable them to conduct research which will produce valid findings while at the same time treating research participants with respect. The need for careful consideration, evaluation and justification of ethical decisions is central to good ethical decision-making.