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This is an author produced version of a paper published in

Evidence & Policy (ISSN 1744-2648, eISSN 1744-2656)

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Citation Details

Citation for the version of the work held in 'OpenAIR@RGU':

SPICKER, P., 2007. The ethics of policy research. Available from <i>OpenAIR@RGU</i>. [online]. Available from: http://openair.rgu.ac.uk

Citation for the publisher's version:

SPICKER, P., 2007. The ethics of policy research. <i>Evidence & Policy</i>, 3 (1), pp. 99-118.

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("This is a post-peer-review, pre-copy edited version of an article published in [Evidence and Policy]. The definitive publisher-authenticated version [SPICKER, P., 2007. The ethics of policy research. Evidence & Policy, 3 (1), pp. 99-118.] is available online at: <http://dx.doi.org/10.1332/174426407779702148>")

The ethics of policy research

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published in *Evidence and Policy* 2007 3(1) pp 99-118

Abstract. Codes of ethics governing research in social science have tended to focus on the rights of participants in research. This focus is too narrow to be an effective guide for ethical policy research. Some typical problems concern the development of organisational research, research in the public domain, and conflicts between the rights of participants and others. Policy research needs to be guided by standards related to professional practice in policy, public accountability and general principles related to the promotion of welfare.

Policy research is a broad field of study, concerned both with research about policy - what it is and how it works - and research for policy. The characteristic mode of operation of empirical research into public policy is its application to practice. Policy research is research for a purpose. Typically, it deals with complex, multi-dimensional problems. Because it is a moral and political activity, it is value-laden. (Majchrzak, 1984) Necessarily and inevitably, the work has important ethical dimensions.

There are no generally accepted ethical standards for policy research. Policy research is multi-disciplinary - it is difficult to know where agreed standards would come from - and in any case many researchers in the field come originally from other disciplines, and would normally refer to their home discipline for guidance. Unsurprisingly, then, the criteria which are likely to be applied tend - like much else in policy studies - to be an eclectic set of borrowed principles and guidelines. In the absence of clear, unequivocal standards, the trend has been to take ethical guidance "off the peg". Commissioning agencies tend to refer by default to the codes prepared by bodies like the Social Research Association or the standards used in medical research, as expressed in decisions by NHS Research Ethics Committees.

In their nature, these published codes have to depend on a degree of generalisation - an attempt to frame their advice in terms which can be applied across a wide range of circumstances. Because policy research covers a wide range of methods and approaches, it can test these guidelines to the limits, and beyond. This paper examines some of the main issues where conflict occurs.

Ethical codes in social science research

Research is a very diverse concept. It can include direct empirical information gathering, such as interviewing or observation, but it also includes secondary analysis, scholarship (work based in records, secondary sources and critical appraisal) and review of material. Any of these very disparate activities can have ethical dimensions, and consequently the guidance prepared for research ethics in different fields has to cover a huge range of potential activity

There are many codes of ethics governing research within different spheres and disciplines. The relevant codes which I have considered for this paper include

- The Association of Social Anthropologists of the UK and the Commonwealth
- British Educational Research Association
- British Psychological Association
- British Society of Criminology
- British Sociological Association
- ESRC Research Ethics Framework
- MRC guidance on a range of ethical issues
- the RESPECT code of practice for socio-economic research
- The Socio Legal Studies Association, and
- the Social Research Association.

The selection is based on their relevance to research on public policy. This is not a comprehensive list, but in a literature which contains examples of ethical guidelines governing research into fisheries or electrical engineering (Sharader-Frechette, 1994), a line has to be drawn somewhere.

The leading schools of thought in the study of ethics approach the question of whether an action is ethical in very different ways. The most important are consequentialist and deontological ethics. *Consequentialist* views identify what is good in terms of the consequences of an action, or perceptions about consequences. Improving welfare, benefiting society, or avoiding harm to people, are consequentialist principles. *Deontological* views begin with a statement of what is right and what is wrong. Actions are right and wrong, not because they have good or bad consequences, but because there is something about the action which is intrinsically moral or immoral. Most ethical codes are deontological in form, and stated in terms of the obligations of the researcher rather than the implications of the researcher's actions. Principles like confidentiality, informed consent and respect for persons are deontological; they may or may not have good consequences, but they are there because they are seen as the right thing to do.

Codes of ethics are not, for the most part, detailed, considered discussions of ethical ideas. They have to identify appropriate principles, rules, guidelines or procedures. Even if there are alternative views, an effective code has to offer some direction. Some codes, in consequence, lean to a third approach to ethical conduct, known as *virtue ethics*. Virtue ethics is based in the kind of action which is done by someone with the right approach, rather than with actions that are right or wrong in themselves. Ethical conduct is construed in some codes as the kind of conduct which will be done by a well-trained researcher in the discipline, but this is not just a question of rules, rights or duties. Virtue ethics in research tend to put weight, not on rules, but on giving thought to issues, the consideration of conflicting factors, and deliberation.

In general terms, the kinds of ethical consideration which are included in the published codes are of four kinds. The first elements are concerned with the *impact* of the research. They consider

- the potential implications of research for participants
- the potential implications of research for non-participants, and
- the uses to which research can be put.

The second set of guidelines are rules covering the *treatment of participants*. They include

- informed consent
- confidentiality and anonymity, and
- special consideration of vulnerable respondents

Third, there are *disciplinary considerations*. Researchers are enjoined to

- maintain research of high quality
- display competence
- act responsibly towards others in their field, and
- advance their discipline

Fourth, there are rules concerning *research relationships*. These include

- the responsibilities of the researcher to the body commissioning the research,
- responsibilities to the host institution,
- commitments to fellow researchers, and
- integrity in dealing with participants and stakeholders.

This is a lengthy agenda, and it is not possible to consider it all here. Some aspects, like integrity, are relatively uncontroversial; few people would want to defend bad faith or corrupt practice. Others are more disputable. I am not convinced that research is unethical if it is beyond the competence of the researchers before they start work (British Sociological Association, 2002, s 7; cf Department of Health, 2005, s 3.2) - I suspect that most of us begin from a position of limited competence, and learn from our mistakes. Insisting on competence before engagement would make many student projects or courses based on experiential learning unethical, it limits the scope for exploratory projects led by junior researchers, and it would probably stop researchers from mentoring participative and capacity-building projects by community groups who are new to research, which is work I have done myself (Dundee Anti-Poverty Forum; 2003; Moray Against Poverty, 2004). It is very questionable, too, whether researchers have an ethical obligation to “ensure that research is undertaken to the highest possible methodological standard “ or to “seek to avoid contractual/financial arrangements which emphasise speed and economy at the expense of good quality research.” (British Society of Criminology, 2003, s.5(iii)) Good practice in research usually means that more ways of looking at a problem are better than fewer ways, and that steps should be taken to find out what is not true as well as what is. That means that research is almost always extendable, and if there is more money, a project can always be done better. Frankly, if we only did research to the highest possible standard, without making concessions to time or resources, nothing would ever be finished.

These problems, however, apply to any social science research, not just policy research. The most important problems for policy research are presented, in my view, by the procedural rules adopted in the name of a deontological, rights-based approach to research - principles such as confidentiality, voluntary participation and informed consent. These issues are examined in more detail in the sections which follow.

The treatment of human subjects

Much of the literature on the ethics of research focuses on a specific aspect of research, which is the treatment of human subjects. Restrictions on dealing with human subjects have been strongly influenced by the experience of medical care, and the abuse of medical research; the Nuremberg Code was developed as a response to the abuse of research in Nazi Germany (see Kimmel, 1996, ch 2). Some of the work done in policy research relates to medical

intervention; in some cases, as in medical care, the role of the researcher can interfere with the responsibilities of the practitioner, and where the demands of the research take priority, there is a risk that respondents may be misled or exploited (Iphofen, 2005).

Many ethical issues, including issues of rights, sensitivities, imbalances of power and moral duties, relate to people at the individual level. The rights of research subjects are principally understood, in consequence, in terms of the principles of liberal individualism. J S Mill made the case that:

‘The only part of the conduct of any one, for which he is amenable to society, is that which concerns others. In the part which merely concerns himself, his independence is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign.’ (Mill, 1859, p 135)

Although the individual is “sovereign”, this comes with an important rider. The individual is sovereign in the area which is private to his or her self. The definition of the private sphere is crucial to the exercise of those rights. “Rights to privacy”, Rössler concludes, “are rights to be able to control access by others.” (Rössler, 2005, p 72.) The same principle is clearly set out in the Australian National Health and Medical Research Council’s guidance:

“Individuals have a sphere of life from which they should be able to exclude any intrusion ... A major application of the concept of privacy is information privacy: the interest of a person in controlling access to and use of any information personal to that person.”(NHMRC, part 18).

Principles like voluntary participation, informed consent or confidentiality depend on the idea that decisions about what information can be used rest with the individual subject - or, in other words, that they rest in the private sphere.

Information privacy, however, only relates to certain kinds of information - that is, information which is personal, subject to the control of the individual affected, and not defined as public for other reasons. This is a special case, and the tendency in published codes has been to over-generalise. Sometimes policy research is research into organisations, institutions, and social and political roles. Sometimes it is concerned with public behaviour, such as community involvement or political action. This is still classified as research with human subjects, because the respondents are human. But the rules which apply in these circumstances cannot be the same as those which apply to people individually.

Voluntary participation and informed consent

The principle of “informed consent” puts the issue of control in the hands of the research participant. The information is necessary for consent to be meaningful, but the emphasis falls on the nature of consent itself. Some institutions begin from a presumption that explicit, signed consent is the normal expectation (see ESRC, 2005, s 1.9.4) - a procedure which is itself problematic if confidentiality is to be maintained. I want, however, to step back from the issues about the management of information and consent which tend to dominate ethical scrutiny in practice, and ask whether voluntary consent to participation itself is always appropriate.

The ESRC Research Ethics Framework states that “Research participants must participate in a voluntary way, free from any coercion.” (ESRC, 2005, 3.2.4) This is reasonable in circumstances where people are responding as individuals about their own situation. It is

much less reasonable in other contexts. Organisational research is an obvious and necessary exception. Organisations cannot speak or write letters, put up a website, or even silently leave their records on the desk; officials have to do it on their behalf. Usually, in organisational research, particular officers are invited or nominated to respond on behalf of the organisation. Their role within the organisation is the sole and only reason for their participation. But in so far as their participation is determined by that role, it is neither fully voluntary nor free from coercion. Common constraints include

- *constraints from contractual relationships.* Organisational research depends heavily on the work of people within organisations, many of whom are subject to direction.
- *constraints relating to organisational roles.* Organisations are at liberty to collaborate with research or not; but their individual officers - the humans in the process - are constrained by their organisational responsibilities. The spokesperson for an organisation is consequently not a truly voluntary participant, though the constraints are exercised by their employer, not directly by the researcher. Non-cooperation would necessarily be reported to the agency and the employee would be subject to the same constraints as they would if the research took place within the organisation. In those circumstances the enquiry is no more unethical than an employer's insistence on cooperation would be.
- *legal restrictions.* In the field of public policy, individuals are increasingly subject to legal constraints. The main legislation in the UK is now the Freedom of Information Act, but there are other examples of legislative constraint - for example, checking whether agencies have met requirements to provide information to the public (as in Spicker, 1984).

Constraint, pressure and restriction of people's freedom of action is part of the normal context of public policy. Identifying and responding to such pressures is a normal and unavoidable part of the research process. An ethical position requires these issues to be balanced with other considerations, but they are not an obstacle to research in its own right.

Another exception is work relating to public service. The British Sociological Association states that "Research participants should be made aware of their right to refuse permission whenever and for whatever reason they wish." (British Sociological Association, 2002, s 17) There is no such right. If there was, it would be unethical to make comment on the political motivation of government ministers in making policy, because ministers are human beings who have the right to give or deny consent. It would also be unethical for researchers ever to seek disclosure of information under the Freedom of Information Act, because that Act requires participants to comply with requests for information.

The idea that people have the right to decide whether to participate in research is not invariably wrong, but it is over-generalised. Some ethical codes recognise these restrictions in part. For example, the Australian Sociological Association says:

"Wherever possible and appropriate, informed consent should be sought from those individuals or social groupings directly involved in the research to be undertaken. ... Thus, sociologists should make it clear to research participants from whom formal consent has been obtained that they may withdraw that consent at any time without personal consequences or penalty. It should be noted however, that certain individuals (e.g. public servants) have a legally defined duty to provide information to the public." (Australian Sociological Association, n.d., s.28)

The advice of the Canadian Tri-Boards is that

"Consent is not required from organizations such as corporations or governments for research about their institutions" (Government of Canada, 2003, section G).

Confidentiality and anonymity

The British Education Research Association begins with a presumption of confidentiality:

"Informants and participants have a right to remain anonymous. This right should be respected when no clear understanding to the contrary has been reached. ... However, participants should also be made aware that in certain situations anonymity cannot be achieved." (British Educational Research Association, 1992, s 13)

This can be justified as a starting position for much educational research, where, even if the research is set in an institutional context, many of the subjects are specially vulnerable. But it is not applicable throughout the field of education, and it is much less applicable to policy research in general. People in public roles are publicly accountable. Examples include politicians, public officials, and people in positions of public trust. There are some circumstances in which organisations are treated anonymously, for example in particularly sensitive consultations, but this is the exception rather than the rule; organisations are usually identified explicitly, quotes are attributed and often a full list of those responding is given in an appendix. (Officials in such circumstances are generally informed prior to interview that they are speaking on the record, for public communication. If an official indicated that he or she wished to speak "off the record", I think the normal practice would be to say that information conveyed in a personal capacity could not be used within the research.)

The Social Research Association presents confidentiality as a general rule.

"It is the task of the researcher to maintain principles of confidentiality as far as possible so that the interests of subjects are protected ... Research data are unconcerned with individual identities. They are collected to answer questions such as 'how many' or 'what proportion', not 'who'. The identities or records of cooperating (or non-cooperating) subjects must therefore be kept confidential, whether or not confidentiality has been pledged.... Social researchers should take appropriate measures to prevent their data from being published or otherwise released in a form that would allow any subject's identity to be disclosed or inferred." (Social Research Association, 2003, s 4, s 4.6)

The assumptions behind this seem to be that the subjects are individuals, that they are entitled to confidentiality, that data are being analysed numerically, and that research is based on the aggregation of results. The SRA has sought to treat these special circumstances as the basis for general propositions. But if the subject of research is an institution (such as a local authority), if the research is qualitative and based in specific roles, or the research is intensive, the generalisations do not apply.

The British Sociological Association, while it recognises that confidentiality is generally desirable, qualifies the statement:

"There may be fewer compelling grounds for extending guarantees of privacy or confidentiality to public organisations, collectivities, governments, officials or agencies than to individuals or small groups." (BSA, 2002, s.39)

This recognises, as the exceptions to the rules about consent to participation recognise, that there is something about these circumstances that is different from work with individuals.

None of the codes, however, explains clearly and directly what the basis for the difference is.

The public and private spheres

The British Society of Criminology states that researchers should

“base research on the freely given informed consent of those studied in all but exceptional circumstances. (Exceptional in this context relates to the exceptional importance of the topic rather than difficulty of gaining access.)” (British Society of Criminology, 2003)

This is, on the face of the matter, an astonishing restriction. It would mean, if taken literally, that criminologists do not have the right to observe or report on the process of criminal trials unless they have obtained the consent of judge, lawyers, accused, jury, court officials - even, where it is recorded in the research, the public in the gallery - and discussed how the research is to be used. This is not, of course, what the rule intends, and presumably it is not what the BSC means. The rule is not self-evidently wrong; it is just the wrong rule for this context.

There are many circumstances in which participants in research do not consent to it, and do not necessarily have any right to give or deny consent. Here are a few examples:

- criticisms of government
- collating of press reports
- reporting legal cases
- using census data to make a case for policy, or
- citing other work which does the same.

These activities all fall into the public domain. The public domain is the sphere of published material, the media, and - critically for policy research - government. Information in the public sphere is not under the control of the people who issue it, or who it relates to. That does not mean that it is wholly common property - there are still some restrictions on the use of intellectual property and broadcast material - but that others have a right to use it.

Research undertaken in the public domain does not require informed consent, or any other sort of consent, from human subjects. It is research which the researcher, as a member of the public, has the right to undertake. The Canadian Tri-Boards suggest that

“REBs (research ethics boards) should recognize that certain types of research - particularly biographies, artistic criticism or public policy research - may legitimately have a negative effect on organizations or on public figures in, for example, politics, the arts or business. Such research does not require the consent of the subject ...” (Government of Canada, 2003, section G)

Although the distinction between public and private has been recognised in the literature on research ethics (Homan, 1991, ch 3), most published codes tend to be vague about the distinction. The Social Research Association mentions it explicitly (SRA, 2003 p.33), but several recognise it only implicitly or in passing. The MRC applies its guidelines to personal information about patients (MRC, 2000), not to all information in all research. This suggests, without explaining the rationale, that the rules for considering health services or the organisation of health care are different. The Association of Social Anthropologists notes that “Care should be taken not to infringe uninvited upon the ‘private space’ (as locally defined) of an individual or group.” (ASA, s.5a) The ESRC checklist, to take another example, asks “will it be necessary for participants to take part in the study without their knowledge and consent at the time? (e.g. covert observation of people in non-public

places).”(ESRC 2005, p.34) The example in brackets shows what the authors of the guidelines are thinking of.

The public and private spheres can be hard to define in practice. People do private things in the public domain (like exchanging intimate comments); they could reasonably take exception if a researcher was to monitor their behaviour. Sometimes people do public things in the private domain, like cutting political deals at a dinner party: they cannot take exception if the information becomes public. Sometimes people cannot tell the two domains apart, like politicians who accept gifts of holidays; the position of corporations is controversial, with some public organisations claiming the same rights as private citizens. And the distinction between public and private differs in different countries: for example, individual tax returns are considered public in Sweden but private in the UK (cf Homan, 1991, 41).

The importance of the distinction is that the ethical rules which apply to public and private spheres are different. Many private actions are of public interest - issues like nutrition, family care, sexuality or physical capacity have implications for public policy - but it is difficult to think of circumstances in these fields where research in non-public settings undertaken without the consent of the subjects would be considered legitimate. Conversely, it may happen that some actions have public implications - such as criminal behaviour on the part of a research participant. The US Office for Protection from Research Risks, cited by the SRA, states that people who are observed in public are not entitled to have consent sought *unless* they are in circumstances where “any disclosure of the human subjects’ responses outside the research could reasonably place the subjects at risk of criminal or civil liability ...” (SRA 2003, p 33.) People are most usually at risk of “criminal or civil liability” when they break the law or breach the rights of others. This statement implies that revealing the issues depends on the consent of the perpetrator. But if a researcher sees a violation of human rights, there is nothing intrinsic in the rights of the research subject that says that the researcher should maintain silence or confidentiality, or that the researcher must become complicit in the crime. This is not just over-generalised; it is morally wrong.

The mistake that has been made here stems, I think, from the inappropriate extension of the norms from the private sphere to the public sphere. In the private sphere, the principal norms relate to the rights of the individual - though even in those circumstances, there may be a conflict between the rights of the research participant and other research subjects. The codes cited are constructing the issues as if they depended primarily on the relationship between the researcher and the participant. In the public sphere - and criminal activity has been socially defined as behaviour which falls in the public sphere - the primary moral tests stem from social relationships. There is no right which allows a research subject to persecute another human. There is no right to act in a racist manner. There is no right to commit murder. If the researcher does have an obligation, it is not the duty to protect the research subject, but to protect the people who are suffering.

Determining whether or not an action is private or public is crucial to the question of how it should be approached. Policy research, as a field of activity, is primarily set in the public sphere, but aspects of the work do reach into the private sphere. Because the rules for public and private domains are different, there cannot be a single rule for policy research governing issues of consent, confidentiality or voluntary participation that applies to every case. Disputes about the ethical rules which apply tend, consequently, to become disputes about the

dividing line between public and private. An example might be domestic violence, which used to be thought of as a private matter, but which has come to be considered as public. That shift is central to research, because research on this issue rarely seeks the consent of both parties. If information about human subjects is subject to their consent, and one person is making a statement about another - for example, a wife talking about the violence of her husband - the consent of the participant is not, morally speaking, enough. If the information is private, the consent of both parties would be needed for it to be used. Some areas, like the study of policing, can be particularly problematic, because the nature of police action often involves intervention in people's private sphere in order to examine whether their actions ought to be made public. The potential to apply the wrong set of principles, and the difficulty of identifying the boundaries, means that researchers working in the field of public policy need to be aware of the dimensions of both spheres.

The rights of participants

In most published codes of ethics, the interests of research participants are treated as primary. The terms "participant" and "subject" are often treated as equivalent (e.g. Kimmel, 1996, 38), though they are not the same - sometimes the contribution of participants relates to the circumstances of other people (Homan, 1991, 121). The MRC suggests that "participants' interests must prevail over those of science and society, where there is conflict." (Medical Research Council, 2005) In the context of medical care, the presumption is defensible. Medical research is a field where work in the private sphere is the norm, rather than the exception; and the effect of elevating scientific discovery or social benefit over people's rights in their bodies is to give the researcher the power, not just to invade a person's private sphere, but to violate the most basic human rights of the research subject, including the right to life. However, when the same principle is extended beyond the field of medical care, it becomes much more questionable. Research in the social sciences - including, for example, sociology, politics, economics, criminology, anthropology or social policy - is not concerned solely, or even primarily, with the position of individuals; necessarily, the social sciences place people in a social context. The Association of Social Anthropologists suggests that "most anthropologists would maintain that their paramount obligation is to their research participants and that where there is conflict, the interests and rights of those studied should come first." (Association of Social Anthropologists, n.d., s.1.1.a). Once social relationships are considered, the obligation to participants cannot be "paramount"; it has to be balanced with other moral considerations.

Researchers have obligations of two kinds, particular and general. Particular rules arise because, in the course of research, undertakings are given to particular people - to commissioning agencies, stakeholders and respondents. Codes of ethics tend to be acutely aware of the importance of integrity. Where people are promised anonymity, or that their responses will be treated in a certain way, those promises should be kept, or they should not have been made. (There are still exceptions; assuring someone that statements about relationships with research subjects should be confidential is not a statement of the researcher's preparedness to become complicit in human trafficking or the drugs trade.) But even where confidentiality is accepted, that is not the same as saying that people are generally entitled to be treated that way. There are many cases where these principles do not apply - for example, where the actions of the research participant affect other people, where those actions are undertaken by virtue of a public role or when the actions are public in nature.

General rights apply universally to everyone. Those rights include not just the rights of research participants, or even participants and research subjects, but the rights of other people. There are many circumstances in which research may reveal the abuse of rights. Examples include studies of criminal behaviour, like street violence; studies of anti-social activity, like organized racism; or studies in which one party exploits or abuses another, such as abuse in residential care. This is not just about research. People have human rights - rights not to be killed, not to be made to suffer pain. They do not have rights to kill other people, to inflict pain on them, to threaten violence, or not to be reported to the police.

Because many guides focus on particular rather than general rights, they tend to give the impression that the rights and interests of participants should be the researcher's main concern. The British Society of Criminology states that "researchers should recognise that they have a responsibility to ensure that the physical, social and psychological well-being of an individual participating in research is not adversely affected by participation in the research ... Researchers should strive to protect the rights of those they study, their interests, sensitivities and privacy. ." (British Society of Criminology, 2003, s 4.i; cf BSA, 2002, s.13). The message is coupled with suggestions that confidentiality should be maintained, or even that it may be imprudent to record some kinds of information. I have made the case that there are other moral issues to consider. The issues raised in research may not only affect the participants in the research: indeed, if the research is being done for the purposes of policy, the issues *always* go beyond the participants. The rights of participants cannot be a sufficient guide to ethical conduct in themselves, because a procedure adopted in disregard of the consequences to others cannot be ethical. Individual rights still have their place, but they have to be balanced with the rights of other people.

Ethical principles in policy research

There are many circumstances where broadly-based deontological generalisations about ethical principles do not apply to policy research in practice. The central problem is not that the principles are intrinsically misconceived, but that they do not apply to many cases. I have pointed to three common circumstances in which some widely accepted rules are over-generalised and inappropriate. These are organisational research, research in the public domain, and conflicts between the rights of participants and others. It would be possible to propose simple, supplementary rules which would apply to the most common sources of conflict. In this section, however, I want to take a more generalised view, looking for the principles beneath these exceptions.

Research and practice

Policy research is a field of study rather than a discipline, and although some research has come to underpin a great deal of work in the field, there is no "basic" or "fundamental" approach to research of the type one can identify in many social sciences. This means, among other things, that research for policy can be understood as a form of practice, and research about policy is subject to the same kind of ethical considerations as practice in the field. If something is illegitimate in practice - like racism - it is also illegitimate in research. The "quest for knowledge" is not a sufficient ground to breach that ethical principle.

The American Society for Public Administration outlines the kind of ethical principles which apply generally to public service. Their Code of Ethics establishes general principles, including requirements to

- serve the public interest
- uphold the law, including “constitutional principles of equality, fairness, representativeness, responsiveness and due process”;
- demonstrate personal integrity
- promote ethical organizations, and
- strive for professional excellence. (American Society for Public Administration, 2005)

These principles are not drawn up with research in mind, but there is nothing in them that cannot be applied to policy research, which is often a form of practice in itself, as well as to other areas.

Public policy is a wide-ranging field, but I think it is possible to point to some widely accepted principles:

- that each person should be respected;
- that people should be treated as ends in themselves, rather than means;
- that their rights should be respected to the greatest degree possible, and
- that the work of the public policy analyst should not lend itself to procedures which are offensive, degrading or detrimental to people’s welfare.

These are the values of liberal individualism. The values are generally accepted in the sense that, even if many practitioners would want to go further - for example, moving towards the redress of disadvantage - they provide at least a common foundation. But many practitioners and researchers in the field would argue these values can only be applied meaningfully in a social context. That applies as much in research as it does in public service.

Public accountability

Social research also has a critical function. Public scrutiny is essential for democracy to work, and public accountability is itself an ethical principle. The issues about consent and the public domain do not depend solely on the idea that consent is unnecessary. The nature of the public domain implies that the demand that someone should seek consent before undertaking certain kinds of public action - for example, criticising the government, or using publicly available material - would itself be improper. In a democracy, if someone is functioning in a public role, that person is subject to public examination and criticism in that role, whether they like it or not.

The importance of public scrutiny also rests behind another essential element in policy research, which is the development of research as a means of engaging people in democratic processes. Research has become a key method in developing voice and empowerment in disadvantaged groups. Janet Finch argues that qualitative techniques can “reflect the perspective of the relatively powerless ... and reflect a view of social change and social reform from below rather than from above.” (Finch, 1986, pp 226-7) This is in itself an ethical position. INVOLVE has criticised the role of Research Ethics Committees in health services research:

“We are aware of a number of research proposals which we regarded as having good quality involvement that encountered difficulties because of the perceptions of RECs

as to the vulnerability and capability of the active participants. What those committees have probably regarded as appropriate protective considerations have often been seen by those who are the subject of ethic review decisions as being overly paternalistic, ill informed and disempowering.” (INVOLVE, 2004, p 1)

A commitment to empowerment is closely compatible with the principles outlined for practice in public policy; if it is ethical for that purpose, it is ethical for research.

The American Political Science Association (APSA, 1998, p 26) takes a very robust view about the rights of public officials in research programmes; for the most part, they don't have them. They refer to the US Federal Policy for the Protection of Human Subjects, which states that

"research activities in which the only involvement of human subjects will be in one or more of the following categories are exempt from this policy:

(3) Research involving ... survey procedures, interview procedures, or observation of public behavior .. if:

(i) the human subjects are elected or appointed public officials or candidates for public office; ...

(5) Research and demonstration projects which are conducted by or subject to the approval of Department or Agency heads, and which are designed to study, evaluate, or otherwise examine:

(i) public benefit or service programs;

(ii) procedures for obtaining benefits or services under those programs;

(iii) possible changes in or alternatives to those programs or procedures; or

(iv) possible changes in methods or levels of payment for benefits or services under those programs." (US Department of Health and Human Services, 2005)

The blanket exemption provided for here goes further than I would wish to defend - it seems to imply almost that public scrutiny is beyond ethical consideration. That cannot be right. Regrettably, so much has been made of the principle of informed consent that other equally important ethical principles, like integrity and awareness of the consequences of research, have not been adequately considered. These guidelines demonstrate the problem; people know that there is a distinction between public and private activities, and they know that the rules for engagement with human subjects cannot sensibly be applied to issues in government, but they tend to be lazy about it, because after all no-one really wants to challenge the principle. The changing environment of research governance means that this can no longer be relied on. We need to be much more explicit about what the rules should be. The general principle it means to adopt is that public organisations are liable to scrutiny, that they need to be open to examination, and that public officials cannot hide from scrutiny behind rules intended for a different sort of research.

The promotion of welfare

The third general principle to address is the promotion of welfare. This is a consequentialist rather than a deontological principle, and that tends to run counter to the spirit of many published codes. But applied policy research might reasonably be expected to lean to consequentialism, partly because the kind of work done in public policy has social and

political consequences of a sort which are much less likely to be true of most social research, and partly because the defining purpose of applied policy research is its concern with the practical implications of policy actions.

The general principles of avoiding harm are usually referred to under the heading of “beneficence”. The RESPECT code suggests

“It should be an overriding aim of socio-economic research that the results should benefit society, either directly or by generally improving human knowledge and understanding. It follows from this aim that in the conduct of the research, researchers should aim to avoid or minimise social harm to groups and individuals. With this in mind, socio-economic researchers and their funders should reflect on the consequences of participation in the research for all research subjects and stakeholders.”(Respect Project, 2004)

Decisions about consequences may begin with the details of a project, but they cannot end there. The first step is a simple assessment of costs and benefits, taking into account the effects of research on participants and others. (To avoid potential confusion, I should explain that I am not advocating a calculation of the kind made in cost-benefit analysis - the benefits for one person do not cancel out the costs to another. We need to be aware of both.) The costs of research to participants include problems of time, effort, and distress. Most research codes are, rightly, fully aware of that. But there may also be benefits. Participation in research can be a form of generalised reciprocity (see Titmuss, 1971) Many service users in areas like mental health, services for old people or schools expect, hope or fear that they will not to be receiving the service in a few years’ time. But people see participation as a way of putting something back, as a way of making a return to those who have gone before them, as a way of helping others, and just possibly helping themselves. Another benefit is voice. A common experience of policy research is that it gives people a say in policy processes. Empowerment is closely related: people who are disadvantaged or relatively powerless may gain the opportunity to influence processes. This has been particularly influential in studies with vulnerable people with learning disability or mental illness (e.g. Ramcharan et al, 1997; Rogers et al, 1993).

Necessarily, the identification of costs and benefits has to be prospective: “the *potential* for harm must always be considered and balanced against the *potential* for benefit.” (Iphofen, 2005). This implies a second kind of assessment of consequences, based in risk and vulnerability. Risk refers to possible outcomes - the probability of negative or positive consequences. Vulnerability is the extent of harm which is experienced when those consequences are realised. Ethical codes have given considerable weight to people in vulnerable categories, such as children and people with mental disorders. There is a tension between those restrictions and issues of empowerment, and sometimes inclusion of the views of vulnerable people is essential - so, for example, when I conducted a consultative exercise on the design of schools, the consultation properly included elected pupil representatives and the pupils for whom they were speaking. (Spicker, 2003). The central test of vulnerability is what harm might be caused; it is not a precautionary principle which states that vulnerable people must always be avoided.

Even where harm might be caused, however, that is not a good enough reason not to do some kinds of research work. Some areas of research are in sensitive and difficult areas. Some research is potentially distressing to the participants. That does not mean it should not be

done; it means that the researcher needs to be aware of the situation, and establish how it can best be dealt with. Equally, some research has the potential seriously to damage the interests of participants. One of the staple activities of policy research is organisational evaluation. Evaluation is a sensitive, highly political activity. Projects are funded for limited periods, an evaluation is commissioned to see what the impact of the project has been. The evaluation will influence whether or not the project continues to be funded, whether similar projects might be done, and whether the workers will be employed on the same terms. In almost every case, the project will have done something useful - it would be deeply worrying if it had not - and the project workers probably believe in what they are doing, because if they did not think it was worthwhile they would probably have done something else - but saying it does some good is not necessarily enough to justify it. For example, the evaluator may still have to determine whether it has given value for money. There is the possibility that the evaluation will be negative, that the service will be discontinued, and that the workers will lose their jobs. If evaluations were not capable of returning negative comments, or suggesting that there were better alternatives, they would not be worth commissioning. Researchers who want to avoid pain and conflict would be wise to do something else with their time.

Although the idea of beneficence is, at times, understood narrowly, and related only to research participants, its implications are much wider. The guiding consideration for researchers working in the field of public policy is whether the research serves the public trust. And that rather imprecise formula introduces a third set of moral considerations, invoking a range of possible consequences - economic, social and political - which might need to be taken into account in research ethics. All policy research has wider implications than the research programme alone, and the consequences of any research project need to be considered as an intrinsic part of the activity. For the purposes of policy research, conventional rights-based approaches hardly begin to consider the ethical implications of research for the wider society. They include

- the implications for policy,
- conformity with other moral codes (such as equality, opposition to racism or respect for humanity), and
- a commitment to benefit the wider society.

These are all potentially political considerations. They are not exclusive to policy research - it could be argued that they have as much impact on other social science disciplines, which should be much more aware of them - but they are characteristic, and any code of ethics which fails to take account of them is not an adequate guide for policy research.

Ethical review and policy research

There has been a flurry of activity recently in the development of ethical scrutiny in university research. Part of the pressure comes from the field; agencies commissioning research have become increasingly concerned to ensure that research stands up to ethical tests, and tender briefs are beginning to require ethical statements instead of merely tolerating them. Part comes from the academic sector: the ESRC's procedures for instituting ethical scrutiny have reinforced the identification of research ethics with issues of research governance. (ESRC, 2005).

The codes of ethics drawn up by professional associations are guidelines, rather than rules. The Social Research Association begins with a clear statement of purpose:

“no declaration could successfully impose a rigid set of rules to which social researchers everywhere should be expected to adhere, and this document does not attempt to do so. The aim of these guidelines is to enable the social researcher’s individual ethical judgments and decisions to be informed by shared values and experience, rather than to be imposed by the profession.” (SRA, 2003, 10.)

The methods which are used to scrutinise ethical procedure, however, are not necessarily designed to take such qualifications into account. Research Ethics Committees routinely use the nostrums of ethical codes as if they were rules; principles like informed consent, voluntary participation or confidentiality are taken for granted. Hammersley is critical of the role of ethics committees: they are supposed to operate

“as if making research decisions were a matter of applying a coherent set of ethical rules that do not conflict with any other considerations, or that override them, and that good decisions can be made without having much contextual knowledge.”

(Hammersley, 2006, p.6)

Where ethical codes attempt to offer virtue-based guidance, rather than deontological principles, they are likely to be overridden by the demand for clarity, consistency and predictability in research governance.

There would be problems with any such system, but the problems are compounded by the kinds of principle which are being applied. The pattern of activity contained in the published codes largely assumes that research is being undertaken in the private sphere, that it is being done with individuals, and that the researcher’s primary duty is to the research subjects. Research in public policy is far more commonly undertaken in the public domain, it relates to social and public roles, and the primary duty of the researcher is to other people. The kinds of issue that should be considered in policy research are respect for persons, the need for public accountability and the potential for benefit or harm which the research may have. The principles that are actually being applied are more likely to relate to voluntary participation, consent, confidentiality and the protection of participants. The problem for policy research, then, is not just that generalised guidance is being elevated to the status of rules. It is that these are the wrong generalisations, and the wrong rules.

Note

This paper has benefited from vigorous discussion with Ron Iphofen, and with my colleagues at the Robert Gordon University.

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