Realities

Working Paper

Visual Research Ethics at the Crossroads

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Summary

This paper provides an overview of the debates and practices that shape visual research ethics. We outline the requirements and expectations of institutional ethics review boards and legal frameworks, for example regarding filming and photographing in public and issues of copyright. We contend that legal and institutional requirements should not be the sole determinants when making decisions about ethics but rather must be situated within the research context and accommodated in a researcher's individual moral framework. We suggest that visual methods, and the data they produce, challenge some of the ethical practices associated with word and number based research, in particular around informed consent, anonymity and confidentiality, and dissemination strategies. Overall, we argue that research ethics are contested, dynamic and contextual and as such, are best approached through detailed understanding of the concrete, everyday situations in which they are applied. The title of this paper 'visual ethics at the crossroads' is metaphorical, indicating that visual research has reached an important juncture and signifying it is timely to take stock and move in new direction.

Conducting research ethically is viewed as the cornerstone of good practice and increasingly regarded as a professional necessity. A surge of generic interest in research ethics throughout Europe and North America has ensured that visual researchers need to act reflexively and critically in their ethical decision making in order to protect and enhance the reputation and integrity of visual research and protect respondents[1]. This paper examines the widespread proposition that the majority of visual researchers endeavour to act ethically but are unsure how this is achieved. The constitution of sound ethical practice is problematic because visual methods bring into view an array of issues previously under examined. As a consequence visual researchers react with uncertainty ranging from individual anxiety to acute forms of group ethical hypochondria. Our intention here is to provide a critical overview of the forces that shape ethical policies generally and then to focus in on situated exemplars of ethical practices and decision making by visual researchers. Rather than treating ethical dilemmas as troublesome we welcome them since as an opportunity for reflexivity and, we contend, to contribute to improved visual methodologies.

The rapid growths over the past two decades of visual methods and of expectations of sound ethical practice, has left some visual researchers ill prepared to absorb contemporary ethical debates and practices. Word and number-based researchers adapt and refine existing standards or absorb and apply revised ethical frameworks with relative ease compared to their visual-centric cousins. Many visual researchers, both seasoned fieldworkers and relative newcomers, are ill at ease with the daunting possibility of devising, applying and normalising visual ethics in their own work. As a consequence visual ethics, in the form of statutory and legal requirements, organisational and institutional needs, and guidelines for group and personal ethical decision making, are less well developed. Predictably, visual researchers, whilst feeling comfortable in the belief that visual methods are of fundamental importance to qualitative research, experience apprehension when the topic of 'ethics' is raised. Our monitoring of Internet discussion groups, for example VISCOM (International Visual Sociology Association) suggest there is a general concern across the visual research community that knowledge of visual ethics is generally poor, that training in this area is severely limited, and that exemplars of good practice are surprisingly sparse and rarely shared. Moreover, there is a belief that an increasingly pervasive application of word-orientated ethical frameworks which are encumbered by blanket assumptions of confidentiality and anonymity which, if unquestioned, will place visual research at a significant disadvantage.

Research ethics are contested, contextual, and dynamic and, we will argue, best understood in real, concrete, everyday situations. This paper is in two parts; the first describes *current forces acting on key ethical decision makers undertaking visual research*: the second part, poses the supposition that *visual ethics are at a crossroads* requiring visual researchers to make critical decisions and take strategic actions to improve visual ethics practiced within the social sciences. Mediating between the two parts is discussion and reflection of specific research practices that have significant bearing on how visual researchers can act in ethically appropriate ways. This includes discussion of the challenges of gaining informed consent, decisions of how, if at all, it is possible to maintain anonymity and confidentiality of research participants, and the implications of disseminating visual research data.

Current Forces Acting on Key Ethical Decision Makers

In this section we consider four factors that currently contribute to ethical decision making in research projects that incorporate visual methods (see Figure 1). The legal requirement of ethical practice requires compliance yet is an aspect of visual methodology practitioners are mostly unfamiliar with. However, the *law* represents a minimalist requirement for visual researchers' ethics and more is expected from them in fieldwork situations. The *regulations* governing research ethics have increased considerably over the last decade, and include frameworks from funding bodies, professional body guidelines, and institutional ethical committee practices. Visual researchers will necessarily conform to set regulations and mostly accept the moral principles they advocate. However, inevitably the multiple methods that comprise visual methods, will lead to *critical issues* around practices such as confidentiality and anonymity. Making sound ethical choices at times will depend, to some degree, on *individuals' moral framework*.
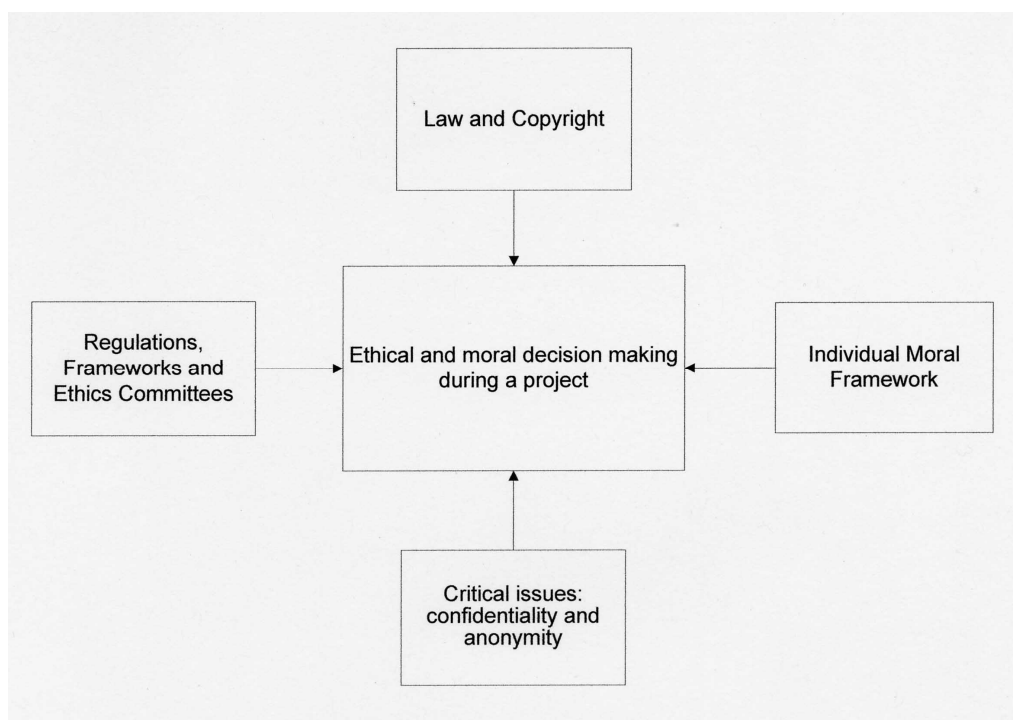

Figure 1: Current forces shaping ethical decision making of a research project.

The Law and Visual Methods[2]

The law both reflects and is inherent in contemporary visual culture. Researchers are required to know the legalities of visual practices they adopt, such as photographing in public places, in order to accord with notions of good practice. Visual researchers gaze, record and widely disseminate, and therefore are required to reflexively engage in the strange, specialised, complex world of the legality of their work. They find few straight answers and often wrestle with technical clarifications and subtle interpretations but these are insufficient reasons to remain ignorant. Cultural pluralism and complexity added to technical legal language makes this area a minefield for the uninitiated. Visual researchers will do well to consult legal specialists but not set the ethical and moral 'bar' too low. It will be imperative to remember that laws provide a framework of the bare minimum standards that need to be adhered to but that

these, by themselves, do not necessarily equate with what the researcher community would consider to be acceptable ethical or moral practices. Masson (2004; p 43) notes:

> There is a close relationship between law and ethics but not everything that is legal is ethical. Frequently law … attempts only to set the minimum acceptable standard. The aspirations of ethical practice are higher … It can never be appropriate to defend proposed practice solely on the basis that it is legal.

Given the global upsurge in interest in visual research methods, it is to be expected that international collaborations will become common, thereby increasing the necessity to work across and between cultures. However, cultural differences along with political and socio-historical factors ensure different nations are regulated by different laws. Whilst there are overlaps and commonalities there will be different statutes for different situations in different countries around the world where different research disciplines are required to adhere to different laws. Warren and Karner (2005; p29) provide a good example of this scenario in action in the USA:

> If you are a journalism instructor or student interacting with or talking to "human subjects" for the media, you may ask any questions you wish, use the names of the subjects in your published research; your work is protected by the First Amendment and your notes are protected by law from subpoena. Your only obligation to your subjects is to identify yourself as a journalist. If you are a sociology student or instructor, however, you may not interact or talk to respondents unless you have received permission from your college or university's Institutional Review Board (IRB). You are not protected under the first Amendment, and your notes are not protected by law from subpoena.

Warren and Karner (ibid) go on to provide three US exemplars of researchers or research students involved in court cases following attempts to subpoena field notes. Whilst we are unaware of similar cases in Europe to date, researchers should be aware that data offered in confidence do not enjoy legal privilege and they may be liable to subpoena by a court (Wiles et al, 2007). Participatory researchers, who adopt a 'photovoice'[3] approach of giving cameras to respondents, should take note of this. They should be prudent, prepared, and forearmed, for those instances when collaborators present them with images that portray some form of unlawful or morally questionable activity (Wiles et al, 2007).

Establishing common ground provides a way forward in this complex legal+cultural equation. There are generic laws that apply to both citizens and researchers and effectively span national laws. The general rule, for example, in the United States (Krages, 2006) and the United Kingdom (McPherson 2004), is that anyone may take photographs in public places or places where they have permission to take photographs. In the absence of specific legal prohibition such as a statute or local ordinance researchers are legally entitled to take photographs in public places such as streets and public parks. According to Krages (Ibid), the following may also be lawfully photographed from public places: accident and fire scenes, children, celebrities, bridges and other infrastructure, residential and commercial buildings, industrial facilities and

public utilities, transportation facilities (e.g. airports), criminal activities, and law enforcement officers. However, what constitutes a public, semi-public and private space is not clear. Managers of shopping malls, railway stations, and public service organisations such as hospitals, leisure centres or libraries, may not view their organisations as public places for the purposes of researchers wishing to take images. Photographing or filming military instillations and nuclear facilities are prohibited in most countries, as is in some countries taking picture of bridges, ports, palaces, railway stations, non-military airports, and the police. While there is currently no privacy law in the UK photographing someone where they might reasonably expect to be private could be considered to be against the article 8 of the European Convention on Human Rights (McPherson, ibid). Persistent or aggressive photography could also come under the legal definition of harassment (McPherson, ibid). While the law in relation to taking images in public places is explicit, what is legal and what is sanctioned in practice do not always coincide. There are numerous examples of photographers in the UK, the USA and elsewhere being stopped from filming in public places by various state officials.[4] If researchers are threatened, intimidated or detained for taking photographs, in USA terms this would be a violation of their constitutional rights (Krages, 2006).

Copyright and data protection

Researchers wishing to retain control of images they have created or to use images made by others by, for example, publishing them, should be aware of laws that safeguard copyright. Intellectual property rights such as data protection and copyright are convoluted and are continually modified to meet changing circumstances. The rights are analogous throughout western countries and here we will focus on UK for illustration purposes. However, although images are normally covered by the particular copyright law of the country in which they are made, they will automatically be protected in many other countries since most are signatories to the Berne Convention for the Protection of Literary and Artistic Works, which provides reciprocal protection.

For copyright purposes images come under 'artistic works' which includes, for example, paintings, cartoons, sketches, graphs, diagrams, sketches, photographs and moving images such as films. Copyright in artistic works in the UK, lasts until 70 years after the death of the artist of image maker and is concerned with:

> an automatic right given to creators of original material that allows them to control copying, adaptation, issuance of copies to the public, performance and broadcasting. The copyright holder may be the creator, the creator's employer, their family or estate, or an authorised representative.
> (see TASI: http://www.tasi.ac.uk/index.html, accessed 15.10.2008)

Usually the person who creates an image is the copyright holder. However, ownership can change for two reasons: when the image-maker created the imagery as part of her or his work the copyright may rest with the employer; or when a creator sells or gives the copyright to another person. Researchers recording still or moving images in a public place own the copyright and can use them for a range of purposes including archiving. However, a case could be made for respondents retaining rights over the words spoken in a video recording as the copyright for their words rests with them. Interestingly, in the UK, the Copyright, Designs and Patents Act 1988 introduced the concept of

'moral rights' which are separate from property rights. Here the owners have the right not to have their images shown in a belittling or deprecating way. Normally, researchers will typically copyright their own images by a statement e.g. copyright of Andrew Clark 2008 or © Clark 2008, which may help in any subsequent legal action. There is no bureaucratic process and no fee is involved.

Visual researchers will collect, analyse, store and reproduce 'found' images. If the images, both digital and analogue, are someone else's creation they are covered by copyright. If a researcher wishes to reproduce the work either in an article or on a website the copyright owners will need to be contacted for permission. If any 'substantial' part of an image is reproduced copyright is still an issue so changing a map or diagram, for example, to make it look different from the original is possibly unacceptable and still infringes copyright law. If a researcher uses an image in an academic paper and not for financial gain, permission is usually given. With images found on the internet through Google Images, or photographic sites such as Flikr, or media/technology commentary sites such as Joyoftech.com (see Figure 9), it is a straightforward matter of contacting the site owner or the creator and asking for permission. Should the owner impose a restriction such as linking to their homepage to maximise traffic or reproducing the web address it is a sound practice to accept them.

An example of the relationship between research images and the law

While it is important for researchers to know their legal rights and obligations they will often operate at an ethically and morally higher level which can often be a complex and thorny issue. Consider the image in Figure 2. Initially individual shots were take in the street, with each individuals asked for their permission to create an image based on an understanding it might be used in a public a photographic exhibition. In the exhibition two composite photographs were placed next to each other with a brief explanation, one showing multiple single head shots (on the left), and the other of multiple half heads (on the right). The exhibition was part of a strategy to disseminate findings back to the communities in the study. The two photographs juxtaposed represented a simple notion – 'people are individuals and individuals form communities'. So what legal and ethical issues arise?

Figure 2: Legal Issues and Visual Data

The question of copyright ownership arises when an image is manipulated as is common using software such as Photoshop. It could be argued that the original images have been changed subtly, in meaning or as artefacts, by placing them in a grid (Figure 2 left) but the copyright remains with the photographer. What happens legally if a graphic artist changes the original image placing half faces next to each giving a different or innovative meaning to the original images (Figure 2 right)? Who owns the copyright to this new image is a matter of judgement. The image would not exist without the photographer's images; the idea is new but ideas cannot be copyrighted; but the expression of the idea, in a physical or digital form, can be copyrighted and therefore the graphic designer would have a significant claim. The copyright in this case could be either jointly owned or there could be multiple separate copyright within the work.

Figure 2 also raises the question of judgement and prudence when reproducing, changing, or distributing visual data. It is both an important moral and a legal issue. The image on the right is markedly different and, possibly more disturbing to viewers than the one on the left because some of the matched faces are purposely strongly contrasted for impact. The judgement by the photographer and curator of the exhibition was of those depicted would not be offended or damaged. This was a difficult decision since there was no substantive way of rationalising or validating that conclusion. Banks (2007; p 89) reminds us that in visual researchers should be vigilant to two important issues:

> The first is legal: are they producing, reproducing or altering an image that someone else might claim to own? The second is moral, by what right (legally enforceable or otherwise) are they producing, reproducing or altering an image?

The relationship between visual sampling and the law is an important issue present in the Figure 2 images. The UK the Data Protection Act 1998 affects researchers' use of photography, even in public spaces. A digital image of an individual is considered, by some administrators and bureaucrats, to be personal data for the purpose of the Act, and therefore requires consent. Clearly, the scenario of handing out consent forms to those individuals researchers have purposely targeted, for example in a busy street, is not viable and requires what Banks (2007, 88) terms an 'intellectual' rather than legal-ethical resolution. He suggests that the best way to avoid problems is awareness of context:

> the researcher should know enough about the society or community through her research, both in the library and in the field, to anticipate what the likely response will be.

The community where the photographs for Figure 2 were taken comprised a significant socio-cultural mix but who should and should not be photographed? In terms of a representative visual sample there are no mature white-European women represented. In this case the representative sample depended on the context and not the morals and ethics of the photographic method. Few mature middle-aged white European women lived in the area, and those that did were at work or at home looking after children. Many were approached but none would agree to have their picture taken. Asian men of the Islamic faith are represented but no women are shown. There were two reasons for this: few Asian women were in the street and photographing them required sensitivity to their religion and culture. It is important that visual researchers seeking to

photograph women of Islamic faith negotiate consent *prior* to taking a photograph and they in turn may seek their husband's approval before agreeing. Sharia law deals with Islamic law and is concerned with day-to-day aspects of life including social issues, family, dress and behavioural codes, but it is not explicit on the topic of photography. There are multiple interpretations of Sharia law and different countries and communities have different interpretations. In the case of Figure 2 a consideration of the beliefs of a key section of the local community was important.

Children are shown in Figure 2 although attaining consent for photographing children required greater deliberation because of the particular difficulties that this poses (Heath et al, 2007; Masson, 2004; Alderson & Morrow, 2004). Parental consent is needed if a child is not viewed as having the capacity to consent (Masson, 2004). For Figure 2 the photographer asked both the parents and the children for their consent regardless of the child's capacity to consent (Morrow & Richards, 2002; Alderson & Morrow, 2004; Farrell, 2005). The notion of a person's 'capacity' to give consent is a judgement that relates to vulnerable members of a society, for example the young, older people, and those with disabilities. In the UK researchers working with children or other vulnerable groups require a Criminal Records Bureau (CRB) check conducted by the police.

Ethics Regulation: Committees, Frameworks, and Professional Guidance

Regulation of research ethics has increased significantly around the world during the last decade but most noticeably in North America and Europe. There was a groundswell of opinion, after the horrific biomedical experiments carried out in concentration camps during the Second World War, that some form of control was needed. In the USA infamous cases of unethical medical research practice came to light: the Tuskegee Syphilis Study, between 1932 and 1972 studied the long term effect of untreated syphilis in 400 mostly poor, illiterate, African American men, and decided not to provide them with effective treatment when it became available; and in the Willowbrook Hepatitis Experiment, between 1956 and 1972, mentally ill children were infected with viral hepatitis in order to study the life course of the disease. In 1996, the first federal Public Health Service policy to protect humans from unethical medical experimentation, with significant ramifications:

> From the 1970s onward, the federal government extended protections for human research subjects . . . . . This step was a step that many social scientists found - and find - distressing . . . . . we agree with many of our fellow social science researchers in the twenty-first century who also feel that the restrictions on social science research have gone too far in this country.
>
> (Warren and Karner, 2005, 36)

In the United States, Institutional Review Boards (IRBs) are charged with overseeing research on and with human subjects. The IRBs, governed by the Research Act of 1974 (Code of Federal Regulations), requires all colleges, universities and organisations, that receive funding, directly or indirectly, from the Department of Health and Human Services, to screen research proposals. Their powers are considerable and their scope varied. Submission to IRBs is required for studies carried out in semi-public places such as restaurants, private spaces such as family homes, in addition to the owner's permission. Whist there

are a few exemptions to the requirement to submit, some Boards perceive their governance as covering research in public spaces, and in particular contexts, such as hospitals and health service provision, additional or separate IRB submission is required (as in the UK[5]). Sensitive contexts and topics and research involving particularly vulnerable participants such as hospital patients, prisoners, children, and those with learning difficulties, will receive closer scrutiny from Boards. IRB proposals usually requires explanation of the aims and research design, particular data collection and recording procedures, informed consent issues and discussion of any potential harm to participants (see Warren and Karner, 2005, 33, for a breakdown).

Where the US led Europe followed. Highly regulated systems of ethical review which originated in the US permeated European policy on the conduct of research (Wiles, et al 2008). Important funding bodies in Europe, for example, the ESRC[6] in the UK and the European Commission[7], now make a direct link between their ethical frameworks and funding – no compliance means no money. As in the US, medical research, particularly involving human genetics and the use of animals in research, is a sensitive area for Europeans. A key pillar of the European Commission's 7th Framework Programme for Research, which covers 2007-2013, is an ethics evaluation process. Fitzgerald (2007, 27) of the Commission's ethical review team, makes it clear to potential applicants that proposals which ignore ethical concerns will be rejected, and that they should "get it right first time", but attempts to soften the harsh regulatory overtone with mellifluous words:

> Ethics is often misunderstood in the realm of research. It is closely linked with law, rules and regulations but it is not adversarial: 'Ethics v Research'. Ethics reviews at the Commission aim to be collaborative and constructive.

Somehow, the rhetorical balance between "get it right first time" and notions of collaboration, appear out of kilter and favour the bureaucrat not the researcher.

Visual ethics within research ethics

The most common principles that underpin ethical codes of practice have been referred to as mutual respect, non-coercion and non-manipulation, and support for democratic values and institutions. Similar themes are raised by Papademas (2004; p 122):

> Respect for person and the moral requirement to respect autonomy and the requirement to protect those with diminished autonomy; Beneficence and complementary requirement to do no harm and to maximise possible benefits and minimise possible harms; Justice and the fair distribution of the benefits and burdens of research.

Wiles et al, (2008; p8) provide a useful list of key issues:

- researchers should strive to protect the rights, privacy, dignity and well-being of those that they study;
- research should (as far as possible) be based on voluntary informed consent

- personal information should be treated confidentially and participants anonymised unless they choose to be identified;
- research participants should be informed of the extent to which anonymity and confidentiality can be assured in publication and dissemination and of the potential re-use of data.

Guidelines and codes of practice from professional bodies, for example the American Sociological Association (ASA, 1999), and the British Sociological Association (BSA, 2002), are important starting points because they provide parameters and foci, enabling researchers to think through the ethical dilemmas. Nonetheless, the regulation of social science leads, some would argue, to a lessening of researcher professionalism and integrity, and places inappropriate limitations (Murphy and Dingwall, 2007). Moreover, weaknesses in training, variation in their monitoring capacity/enthusiasm, the propensity to be overly bureaucratic, focused more on protecting organisations than respondents, and the misapplication of guidelines, are all potential reasons why IRBs and ethics committees inhibit social science studies. Furthermore, and compounding the problem, ethics committees comprise of members from epistemologically dissimilar academic disciplines who may not be familiar with visual methods and lack the knowledge required to scrutinise visually orientated proposals appropriately.

Visual researchers are in a disadvantage position because ethical frameworks and codes of practice have been drawn up by number-based and word-based researchers, and consequently anomalies, difficulties of interpretation and application, are more likely to arise in image-based researchers' applications. Visual methods lend themselves to participatory and emancipatory approaches. In such contexts, participants may explicitly and voluntarily waive their rights to confidentially and anonymity, contravening one of the cornerstones of normative ethical practice in social science research. We can envisage cases arising where visual projects will be invited to change important components of research design, in order to avoid breaking with number and word-based conventions. Viewed positively, ethics committees will be aware of problems resulting from applying a set of broad principals to specific situations, will be astute enough to seek specialist help from experienced visual methodologists, and flexible enough to transfer their knowledge to contexts arising through the use of visual methods. The future development of ethical visual research is best served by proactive practitioners able to inform, educate, constructively debate, and generally contribute, to the effective functioning of ethical committees. Visual researchers cannot afford to sit on the sidelines when ethics are debated, but should think through and argue their ethical position.

Critical Issues

In this section we consider two issues relevant in conducting ethical research which pose particular challenges in visual research: informed consent, and anonymity and confidentiality.

Informed Consent

Obtaining informed consent entails not only gaining agreement or permission to take or produce visual images, but also to reproduce or display those images to different audiences and in different contexts. In providing informed consent, participants are expected to not be deceived or coerced into taking part in

research, are informed of the purpose of the research and the research process, and understand the uses the research will be put to (Wiles et al., 2007). In ethnographic research detailed discussion of the research, its purpose, and plans for dissemination all might be part of the consent gaining procedure (Rose, 2007). On other occasions, for example if an image is required for illustration purposes, then a more simple request to take a photograph with explanation as to the purpose may be sufficient (Banks, 2001).

The process requires careful consideration and there are a number of epistemological as well as ethical benefits of obtaining informed consent to collect and use visual images (Banks, 2007; Pink, 2007). Chief among these is the argument that obtaining consent is a requisite of obtaining good quality data. For visual data alone may provide limited understandings of the meanings and experiences that are recorded within that data, and it is through negotiation with study participants that visual data is produced that can appropriately reflect the realities and experiences of participants (Banks, 2001; Harper, 1998). The public display, publishing, or wider dissemination of visual data without the consent of individuals pictured has been described as ethically questionable (Pink, 2007; Prosser and Schwartz, 1998). Gaining consent is also important for maintaining rapport and relationships of trust between researchers and individuals in the field and to avoid a detrimental impact on the success of ongoing or subsequent research (Prosser, 2000). Like other visual researchers, Chaplin is clear in her advice to "always ask permission before photographing someone, and always get written permission before publishing the photograph" (2004; p45). However, while this is good ethical practice, obtaining informed consent is not always straightforward.

Seven challenges of gaining informed consent in visual research

First, it might not always be appropriate to obtain informed consent from individuals involved in research. Arguments have been made for more clandestine research endeavours and the collection of data covertly, usually in the study of hidden or marginalised activities and groups (Fielding, 1982; Humphreys, 1975; Lauder, 2003). The use of technology such as telephoto lenses and other surreptitious techniques make covert visual research possible (Prosser, 2000). As Pink (2007) argues, the distinction between overt and covert visual research is also far from clear. For example, there are occasions when covert visual research may be considered acceptable, such as when a researcher collaborates with informants to photograph others who are not aware they are being photographed (Pink, 2001).

Second is the meaning of *informed*. It has been argued that in order to be ethical, visual research needs to be collaborative, reflexive and represent the voices of informants (Ruby, 2000, also Banks, 2001). Collaborative research requires participants to be aware of the research, and to consent of their being involved in research. However, whether participants can fully understand to what they are consenting is debateable (Becker, 1988; Miller and Bell, 2002). Consent may mean different things in different cultures or in different relationships (Pink, 2001). Informants may be keen to collaborate in a particular piece of research without fully engaging with why a researcher is doing the research. And even if informants collaborate fully in the production of visual data, it is unlikely they will be fully aware of the researchers' intentions (Prosser, 2000; Gross et al., 1988; Gross et al, 2003). Indeed, it can sometimes be difficult to completely inform participants of the intentions behind the taking of a

photograph. Prosser and Loxley (2000: p60) for example discuss how they introduce a video camera to potential research participants using:

> a form of elicitation that entailed feigning recording a playground scheme with a video camera with the express aim of recording children's comments which inimitably followed their question 'Wot yer doin mister?'. We answered 'We're looking at who plays together and what games are played'. Initially we felt justified in using this technique because it met our needs in terms of 'engagement' with pupils. However, this technique could not be justified in terms of sampling… or ethically.

A third issue concerns who is in a position to provide consent. Researchers working in institutional settings, such as hospitals or schools require consent from managers or teachers before gaining consent from individuals who may be the subject of images. Research with children also requires further consideration, not least because it may require consent from parents or guardians (Kaplan, 2008, Mizen, 2005; Thompson, 2008; Young and Barrett, 2001). For example in his study of masculinity in schools, O'Donoghue (2007) sought consent from the individual students and their parents, as well as agreeing the project plan with students, staff, students and school management and securing consent for the reproduction of images during dissemination. However, asking others for proxy consent raises issue of the ability to empower participants and enable them to make their own decisions about taking part in research. The need to gain consent from others can raise questions if research is focusing on sensitive issues such as drug or alcohol use or sexual behaviour with young people (Valentine et al., 2001).

Fourth, it may not be possible to gain consent from everyone who will be the subject of visual data. This most notably the case when filming or photographing in public spaces or public events (Henderson, 1988). Here, Harper (2005) reports that some visual sociologists point to the precedent of photojournalism and photo-documentary and argue that harm to subjects is unlikely to occur from "showing normal people doing normal things" (p759). However, while photographing and filming in public places may be legal in many countries, including the UK and USA, it would still be considered good practice to gain permission of those featured in the images. It may well be impossible to gain consent from everyone in a crowded street or market, or at a concert or demonstration before producing images. Nonetheless, it may still be ethically questionable to record visual images of individuals in public places. Schwartz (2002) for example, was careful to ask permission to photograph activity at anti-biotechnology and genetic engineering meetings held in public places and documents a complicated process of gaining consent to photograph the activists. Consent is a process that also needs to be situated within local customs as Pink (2001) suggests in her discussion of photographing a carnival in the capital city of Guinea Bissau. She was told she required permission from the head of the local office of the Minister for Culture to take the photographs. The officer consented for Pink to photograph carnival participants without their own individual consent. In practice Pink only photographed those who gave their own permission.

Fifth is the challenge of obtaining informed consent when research participants are to produce visual data themselves (e.g. Holliday, 2004; Marquez-Zenkov, 2007; Mizen, 2005), especially if images are produced that include other people

and which requires obtaining consent through the participant acting as a kind of ethical mediator as well as data producer. While it could be assumed that the subjects photographed consented to being photographed by the participant, it is unlikely that they will know the purposes to which they could be put. It may be possible to subsequently request permission through the participant who took the image, but this is nonetheless a complex issue to manage.

A sixth challenge concerns what participants are consenting to. There are differences between consenting to take part in research and consenting for an image to go in a book. For example, consent may be required not only to produce a photograph or film footage, but also for the specific formats and contexts in which the image is displayed such as books, conference papers, exhibitions, or for general illustrative purposes (Pink, 2007; Prosser and Loxley, 2008). While participants might give consent to having their photograph taken, they may not be consenting to subsequent display of those images. The question of what participants are consenting to becomes more complex if visual data is to be archived, resulting in unknown further re-uses of data.

A final challenge concerns 'found images', such as the use of photographs in family albums and which are used for research purposes most probably not intended when producing the image originally (e.g. Pauwels, 2008a; Schwartzenberg, 2005). Albums may contain photographs taken by different individuals who are not available to give consent for the use of an image in research.

The Living Resemblances project, which was part of the Real Life Methods node of the National Centre for Research Methods, required nuanced ethical decisions about the use of found images. The project investigated family resemblances and one of the methods used was a photo-elicitation method using personal and family photograph albums. The researchers have had to negotiate who can give consent for the use of different photographs from participants' albums, and what they can be used for. The team decided on a strategy of obtaining verbal consent from the keeper of the photograph album to include the photographs in the elicitation method and to obtain signed forms for the consent to display photographs at conferences or in publications. Seeking consent from all living individuals in the photographs was determined too complex a task to complete successfully. Throughout the consent process, the researchers negotiated the use and dissemination of the images with each participant, finding that some were keen to discuss the research with other family members before consenting to the release of photographs into the public arena. Moreover, participants preferred to provide consent on an image by image basis, consenting to different uses of photographs depending on their content, prompting the team to argue that participants

> employ their own highly complex ethical systems of 'consent hierarchies' to their family photo to help them make decisions about their use in [research] projects… and therefore as researchers, so should we (see Wiles et al., 2008; pp 19-21).

Ways of gaining consent: signing and negotiating

Perhaps the most common way of obtaining consent to produce and disseminate visual material is through the use of consent forms (Barbach and Taylor, 1997; Barrett, 2004; Woodward, 2008). However, it should not be taken

to mean participants have understood what it is they are consenting to or assumed that all individuals in an image have consented to their image being shown in public disseminations in the future (Pink, 2007). Prosser (2008) has suggested that a consent form needs to contain information on: the goals and purposes of the research, its duration, the potential use of images produced, the voluntary nature of involvement, any financial implications for the participant, disclaimers, any agreements made to provide participants with cameras, other equipment, or payment, researcher contact information, and any possible risks to the safety or wellbeing of participants. It is vital researchers produce an appropriate consent form since it may be awkward to return to participants with subsequent forms requesting further permissions. However, as discussed below, the signing of a consent form does not constitute a solution to ethical dilemmas in research, nor does it mean researchers can do whatever they like with any subsequently obtained or produced data (Pink, 2007). In some cases researchers have argued for recorded verbal consent, suggesting that consent forms would be inappropriate with some groups such as those who are suspicious of legalistic procedures or authorities, where levels of literacy are low, or in research focusing on illegal activities (Coomber, 2002; Miller and Bell, 2002).[8]

Anonymity and Confidentiality

Anonymity and confidentiality are often considered central to ethical research. However, visual data presents particular challenges to this as it is often impossible or impractical to maintain the anonymity and confidentiality of individuals in images and film. Faced with this challenge, the benefits of collaborative research, where participants are encouraged to take part in the production, analysis and dissemination of research become clearer (Banks, 2001; Pink, 2007). The relationships established between researchers and participants in such instances can enable discussion of the implications of showing images and films, as well as enable participants to use visual media to express their voices (Banks, 2001). There are also reports of participants questioning the need to be anonymised, and requesting to have their experiences and opinions attributed to them, including in visual data (Grinyer, 2002; Wiles et al., 2008). If an aim of (particularly participatory) visual research is to empower and give voice to marginalised groups and individuals, but those individuals and groups are anonymised against their wishes, this raises important questions about power relationships in research and control of the research (Walker et al, 2008). Moreover, if visual data are to be shown in exhibitions or in publications, displaying anonymised images may be somewhat futile; for what is the purpose of displaying film or photographs from research in which faces have been blurred?

It has long been argued that visual methods can reveal important information that text or word based methods cannot. Consequently, attempting to disguise such data can remove the very point of the data. For example, there are a number of studies where the visual methods are used because they enable participants to present particular aspects of their identities, anonymisation of which would defeat the purpose of the method (Back, 2004; Chaplin, 2000; Da Silva and Pink, 2004; Harper, 2004; Holliday, 2004). In such cases, researchers tend to gain consent from participant to display their images unchanged.

Decisions also need to be made about what to anonymise in an image. Hairstyle, clothing, jewellery, tattoos, and the places where individuals are photographed can all breech confidentiality and reveal, to those who know them, the identities

of the individuals concerned. Conversely, over-anonymising data can also be a danger. In Figure 3 for example, the building, the car number plate, and both the adult and child would need to be anonymised with the result that any subsequent use of the image may appear somewhat meaningless.
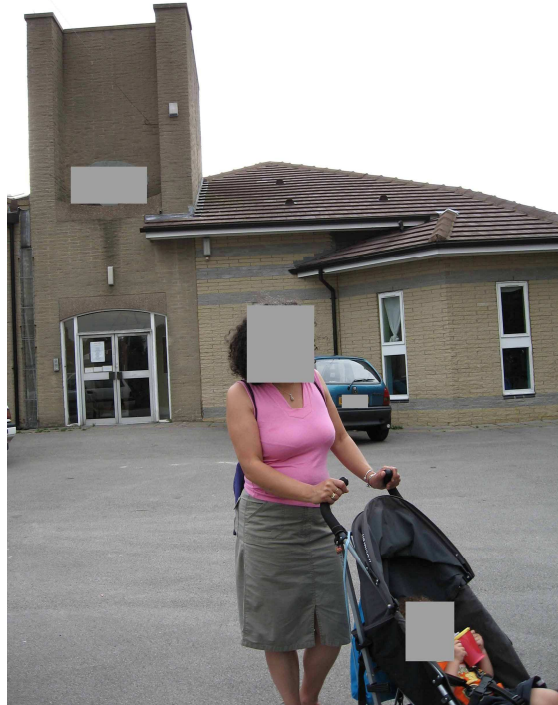

Figure 3: (source: Clark, 2006)

Anonymity problems are not restricted to photographs and video. Prosser has referred to Figure 4 to demonstrate the complexity of maintaining 'internal confidentiality' (Tolich, 2004), that is, confidentiality between members of a specific community or group in art-based data. The family depicted will be easily recognised by members of a school or neighbourhood community. For example, the author's name, although hidden by a black pen, can be guessed by the size of the first and second name, and be seen when the paper on which the original is made, is held up to the light and the drawing shows all the information required to identify a family of four, of mixed race, comprising two adults and two children of each gender and a mother with one leg (Prosser, 2008; Prosser and Loxley, 2008).
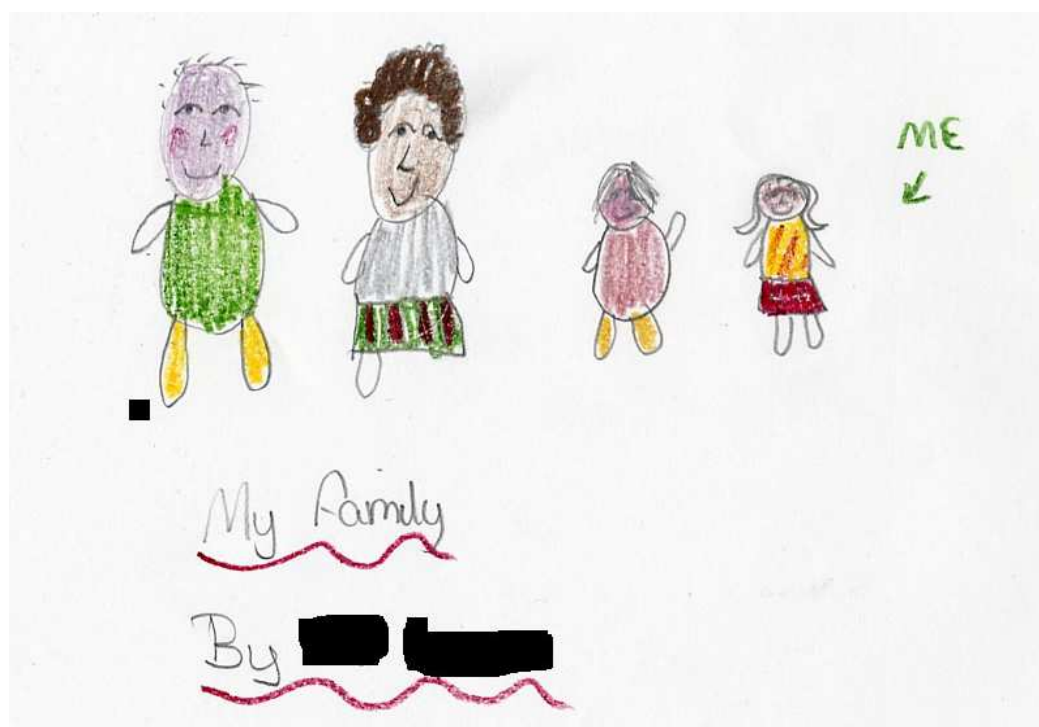
Figure 6 (source: Prosser and Loxley, 2008)

Ways of anonymising visual data

If participants are to be anonymised researchers have adopted a range of strategies and techniques. Perhaps the most obvious, though perhaps less routinely used in academic outputs, are computer software packages that offer techniques such as pixilation or the blurring of faces,[9] the effects can be variable while achieving effect anonymity with moving images is considerably more difficult (Wiles et al., 2008). However, it has been argued that pixelating images can dehumanise the individuals in them, and because of its widespread use on television, can invoke associations with criminality (Banks, 2001).

An alternative approach can be found in the ways different types of data are presented. Marquez-Zenkov (2007) and Mizen (2005) adopt a more variable approach to anonymity, using pseudonyms to disguise participants' names alongside the seemingly unaltered images of those same individuals, though why names are deemed more important to hide than faces is not discussed by either author. Others do not publish images containing recognisable individuals in them. For example Barrett's (2004) photographic essay of a needle exchange in a US city only shows photographs of hands or people with backs turned and Moore et al's (2008) methodological discussion of a method that produced 1894 photographs produced by 84 participants' of their local areas includes no images of individuals.[10]

Cook and Hubbard's work with older people with dementia in care settings adopts a dramaturgical solution to anonymity and confidentiality. One of their methods involved video recording interactions between older people in the home and with staff. One of the ways of disseminating the results of the research was through an interactive CD-Rom (Hubbard et al., 2003), in part because using still photographs or presenting transcript text was insufficient to display the often crucial non-verbal interactions they observed. The sensitivity of the recordings, and the difficulties of gaining consent from many of the

participants recorded, meant that the video recordings could not be disseminated because they "compromised the anonymity of the participants" (Cook and Hubbard, 2007; p27). Instead, the researchers worked with a film director, film crew and actors to recreate the research findings for the CD-Rom.

Finally, there are occasions when researchers may be required to go against participants' wishes if they have consented to having their identities revealed in the dissemination of visual images. Banks (2001; p131-2) discusses the case of a documentary film maker working in a young offenders' institution who collected release forms from the individuals recorded to include them in the film. Some years later there was a possibility that the film would be broadcast on television. After tracing all the films' principal subjects to discuss this, one individual was unhappy with the prospect of appearing on television in this context, in part because he had gone on to live a crime-free life, concealing his past from his wife and colleagues. Consequently, despite still holding legally binding release forms, plans to screen the film were dropped. A second case is presented in Barrett's decisions to publish photographs of individuals in a needle exchange. Just one female participant was willing to be photographed front-on sharing needles. However, Barrett does not show the photograph not simply because in her "over excitement" to be granted verbal consent to take the image, she failed to get a signed consent form from the woman, but also because, even with written consent, at a point later in time "the young woman might feel differently about letting the world know she had a drug addiction and frequented a needle exchange" (both Barrett; p.149).

As the cases discussed by Banks and Barrett reveal, dissemination creates further dilemmas for the anonymity and confidentiality of visual data, particularly because researchers and participants are relinquishing control over how the data are interpreted, and possibly re-used, by different audiences. The expansion of the internet, in particular as a site to display, store and retrieve visual images, has created further challenges (Lee 2000; Pauwels, 2006; van Dijck, 2008), although visual researchers have always had to be careful when putting data in a public arena (Banks, 2001, 2007). Images placed on the internet may be used in ways unintended by the original researcher or participants, and subsequently distress or even damage the reputation of the participants. Once in the public realm, participants and researchers have no control over how images might be interpreted by the audience, or may be used for different purposes by others. Thus placing photographs, films and other visual data on the internet "intrinsically turns pictures into public property and therefore diminishes one's power over their presentational context" (van Dijck, 2008; p72). This means particular care should be taken to ensure participants understand the implications of consenting to the displaying of images used in research placed on-line.

Furthermore, while the internet offers a potentially huge array of visual data for researchers to examine (Pauwels, 2008a), images found on the internet are not simply 'there for the taking'. Rather, their appropriation for research should still "fall within the scope of existing guidelines on ethical research practice in respect of informed consent, privacy and confidentiality and the need to protect research participants from harm" (Lee, 2000; p135; Pauwels, 2006). For example Godel (2007) is scrupulous about her use of internet found images of still-born babies:

> Although this information is available to anyone via the Internet, these websites have been treated as one would treat interview data. Website owners have consented to the inclusion and use of their website… [I]n the case of all the website material used… anonymity has been preserved by using pseudonyms. Screenshots have been cropped deliberately to avoid displaying the URL. (Godel, 2007; p.267 endnote 10).

Godel also requests that an untraceable owner to get in touch with the journal editors should they happen upon the article and suggests that readers wishing to consult the web sources are asked to contact the author for details.

The need to be conscious of the sites, scales, and context of producing and disseminating visual data, was a key consideration of the Connected Lives project, part of the Real Life Methods node of the National Centre for Research Methods. The project explored social networks and community interactions through a multi-dimensional inner-city neighbourhood case study. The visual data produced in the study consisted of three types: social network maps depicting participants' relationships with others; photographs of neighbourhood spaces produced during a walking interview with each participant; and photographs taken as part of a day-diary of people and places encountered during a 'day in the life' that were used for elicitation.

Decisions about displaying and anonymising the visual data were made in negotiation with the participants, and in consideration of how the subsequent anonymised data could be fruitfully understood. It was recognised that anonymising the social network maps would be a time consuming, and a potentially redundant task, since an anonymised network map would simply represent a fabricated web of sociality (Clark, 2006). Instead, verbal consent was sought from each participant about whether their network maps could be disseminated unchanged. Many of the participants understood the challenge of anonymising their maps and expressed little concern about the implications in the unlikely event that they may be recognised from them. The photographs collected as part of the day-diary method were used for elicitation purposes. Consequently, it was deemed potentially too complicated, and perhaps unnecessary, to obtain retrospective consent from those shown captured in the images, given the onus this would place on the participants to fulfil some of the ethical obligations in the research. However, it was assumed that participants had themselves obtained verbal consent to produce the photographs. For images produced as part of the diary method that were shown in conference papers, verbal consent was obtained from the participant who took the photograph who in turn acted as proxies for others in the images.

In the case of photographs of place in the Connected Lives study, it was found that internal confidentiality could be breached by juxtaposing particular opinions about sites in the fieldsite with particular experiences or opinions. Moreover, displaying particular comments alongside certain images could later impact on the reputations of those places and people associated with them as Wiles points out:

> Participant: This place here, xxxx [name of a café], I've heard stories about it… it's basically a drugs' haven. Which I'm surprised, I've never seen police here before. So you'd think well surely, I mean it's

> pretty much advertised, usually has some kind of dubious advertising on the door.
>
> > (Wiles et al., 2008; p31)

Some participants were also conscious about where and what could photographed, including when out in public:

> Participant: All these shops here, as you can see, most of them have gone into takeaway. I don't know if they'll be offended [by] you taking pictures here.
>
> > (Wiles et al., 2008; p32)

Having taken a photograph, participants raised few doubts about the content of images. They rarely expressed concern about content, even when images included photographs that may identify them or people they knew. For example, participants took photographs of houses where they used to live, houses where family or friends currently lived, of shops, cafes, and pubs they frequented, all of which would be instantly recognisable to those familiar with the places. This resulted in the researchers making decisions about which images to reveal publicly and which to remain concealed within the research team. However, participants were aware of broader ethical issues around photographing place which resulted in some practicing their own anonymisation strategy while engaging with the visual methods. Some chose not to take any photographs, arguing that they felt uncomfortable or self-conscious producing such data and others were selective about the content of their images, which suggests that participants worked to their own ethical codes when producing and censuring visual data.

Overall, the visual data produced in this project was treated like textual data in terms of its potential to betray confidentiality and reveal identities. Negotiation with participants over data, which can or can not be shown to audiences outside the research, is ongoing. However, it is important to question what purpose anonymising people and place may serve. It may be more preferable to not include over-anonymised images that represent rather fabricated imagery of the world that are more fitting for illustration than insight. In the end, it may be more appropriate to decide whether particular photographs should, or should not, form part of the 'public face' of the research.

While some researchers address the problem of anonymising place in text-based data through 'blanket anonymisation', providing pseudonyms, and limiting the amount of contextual data that may identity the field, this cannot be done with visual data to the extent that those familiar with the place will not recognise it. A more workable strategy may be one that can accommodate the sites, scales and contexts of the production, content, and dissemination of visual data (Clark, 2006). Some time ago, Gold (1989) called for a more 'covenantal' position to visual research ethics, requiring researchers to "develop an in depth understanding of subjects so that he or she may determine which individuals and activities may be photographed, in what ways it is appropriate to do so, and how the resulting images should be used (1989; p103). Harper (2005; p760) notes that the practical implications of this are that researchers may find themselves in situations where filming or photography would violate the norms of the setting or the feelings of the subjects, and in which case, should not be done. The adoption of a negotiated, flexible approach to informed consent, anonymity and confidentiality, situated in the contexts within which the data were

produced, and "where multiple factors determine the boundary line between ethical and unethical, moral and immoral practice" (Prosser and Loxley, 2008; p51) as well as being sensitive to the wishes and beliefs of research participants, is increasingly being adopted (e.g. Barrett, 2005; Pink, 2001; Prosser, 2000; Schwartz, 2002; Wiles et al., 2008).

Although negotiating informed consent and applying appropriate strategies of anonymity and confidentiality make for ethical complexity, this should not be taken to mean the endeavour should be avoided. Rather, we would argue, a situated visual ethics which approaches these issues as part of an ongoing process of negotiation, reflection, and experimentation, may be more appropriate. It is unlikely that a one-size-fits all ethical policy will be developed for visual research, and indeed, perhaps nor should it. After all, a strategy that seems appropriate at one stage of a study may not be by the end of it; likewise, what is appropriate for one research project may not be appropriate for another.

Individual Moral Framework

Researchers make their own ethical decisions in the context of the visual culture of their context. Visual culture influences all members of a society including the academic community. However, the impact of visual culture on researchers' ethical practice is uneven, diluted and in some situations its influence is transcended. This is because researchers are aligned with different disciplines and paradigms, ask different questions, and apply different research methods, or in other words, critical visual ethics are "almost always a matter of context" Becker (1998; p 85).

Societies are bonded by a broad agreement on ethical principles and moral behaviour and it is individuals, within research communities, research groups or acting alone, who (re)interpret those generic ethical principles to create their own interpretation of what constitutes 'right and wrong', 'justice and injustice', and consequently 'good and bad' ethical practices. There is a danger that, in striving to classify phenomena and build a systematic understanding of visual ethics that takes account of how contextual features mediate the influence of visual culture and societal norms, we lose sight of the simple fact that it is individuals who make ethical and moral decisions. Individuals hold a moral outlook and display a distinctive ethical orientation shaped by genetic factors, instilled values and personal experiences. There is significant accord in terms of a collective moral compass yet substantial disagreement about the application of ethical principles to particular research contexts. Bridging the gap between shared principles and individual's practice is imperative if visual research in the future is to flourish.

Here, we pose a question to readers and social scientists in general, 'What is your ethical and moral orientation and how does it impact on the research decisions you make?' In response, we would anticipate that most readers and social scientists see themselves as being of high, or at the least the 'virtuous' end of moral disposition spectrum, with a few acknowledging that ethics are not high on their list of methodological priorities. The latter group may take their own professionalism for granted and either avoid ethical decisions where possible or be coerced into making ethical decisions by ethics committees and colleagues. The former will, from the outset of a study, use their moral compass to recognise and take as problematic ethical dilemmas either before or as they arise and make decisions in accordance with their principles and beliefs.

Few visual researchers knowingly place respondents in danger or unwittingly act unethically. Most, we would argue, adopt a stance close to one of three broad approaches to research ethics (Israel & Hay, 2006; Alderson, 2004), namely *consequentialist*, *non- consequentialist* or *ethics of care*.

Individuals taking a consequentialist stance would claim that ethical decisions should be based on the consequences of specific actions so that an action is morally right if it will produce the greatest balance of good over evil. They would weigh up a situation and choose the course of action that would result in the most beneficial outcome to society as a whole. A consequentialist might claim that it is acceptable to undertake covert visual research, for example on youth crime, if the findings of the research could be seen as benefiting wider society.

Individuals adopting non-consequentionalist approaches argue that priority should not be given research ends but rather that ethical decisions should be based on notions of what it is morally right to do regardless of the consequences. A non-consequentionalist approach argues that it is morally right to maintain confidence even if the consequences of that might not be beneficial or in the interests of the wider society. A strident non-consequentionalist approach is akin to what Beauchamp & Childress (2001) term 'principalist' which emphasises principles of respect for people's autonomy, beneficence, non-malificence and justice in making and guiding ethical decisions in research. Such value terms are commonly found in the opening paragraph of ethical guidelines and ethical advice from professional bodies and form the basis for evaluating applications to ethics committees (Israel & Hay, 2006, 37). If principles conflict with each other within a study, it would be necessary for individuals to make an argument for prioritising one principle over another. The principle of respect for autonomy, for example, may present difficulties, as we have seen, for visual researchers in relation to confidentiality and anonymity.

In an ethics of care approach ethical decisions are made on the basis of care, compassion and a desire to act in ways that benefit the individual or group who are the focus of research (Mauthner et al, 2002). This approach is not common and cannot claim to be widespread in orthodox word and numbers based research. An ethics of care attitude to ethics tends to be adopted by those pursuing collaborative and participatory visual research (Gold, 1989; Harper, 1998; Pink, 2003, 2006, 2007a; Banks 2001; 2008; Rose, 2007).

Key values such as integrity, truthfulness and professionalism are progressively being linked to contemporary academic excellence, and reflected in the high ethical standards expected by fund holders and university ethics committees. Increasingly, research councils are stipulating that ethical awareness is a component of good research practice, and are requiring researchers to demonstrate that they have obtained appropriate ethical approval for their proposal. Individuals acting alone or in small groups will use their own moral compass to respond to the call for enhanced ethical practice. There are inevitable ethical gaps and anomalies resulting, for example, from ethics committee members applying principalist values and consequentially struggling to prioritising ethical principles to different contexts. Potentially, visual researchers adopting a participatory approach hold the moral high ground over non-consequentionalist researchers and administrators because their principles are reflected in their behaviour. Individuals experienced in prioritising within an ethics of care approach accentuate good practice and contribute to an informed,

nuanced debate about situated visual ethics. The European Commission, a major funding body, whilst heavily regulating the ethics of studies it funds, also reflect a commitment to an effects of care:

> The measure of ethical sensitivity in a proposal is directly related to the degree of honesty and truthfulness declared. In the majority of cases the individual researchers can easily fulfil ethical obligations by asking themselves: "How would I like my spouse's / child's / parent's dignity to be handled in a research setting?" It is essential to consider the social impact of the research results. "Will the outcome have a dual use that could pose a threat to personal security, privacy and dignity?"[11]
>
> European Commission

Visual Ethics at the Crossroads[12]

It is our view that visual researchers are troubled and feel cornered by visual ethics. They are uneasy with the difficulties posed by acquiescing to various regulatory mechanisms, and nervous at the complexity of applied moral decision making. They feel particularly vulnerable and unprepared to field the ethical probes of non-visual methodologists. Visual social scientists have come to a crossroads and need to be creative and constructive in their choice of direction to escape their predicament. Laws, regulations, ethical dilemmas and individual morals are omnipresent and therefore necessarily taken into account but image-based researchers will need to do more. In this section we highlight three factors: *visual culture*; further *research*; and *training*, which we believe will move visual ethics forward. There is a need to gain deeper understanding of visual ethics and to be proactive in establishing good practice, if the integrity of visual research is to be maintained.
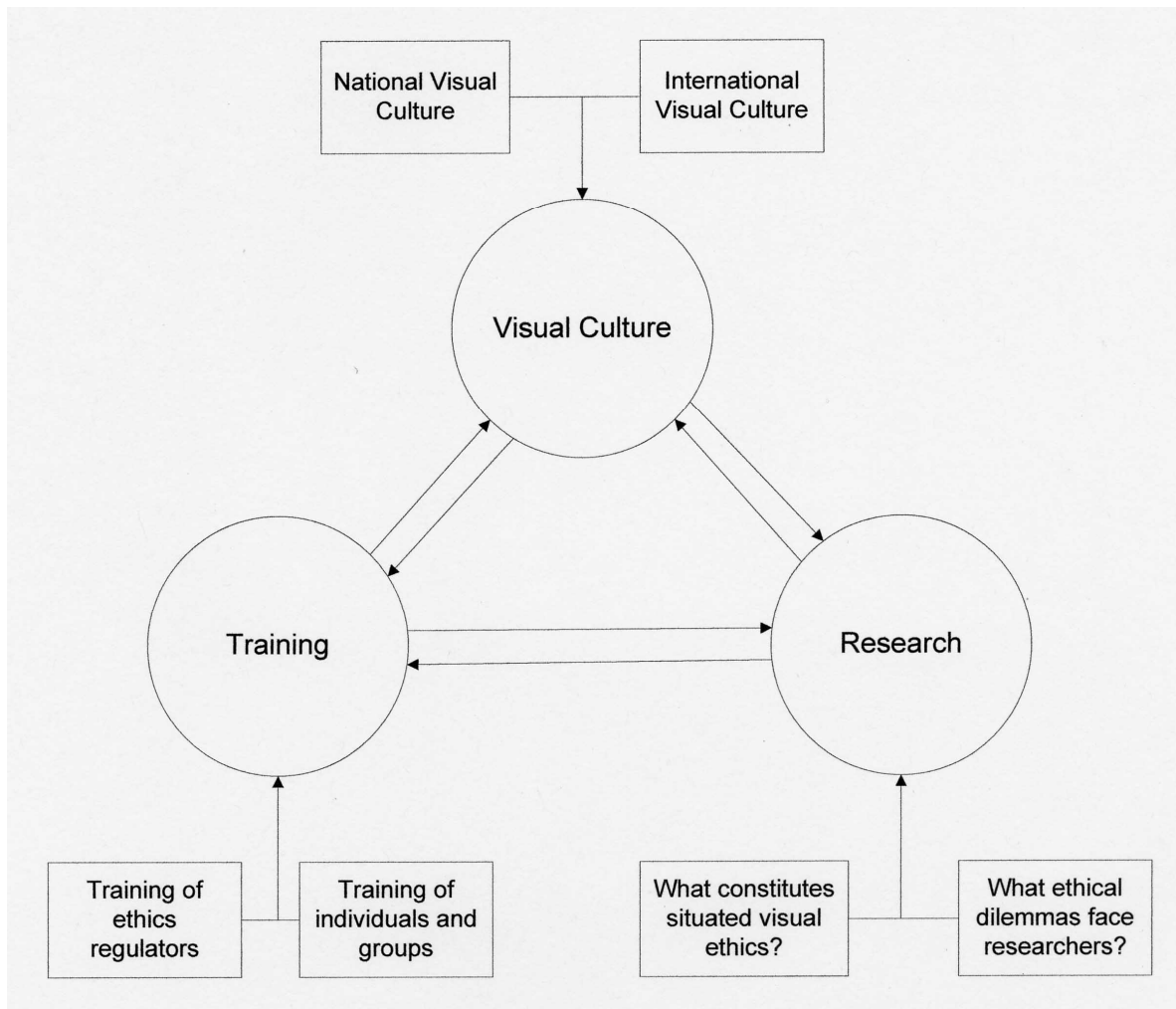
Figure 7: Finding a way forward ~ improving visual ethics practice

Visual Culture

Earlier we touched on the impact of the internet on legal issues and respondents' concern for confidentiality and anonymity and here we wish to explore this theme further. Researchers and the researched are not isolated from society nor are they immune from the influences of wider society. The pervasive but hidden force of 'visual culture' is important to understand and take account of because it reflects powerful but implicit forces that shape everyday values, beliefs and morals. More importantly, its power is such that it influences behaviour and ethical decision making by societal members, including researchers and the researched. Some elements of visual culture are global and have a significant international impact, whilst other elements are nationally, regionally, or locally felt. How does this show itself?

THOUSANDS OF PEOPLE TAKE PHOTOS EVERY DAY.

WHAT IF ONE OF THEM SEEMS ODD?

Terrorists use surveillance to help plan attacks, taking photos and making notes about security measures like the location of CCTV cameras. If you see someone doing that, we need to know. Let experienced officers decide what action to take.

TERRORISM. IF YOU SUSPECT IT, REPORT IT.
CALL 0800 789 321 CONFIDENTIAL ANTI-TERRORIST HOTLINE

Figure 8: Metropolitan Police Poster Campaign

Being taken-for-granted and essentially stable, visual culture is most noticeable when changes in routine or habitué take place. This can be seen in two examples. The first example concerns apparent innocuous indicators of change which nonetheless are underpinned by major shifts in government policy or public thinking which subsequently impact on empirical visual research. Take, for example, a poster produced by the Metropolitan Police in 2008 (London, UK) inviting the public to report suspicious-looking photographers and begins with the statement "*Thousands of People Take Photos Every Day. What If One of Them Seems Different?*" and goes on to point out that *"Terrorists use surveillance to plan attacks"* (Figure 8). The sinister implication of the 'one of many' theme is repeated visually through graphic display. Professional and amateur photographers and researchers are increasingly being stopped from taking photographs in public spaces. In a magazine article Delaney (2008, 18/19) reports on this increasingly prevalent phenomena:

> The internet is home to a fast-growing, worldwide community of photographers who feel their hobby is being gradually outlawed by an increasingly paranoid society. But photographers from America, Canada, Australia and beyond all seem to agree on one thing: nowhere is the situation worse than in Britain. 'London Cops Declare War on Photographers,' reads one headline on boingboing.net, a website at the hub of the issue.

In the UK photographers taking images in public spaces are experiencing reactions to intensifying climate of fear of terrorism and paedophiles and also

an intensifying climate of authoritarianism and surveillance (the UK has more CCTV cameras per head of population than any other country in the world). Heightened public sensitivity to photography in public spaces makes researcher reflexivity in such contexts, described earlier in the 'informed consent' section, especially important.

The concept of harm to others, including subjects of research, is culturally variable. The harm felt by some who believe that to take a photograph of likeness, is to 'steal the soul', transcends cultures and time. Pauwels (2008b, 3) quoting Grimshaw identifies loss of control as a reason why subjects in contemporary developed countries may prefer not to be photographed or filmed:

> a feeling … that some part of the self is being stolen; a sense of loss of anonymity; the non-deniability of presence on a scene when records are made a sense of concern that the features of permanence and reproducibility may make one vulnerable to ridicule or some other, unknown risk (Grimshaw, 1982, p. 235).

This point is further illustrated in the second example concerning the World Wide Web. With no restrictions on what information could be shared, the Internet has become home to an assortment of web-sites containing visual data that governments have struggled to regulate (Gross et al, 2003). The ease by which a photograph or video, recorded on, for example, a mobile phone one second can be transmitted globally the next, has given rise to public uneasiness of visual records created of apparently inoffensive events. The pervasiveness of this view is humorously yet seriously illustrated in Figure 9.
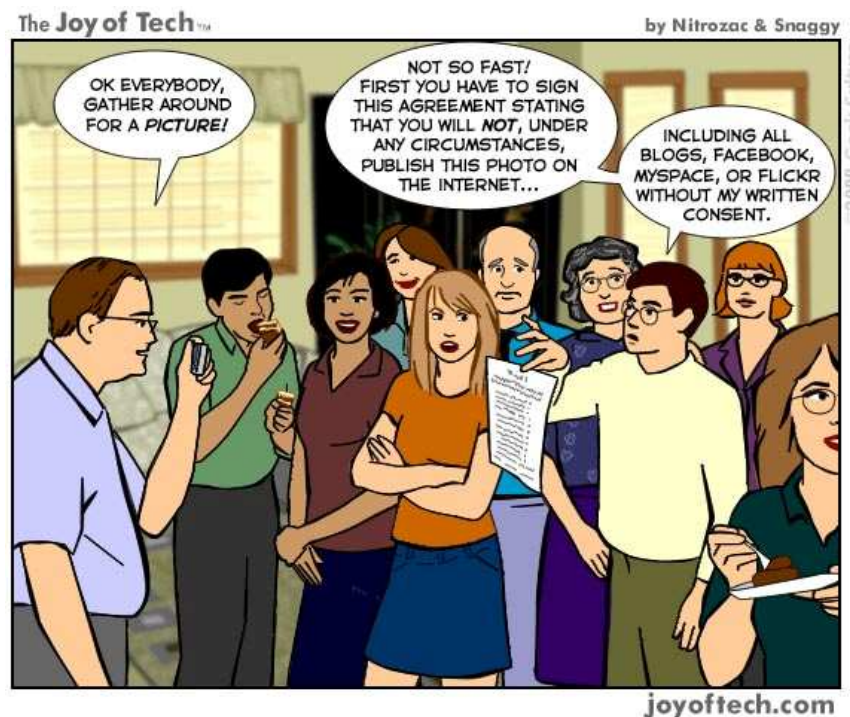

Figure 9: "OK Everybody Gather Around for a Picture!"

"Joy of Tech comic used with permission." http://www.geekculture.com/joyoftech/index.html

What are the consequences for visual research of shifts in visual culture illustrated in the two examples? Clearly, the collective programming of minds, through common values, norms, beliefs and customs that holds society together, is an important role played by culture including visual culture. Researcher, researched, researcher administrators, policy makers and law makers are all under the influence of visual culture and, although they act uniquely as individuals do, they mostly act in very similar ways reflecting the norms of visual culture. Researchers are increasingly uneasy and restricted in their use of photography and video to record of events and complex interactions, and unsure of legal or regulatory requirements. Research respondents are progressively more reticent about having their photographs taken. As described earlier internal confidentiality is quickly undermined when respondents post images of themselves or their associates involved in a study on Facebook or MySpace. Administrators, legal officers and researchers who constitute University Ethics Committees (UK) and Institutional Review Boards (USA) are increasingly uneasy with the collection and storage of visual data, often for legal reasons and out of fear of litigation. Unsurprisingly, ethics committees err on the side of caution and promote conservative visual research designs.

Research

There is much speculation but little evidence of how researchers or researched view visual ethics. Visual researchers' experience of ethical committees and ethics committees' experience of visual researchers is, for example, little known.[13] Evidence is rare and often anecdotal as Pauwels (2008) recounts:

> A recent conference session on ethics in visual research and in particular on the role of ethics review committees (IVSA Annual Conference, New York, August 2007) revealed the urgent need to address these (ethical) issues and also the willingness of most parties involved to improve the situation. Many participants testified about IRBs, which worked strictly by the book and were ignorant of the specific demands of visual research, and thus in good faith provided obstacles to innovative and well thought-through research. But there were also examples of review boards that did include people experienced in visual research, and which succeeded in making headway.

This is indicative rather than substantive data but nonetheless it suggests there are important issues to be explored by consulting members of ethics review boards and applicants to those boards. Greater insight into the needs of researchers and board members especially in terms of ethical dilemmas they find most troublesome, would be useful. To this shopping list of research questions we could add two more: how is ethical knowledge to be communicated to the research community; and what makes visual ethics so different from ethics covered by word and number-centric regulations?

It is clear that many visual specific dilemmas emerge only in relation to specific contexts and cannot be resolved by appeal to higher principles and codes (Renold et al, 2008; Birch et al, 2002). Visual ethics are situated in practice and the social world lays multiple ethical traps and poses multiple dilemmas.Research in situated ethics provides evidence that is useful in a constructive dialogue with policy makers and allows visual researchers to think through and argue their ethical position with institutional ethics committees.

Training

Many visual researchers working within social science find devising, applying and normalising visual ethics in their own work difficult. For them visual ethics is a minefield of statutory and legal confusion, which require to be navigated on the road to good practice. We have argued that visual research is at an ethical crossroad. Now would be an opportune moment to provide training based on prior identification of needs of those involved including policy regulators, those charged with the task of creating and maintaining guideline, IRB members, and visual researchers.

The gap between substantive knowledge and researchers' understanding of visual ethics needs bridging. Ideally, training that filled this gap would be internationally co-ordinated for increased efficiency, effectiveness. At the very least, countries should look to establishing a national infrastructure of training through accessible, rigorous and focused programmes, aimed at establishing visual-centric guidelines on best practice. At the moment in the UK the Economic and Social Research Council (ESRC), via the Researcher Development Initiative[14] (RDI), provide limited visual ethics training through its *Building Capacity in Visual Methods* and *Ethics and Ethical Practice* programmes. There is a need for both face-to-face and e-learning provision, based on research evidence and focused on meeting the generic and unique needs of a broad spectrum of visual researchers, members of ethics committees, and policy makers. Sitting on the ethical 'fence' is not an option for visual researchers. Being proactive is an option. Arguing for a visual perspective on research ethics requires field experience, knowledge, and a sound grasp of how to interpret and manage in-situ ethical regulations and guidelines. Preparation for this work is effectively communicated through grounded training where best practice is scrutinised and, if appropriate, celebrated.

Summary

Researchers from a range of disciplines, paradigms and methodological backgrounds are increasingly mandated to act ethically. Ethical reflexivity is a matter of awareness and sensitivity and is reflected in the degree of honesty and truthfulness in our dealings with others. These values are a measure of researchers' integrity and professionalism and are increasingly a requirement of all research institutions and funding bodies who aspire to excellence. To act ethically is to value integrity, inclusiveness, personal security, privacy and dignity. For visual researchers ethics guidelines and codes of practice cover important principles but being 'visual' in orientation brings its own set of methodological practices and its own distinct set of ethical conundrums that require resolving. Visual methods are collaborative and participatory which leaves respondents at risk of being identified and misrepresented especially on those occasions where research has dual outcomes. Critical issues such as informed consent, confidentiality and anonymity are problematic but resolvable. The siren call of contemporary visual culture necessitates that image-based researchers be particularly vigilant and step in when participant's exuberance for 'going public' is ill judged, and to resist visual misrepresentation by overemphasising 'the juicy stuff'.

The title of this paper 'visual ethics at the crossroads' is metaphorical, indicating that visual research has reached an important juncture and signifying it is timely

to take stock and move in a new direction. At present applications to conduct empirical visual research are given a label 'handle with care' by IRBs and ethics committees who often evaluate and filter proposals through word-orientated measures based on past sound ethical practice. Visual researchers can and should meet the ethical criteria set by regulatory bodies and applied by institutional committees, but the onus is on them to make a case for special consideration being given to visual methods.

Endnotes

1 In this paper we refer to individuals and groups who take part in research as participants, respondents interchangeably.

2 Disclaimer: This is a general guide by non-specialists and is necessarily limited in scope. This guide is not intended to be legal advice. Readers should seek legal advice from a competent lawyer if legal advice is required with regards a specific situation.

3 For 'photovoice' see Caroline Wang website http://www.photovoice.com/index.html. Also Ewald who works through Duke's Centre for Documentary Studies, USA: http//globetrotter.berkley.edu/Ewald/

4 An example of this in the UK context can be seen at: http://www.bakelblog.com/nobodys_business/2008/06/cops-bully-vide.html

5 In the UK research including student projects involving National Health Service staff or patients is subject to approval by COREC - The Central Office for Research Ethics Committees. http://www.corec.org.uk/public/about/about.htm

6 Economic and Social Research Council: Research Ethics Framework (2005); http://www.esrcsocietytoday.ac.uk/ESRCInfoCentre/Images/ESRC_Re_Ethics_Frame_tcm6-11291.pdf

7 European Commission (2007) Ethics for Researchers – Facilitating Research Excellence in FP7 Luxembourg: Office for Official Publications of the European Communities, ISBN 978-92-79-05474-7

8 For examples of consent forms for the production and use of images for schools and Local Education Authorities (UK) see http://www3.hants.gov.uk/logos/cx-logos-corporatestandards/cx-logos-imagesofpeople/cx-logos-images-sampleconsent.htm. For an example used in social science research see Wiles et al (2008; appendices)

9 For software to assist in anonymising visual images see
http//:www.yowussup.com/pixelating-images.php; http://www.virtualdub.org;
and http://compression.ru/video/cartoonizer_en.html

10 Moore et al. (2008) do comment on the ethical issues of asking participants to
take photographs, though this is framed within the context of the health and
wellbeing of participants rather than the consent of the potential subject of
the image. One participant suggests "a lot of it is people, the tramps and so
on and the beggars and the street vendors. You can't really take photographs
of them in safety. You know you're likely to get abuse or, or whatever, and I
think that's one of the worst parts of city living" (2008).

11 From Ethics for researchers: facilitating research excellence in FP7, European
Commission: ftp://ftp.cordis.europa.eu/pub/fp7/docs/ethics-for-researchers.pdf

12 This title is 'borrowed' from Douglas Harper (1993) On the authority of the
image: Visual sociology at the crossroads, in Denzin, N., Lincoln Y., Handbook
of Qualitative Sociology, Beverly Hills, Sage, pp 403-12.

13 There is a study currently underway led by Rose Wiles, University of
Southampton, UK, which is collecting data from researchers and ethics
committee members: Visual Ethics: developing good practice. ESRC, National
Centre for Research Methods. University of Southampton. A report will be
available in the summer of 2009 at the ESRC NCRM website:
http://www.ncrm.ac.uk/

14 The ESRC Researcher Development Initiative (UK) supports the training and
development of researchers in the social sciences at all stages of their career:
http://www.rdi.ac.uk/

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