Towards Common Principles for Social Science Research Ethics

A Discussion Document for the Academy of Social Sciences

Academy of Social Sciences Working Group

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Version 1 was produced for and discussed at a conference held in Jan 2014. Further details about the conference and the overarching project can be found on the Academy of Social Science's website:

https://acss.org.uk/developing-generic-ethics-principles-social-science/jan-2014-conference-british-library

Introduction

The Academy of Social Sciences has been working since 2009 to respond to the concerns of its members, both learned societies and individuals, about the consequences of the introduction of models of research ethics based on codes devised for the biomedical sciences. While these codes are often treated as if they were universally applicable, social scientists have demonstrated that they have been shaped by the particular circumstances and contingencies of biomedical research on human subjects.[1] As a result, they have undesirable consequences when applied outside those fields. Social scientists have also shown that the systems of research governance based on these foundations frequently reflect concerns with institutional legitimacy and the performance management of academics as much as with the protection of those taking part in research. However, this literature has tended to remain at the level of critique, laying out the deficiencies of current systems and their underlying principles rather than promoting a coherent and positive vision capable of informing a more sophisticated approach. In the UK, for example, most of the Academy's learned societies have their own statements of research ethics, reflecting the particular circumstances of the discipline they represent and the interests of their members. The result is a fragmented and somewhat confused picture where common ground may be obscured by the individual approaches.

The Academy has promoted discussion among its member learned societies in order to explore the possibility of defining common elements among the various disciplines' approaches to research ethics. The following statement of principles has been developed from this process. The Academy now invites its member societies to consider working, separately or together, to revise their own ethics

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[1] Most social scientists prefer to talk of 'human participants' which nicely marks the difference in approach.

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statements, reflecting the particular circumstances of their own disciplines, on the foundation of these principles. Where appropriate, member societies might also consider collaborating to develop model clauses that could be incorporated as standard modules within their ethical statements. By looking to share principles and, where possible, operational language, there can be greater clarity about what is accepted as ethical practice by most or all UK social scientists – and where the circumstances of particular disciplines means that a different approach is required. For example, disciplines that use experimental research methods might need to draw on biomedical models for those parts of their portfolio, while approaching more naturalistic methods in much the same way as other social sciences.

During the first part of 2013, the Academy's working group organized a series of symposia discussing the principles, values and standards that might be seen as commonly appropriate to research ethics in the social sciences. The papers presented at these symposia, and a summary of the discussions, have already been published by the Academy.[2] The cross-disciplinary discussions at the symposia were felt by those present to be very rewarding and productive, and informed the working group's drafting of a set of common principles. These were incorporated in a draft version of this document which was discussed at a conference at the British Library on 14 January 2014. This document has been finally revised by the working group, in the light of feedback from the conference, to serve as a basis for review and decisions by the Academy's member societies about how they might now wish to proceed. It does not directly address the implications for specific forms of research governance, except insofar as the emerging stress on the greater efficiency and effectiveness of encouraging virtue among researchers seems to many to be somewhat at odds

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[2] http://www.acss.org.uk/Ethics/EthicsProjectIntro.htm

with the current preference for anticipatory and rule-oriented regulatory approaches.

This document does not represent a policy position by the Academy, whose role has been limited to facilitating discussions among its member societies. It is for the societies to determine what happens next.

Context

Although the practical and philosophical problems of statements of ethical principles were fully acknowledged, there was widespread agreement that their symbolic function was inescapable. In contemporary societies, publics, sponsors and end-users of research expect to see evidence that ethics are taken seriously by researchers and that there is a professional commitment to continuing reflection and review as new challenges emerge. Statements of principle should not, however, be confused with 'principlism' as it has come to be understood within bioethics. They are not simple checklists but points of orientation, the practical significance of which will depend upon the contingencies of particular situations. The actual decisions taken by researchers must be capable of articulation with reference to these principles in ways that other social scientists find credible. Statements of principle set boundaries of acceptability rather than determining specific protocols. In any given situation, principles may conflict and judgements will be required to balance competing injunctions.

Principles

1. *A free social science, based on a plurality of interests, funding, methods and perspectives, is fundamental to the UK as a democratic society.*

This principle has a much broader application than to research ethics alone. As such, it can sometimes be overlooked in discussions of ethics, and governance, because it speaks to the core mission of all social science disciplines to better inform public debate and public policy actions. However, it is so basic and its implications are so broad that it is important to see it as the starting point for all discussions about research ethics and governance. In particular, it underlines the contrast with the Participant (Patient) Protection Model (PPM) of research ethics that has been established in the biomedical sciences. The PPM prioritizes the rights of participants over all others, including the researcher and society more generally. It attempts to equalize gross asymmetries of knowledge, risk and power, and the consequent opportunities for abuse, by constraining the legitimate actions of researchers. This model reflects the distinct history and experience of those disciplines since the beginnings of institutionalized medical research in the nineteenth century. Early experimental work was frequently conducted with little attention to the potential risks to participants, who were often drawn from poor or otherwise marginalized social groups. Social science research, though, is one of the means by which democratic societies learn about themselves, and others, alongside journalism and the creative arts. It contributes ideas and information to a public realm of debate and policy formation. In that respect, there is necessarily a balance to be struck between respecting the interests of individuals and contributing the most reliable and valid account of some issue to the public domain. Indeed, it might be argued that those participating in a democratic society have a duty to contribute to learning from which they and others may benefit, particularly if this is conducted in ways that minimize their personal risks. Where the PPM places an onus on researchers to demonstrate that participants in their research are knowingly accepting well-managed risks before proceeding with a project, adopting the social science model would place the onus on would-be regulators

to show why research consistent with the following principles should not proceed.

2. *The privacy, autonomy, diversity and dignity of individuals and communities should be respected.*

An appropriate starting point for the discussion of research ethics in the social sciences is to compare it to the societal treatment of journalism and the creative arts rather than to the biomedical sciences. The only exceptions are where the use of 'controlled' experimental methods in disciplines like psychology or economics may create asymmetries analogous to those found in biomedical research. While neither journalism nor the arts is entirely free from regulation in the interests of human subjects, or out of concern for corporate reputations, they begin from a default position that, in a democracy, there is a public interest in maximizing the freedom of speech and inquiry rather than in constraining it. By contrast, the PPM default position in biomedical research is that knowingly creating a risk for one research participant without their consent, for the potential benefit of others, can never be justified.[3] Pursuing the analogy with journalism and the creative arts, we can see that anticipatory controls are rare, except to the extent that employers, sponsors and funders may determine that funds are to be spent on some projects rather than others. However, practitioners are expected to be accountable for their actions and to be able to defend them, if necessary in a court of law, should their work be considered potentially damaging to individuals, defamatory or obscene. Practitioners are expected to make ethical judgements on the fly and encouraged to think about these in a principled way. It is important that practitioners are equipped to

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[3] Even though an over-stringent application of this principle may also have social costs, constraining low-risk research in emergency situations with unconscious patients, for example.

make such decisions as moral agents rather than as followers of *a priori* rules that may not apply to any specific situation.

Recent debates in these fields have highlighted concern about respect for the autonomy and dignity of persons. Under what circumstances is there a public interest in exposing beliefs or actions that someone may not necessarily wish to advertise? If those beliefs or actions are expressed in a setting where there is a reasonable expectation of privacy, should the test be more stringent? Where individuals have a limited capacity to consent to participation in research, but the research could promote improved treatment of that person or group or expose malpractice, are researchers justified in proceeding on the basis of assent to participation or using some degree of deception? An important difference between social scientists and journalists is the former's concern with the general and the typical rather than with the individual, although this is not a hard and fast boundary. The common solution to this problem in the social sciences is to anonymize data derived from individuals and settings because specific identities are not relevant to the analysis and conclusions. However, identities are now being anonymized to a greater extent in some journalism – and some social science research participants may wish to have their voices heard through identification and press actively for this. Conversely, developments in data mining are making it more difficult to guarantee anonymity even in large quantitative data sets. Social scientists must also take account of the sensitivities of interest groups and communities, although this may require careful reflection about who claims to speak for a group, and with what interests in mind.

These are complex issues but, during the symposia debates, no-one advocated the kind of licence that has been observed in some recent UK journalistic practice. Respect is fundamental but it is not determinative in the sense of being

a basis on which projects can be held to be *a priori* admissible or inadmissible. It is always subject to qualification where there is a significant public interest.

3. *All social science research should be carried out to the highest degree of scientific integrity and employ the most appropriate methods consistent with this.*

There is concern about the risks of extending biomedical models of research integrity into the domain of the social sciences, with consequences comparable to the uncritical extension of the PPM. As noted above, the plurality of the social sciences is important so that it is desirable that understandings of scientific integrity reflect this diversity. No-one should defend knowingly second-rate or fraudulent practice, although the standard that it is possible to achieve inevitably reflects the time and resources available. However, it should be clear that the selective reporting or editing of published data, or the manipulation of visual materials, in the interests of anonymisation, may have a different significance in social science research than it does in biomedical sciences. This is where confidence in the virtue of the investigator becomes crucial, in recognizing that changes of details do not necessarily change the inherent reliability and validity of the reported findings. This does not map onto specific social sciences because of the extent to which methodologies and methods cross disciplinary boundaries: a questionnaire survey is a questionnaire survey whether it is done by a sociologist, a political scientist, a geographer or whoever. There is a challenge to define standards in documenting and reporting research that appropriately match this principle to the practice of different ways of doing research.

4. *All social science researchers should acknowledge their social responsibilities*

This principle is linked to the first and the second statements above. If social science is to play a full part in the public fora of democratic societies and to make appropriate judgements on the balance between private and public interests, then its practitioners need to recognize their responsibilities in research practice and reporting. Even where social science is being conducted for private clients, the responsibilities towards participants and integrity do not cease – the work that is being done still has implications for the whole community of social scientists: private abuses can have public consequences. This principle does not require individual social scientists to adopt particular normative positions in the public realm but it does require them to act with integrity in relation to the claims that can reasonably be made from their research and the implications for public debate, policy or practice.

5. *All social science should aim to maximize benefit and minimize harm*
While this may sound 'motherhood and apple pie', it is actually quite a complex principle. It implies some form of rigorous 'risk' and 'impact' assessment. It is certainly not a simple transposition of a 'utilitarian' ethics position. The social scientist must ask which individuals or groups are implicated in the calculus of benefit and harm. This will not necessarily be clear at the start of any particular project, although it is reasonable to expect that consideration will be given to the matter before work commences. Moreover, ideas of benefit and harm are highly contextual: are people with disabilities benefitted more by generous social security payments or by incentives to promote their employment? The former might suggest an equal valuation of all citizens, while the latter might stress the obligation of all citizens who can contribute to the productive capacity of a society to do so. Social science research does not typically seek to answer such normative questions although it may better inform the possible policy choices. Particular consideration needs to be given to the ethics implications of the currently fashionable 'impact agenda' adopted in the UK government's

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current approach to research funding. Are individual research participants being invited to be co-producers of work commissioned to inform policies that could ultimately work to their detriment? If impact is defined in terms of benefit to government or its agents, could the results actually harm those who had collaborated or co-operated in the provision of data?

These five principles are expressed at a high level of generalization and it must be stressed that they provide points of orientation for decision-making in any particular case rather than a set of rules that will yield a specific answer. In Annex 1, we have suggested how they might be taken further in the context of common clauses for ethical codes but this is intended for the present as nothing more than an illustration.

Implications for Research Governance and Ethics Review
The recognition that ethical principles cannot be treated as programming rules for correct actions, but can only be used as points of orientation to inform decision-making in specific contexts, poses considerable challenges for anticipatory approaches to ethical regulation. While these have been acknowledged throughout the process by which this document has been created, reform of research governance was not a central topic. However, the participants welcomed the New Brunswick Declaration[4] and the work reported from Canada by Susan Zimmerman to develop the Tri-Council model in ways that were more sensitive to the differences between the social and the biomedical sciences. They acknowledged the recent report from the US National Research Council proposing reforms to the Common Rule and the

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[4] Van den Hoonaard, Will C. 2013. "The Social and Policy Contexts of the New Brunswick Declaration on Research Ethics, Integrity, and Governance: A Commentary." *Journal of Empirical Research on Human Research Ethics: An International Journal* 8 (2) (April): 104–109. doi:10.1525/jer.2013.8.2.104.

conduct of ethical review by Institutional Review Boards in the US.[5] They also noted the work that was being done by AfRE to develop approaches to governance based on the principles of independence; competence; facilitation; and transparency and accountability, as reflected in the recent publication of the Framework of Policies and Procedures for University Research Ethics Committees.[6] During the symposia, there was keen interest in virtue ethics[7] and a desire to look more closely at what this approach might have to offer, particularly in the education of researchers. A particular attraction of this approach was its focus on equipping researchers to make good decisions during the course of their work, as ethics problems arose, rather than assuming that these could be dealt with remotely by review bodies, whether *propter* or *post hoc.* Review might then concentrate on promoting learning from decisions that came to be seen as mistaken in order to promote good practice rather than as a disciplinary tool. Societies might think it worthwhile to take up the challenge of describing a virtuous researcher and considering how such personal qualities might be fostered by current programmes of postgraduate or post-experience education.

Next Steps

It was generally agreed that the Academy should not, at this time, seek to make a general statement on behalf of all its member societies. Any such statement would need to be founded on more work by the learned societies to further

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[5] National Research Council. (2014). Proposed Revisions to the Common Rule for the Protection of Human Subjects in the Behavioral and Social Sciences. Committee on Revisions to the Common Rule for the Protection of Human Subjects in Research in the Behavioral and Social Sciences. Board on Behavioral, Cognitive, and Sensory Sciences, Committee on National Statistics, Division of Behavioral and Social Sciences and Education. Washington, DC: The National Academies Press. http://bit.ly/1tZrPaL

[6] http://tinyurl.com/pq4tdet

[7] See, for example, Macfarlane, B. (2009) *Researching with Integrity: the ethics of academic enquiry*, Routledge, New York/Abingdon.

develop a consensus. A possible role for the Academy might resemble that of the Uniform Law Commission in the USA. This body develops model statutes in areas where the individual states have jurisdiction and some degree of commonality is thought to be desirable. State legislatures, however, retain the right to modify these models to fit their own circumstances and community values. Where there is widespread agreement, though, the use of standard clauses produces a co-ordinated approach whose clarity on rights and duties benefits both individual and corporate legal actors. Such an approach might be possible in the UK especially if further discussion can be cross-disciplinary, given that this was found to be so productive in the symposia. The development of shared understandings would also help to identify genuine disciplinary differences and how to respond to them.

Four options were identified as potential actions to be taken forward:

1. *Work collectively towards a common code.* A number of societies have already expressed their interest in contributing to such a process, possibly as an adjunct to their existing guidelines. A few societies have said they prefer to continue with their discipline-based approach. Work is being set in hand and it is hoped that other organisations will get involved as it develops.

2. *Work towards common modules.* There was considerable support for the idea of using these five principles as the basis for bringing a shared approach to developing more detailed guidance on particular topics and perhaps partially updating or augmenting existing statements.   Three topics were particularly prominent in this respect: research using social media and big data, reflecting the need for statements to match technological developments; research on 'vulnerable groups', reflecting concern that current statements might be excessively paternalist and over-inclusive, depriving people who could make autonomous decisions of the right to do so; and cross-cultural research particularly with communities where there is a norm of group, rather than

individual, consent, and different understandings of privacy and respect for persons.

3. *Defining the virtuous researcher.* A number of societies were interested in learning more about virtue ethics and thinking about the implications for their members, particularly in relation to their professional formation. It was acknowledged that this would have far-reaching implications for research governance and institutional practices, which it would not be appropriate to address at this point. However, the development of alternative strategies for the promotion of virtue in research practice first required a better understanding of how this might be thought about through a dialogue between social scientists and ethicists. A practice that was emphasised throughout the symposia was the importance of researchers reflecting on their work. This is an aspect of virtue ethics that could perhaps be pursued.

4. *Defining research integrity in the social sciences.* An unanticipated outcome of the discussions was the recognition that it was not helpful to place research ethics and research integrity in distinct silos, as currently tends to be the case, particularly in relation to the social sciences. Participants also identified the threat of having biomedical approaches uncritically imposed on their community, as had occurred with ethics regulation and open access publication. Although the symposia were not designed to discuss what might constitute integrity in the social sciences, this was clearly accepted as one of the five basic principles. As such, it required further thought and elaboration in order to ensure that social scientists were not judged by reference to inappropriate standards in areas like publication ethics and benefitted from some of the wider discussions taking place on issues like the credit properly due to research assistants.

It is important to note that the preference of some societies for option 2 above does not necessarily preclude work on option 1, and could contribute to it. It mainly reflects a different judgement about priorities and the need for a degree of confidence-building between societies. This, modular, approach might still generate a shared statement from the accumulation of work on particular issues that allowed society representatives better to understand each other's concerns and approaches.

While it feels too early for radical change to the existing governance and review procedures, the application of the five principles to create a process more appropriate to the social sciences, could be a long term objective

The Academy has a limited ability to resource any of these actions directly, although the symposia process has demonstrated its capacity to create a forum within which learned societies can interact effectively with each other on behalf of their disciplines. Having defined the possibilities, it is now really for the societies to determine how they would wish to proceed. All of these options could be pursued by groups of societies working together and sharing the costs of doing so, in proportion to their own means and resources. If it is felt useful to have a neutral space or neutral facilitation of discussion, then the Academy could offer a framework for this. However, in our view, this process has now reached a point at which the learned societies, on behalf of their individual members, need to determine for themselves how best to proceed. Members of the working group will continue to facilitate and encourage such discussions as far as they are able.

Annex 1: Possible Model Clauses for Ethics Codes

1. A free social science, based on a plurality of interests, funding, methods and perspectives, is fundamental to a democratic society. (Principle 1)

2. All research participants are entitled to respect for their privacy in private spaces as defined by social, psychological or material barriers. (Principle 2)

3. All research participants are entitled to a presumption of competence and the ability to determine for themselves whether or not to participate in research, on the basis of the fullest information consistent with their level of understanding and with achieving the objective of the research[8]. (Principles 2 and 3)

4. All research participants are entitled to expect that any research that asks for their time, resources or confidences will have been designed in accordance with the highest relevant scientific and professional standards. (Principle 3)

5. All research participants are entitled to expect that information derived from access to private spaces as defined above will remain anonymous and confidential unless they have specifically consented to its release. Where information is derived from publicly accessible sources or spaces, all research participants are entitled to expect that it will not knowingly be used in ways that will compromise their interests, reputations or civil status. (Principle 2)

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[8] It is acknowledged that this is not fully consistent with the current position under the Mental Capacity Act 2005. However, it is arguable that this statute itself incorporates an inappropriate generalization of the PPM model. This model clause should be a basis for arguments about the drafting when the opportunity for reform next arises.

6. All social science researchers should acknowledge their responsibility for ensuring, so far as it lies within their power to do so, that the results of their work are communicated in terms that are consistent with the basic validity and reliability of their data and do not unjustifiably compromise the interests, reputations or civil status of the participants in their research. (Principle 4)

7. All social science researchers should conduct their investigations in such a manner as to maximize the reasonably foreseeable benefits to individuals and society and to minimize the reasonably foreseeable harms to individuals and society. (Principle 5)

Although research governance was not a central concern of the symposia, we offer, for completeness, the following model clauses on ethical review and research governance.

8. The application to specific cases of these and such other discipline-specific principles as may be established may properly be a matter for proportionate, peer-led review that balances the value of free inquiry in a democratic society with respect for the privacy, competence, and confidentiality of participants. Such review should be clearly distinguished from any review in the interests of the reputation or legal liabilities of an institution or employing organization.

9. Any institutionalized process of ethics review shall conform to the basic expectations of due process in that its decision-making shall be timely, transparent and proportionate. Where researchers are asked to modify designs, they shall always be given a written statement of reasons, an opportunity to make their case in person and a route of appeal to an independent panel separate from those involved in the original decision.