Ethics Assessment in Different Fields

Humanities

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June 2015

Annex 2.e
Ethical Assessment of Research and Innovation: A Comparative Analysis of Practices and Institutions in the EU and selected other countries
Deliverable 1.1

Contents

1. Introduction

This report on ethical assessment of research and innovation in humanities is a part of a comparative study across scientific fields and disciplines within a wider analysis of EU and international practices of ethical assessment, conducted by the SATORI project. Ethical assessment in this analysis covers any kind of review or evaluation of research and innovation based on ethical principles. The report will focus on academic traditions of ethics assessment in the field, various types of (national and international) organisations involved in assessment and relevant legislation.

Humanities study different aspects of human culture, its history and present diversity. A plurality of methods, even within the same discipline, is characteristic. The exact definition of the object of a specific discipline is often subject to debate and is dependent on particular theoretical approaches within the discipline.

The exact range of research disciplines constituting humanities varies according to academic traditions in different countries. Traditional disciplines are philosophy, history, study of languages (linguistics) and literature (national literature, comparative literature), religion (theology) and arts (performing and visual arts, art history, and musicology). The division between humanities and social sciences is not always clear, as in some traditions, archaeology, anthropology, geography and even law can be included in the humanities. The demarcation between the fields of humanities and social sciences is even less clear with more recently established disciplines, such as cultural, gender, ethnic or area studies. Furthermore, the contemporary emphasis on inter-disciplinarity involves humanities in research projects that transcend its original boundaries.

Even though general discussions on ethical questions originate in disciplines belonging to the field of humanities, humanities are one of the fields least associated with the practices of ethical assessment in research and innovation. From ancient Greek philosophy to the present array of humanities disciplines, ethics has been one of the main research topics. Furthermore, from classical discussions on justice to contemporary research on vulnerable groups and discrimination, the role of humanities in society and its contribution to the common good have always been central to the debates in various humanities disciplines. On the other hand, since research in humanities does not often involve human participants – at least not in a way that would put them to physical risk – and given that the major cases of wrongdoing in this regard were recorded in biomedical research, humanities were far from the centre of the debate and institutionalisation of ethical assessment of research and innovation.

The principle objects of research in humanities are the products of human culture, such as ideas, languages, texts and monuments, while cultural research involving human participants differs greatly from physically intrusive biomedical research and is in case more likely to be considered as belonging to social science. The introduction of institutionalised ethical review of research proposals (in the 1990s) was met by some resistance – given the principles of the review system were originally developed for biomedical research – and triggered the debate on how the approaches and principles of ethical assessment should be adapted to the characteristics of humanities and social sciences.[1]

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[1] See Schrag, Zachary M., *Ethical Imperialism*, Johns Hopkins University Press, Baltimore, 2010.

The level of institutionalisation of ethics assessment in humanities is thus lagging behind some other fields, although increasing efforts are being made to form field-specific ethical guidelines and committees. Nevertheless, the implementation of ethics assessment protocols can draw on the highly developed reflection on the responsibility of researchers towards society within these disciplines – throughout history, humanities have often taken on the role of a critical voice in society regarding a range of social issues and injustices. Historically, the awareness of the need for ethical assessment in humanities and voicing the urgency to established field-specific social science and humanities (non-medical) ethical guidelines and review committees is on the rise since the 1990s with the establishment and formulation of first specialised committees and guidelines.

Like any other field of research, humanities strive to adhere to the values of scientific integrity and social responsibility. Several disciplines within the field (e. g. history, linguistics) often include research involving human participants and are susceptible to the same risks as the ones acknowledged by social sciences. The need for ethical assessment is also increased by the growing significance of interdisciplinary collaboration (resulting in blurred borders between disciplines), where humanities are often involved in research projects that involve ethical risks.

While some ethical values or issues in humanities are common to any other field of research and innovation (e. g. plagiarism and data falsification), others have to be redefined due to the specifics of research objects (texts and cultures) and methodologies (qualitative, interpretive) as well as different kinds of risk to research participants in comparison to biomedical research (e. g. informed consent, non-physical harm). Most of these differences are common to both humanities and social sciences.

As SATORI's focus is on ethical assessment in research and innovation, it should be mentioned that in humanities, it is not common to speak of innovation, since the results of research are rarely applicable as tools or products. However, we can speak of innovation in humanities in terms of:

- creating new theories and methods that find their use in several disciplines across humanities and social sciences;
- compiling databases of cultural heritage and preparing exhibitions;
- the impact of humanities in other fields, where innovations are made, e.g. in design and creative industries, which are often under the influence of contemporary aesthetical or philosophical thought;
- the societal impact of research in humanities, e.g. through publically influential critical theory, which can advocate democratic ideas and criticise discriminatory ideologies;
- new currents in performing and visual arts that have a wider cultural impact on society;
- developing pedagogical models;
- applied linguistics, e.g. in translation, computer science.

Stimulating innovation in humanities is also one of the aims of HERA – Humanities in the European Research Area Joint Research Programme. A preparation report for HERA[2]

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[2] See HERA, *Thematic Report: The Humanities as a Source of Creativity and Innovation*, November 2006.
http://heranet.info/system/files/HERAJRPdocuments/Deliverables/d6.2.1d_hera_thematic_scoping_exercise_the_humanities_as_a_s.pdf

mentions creative industries, discourse analysis and medical humanities as particular areas where humanities can provide innovation through interdisciplinary connections.

This report will explore approaches to ethical assessment in humanities, the ethical principles these approaches refer to and ethical issues they address. The report will also focus on the nature and level of institutionalisation of ethical assessment practices within the field. A list of important institutions and a list of key publications are provided in the annexes. The report was compiled on the basis of studying important documents and journal publications on relevant topics. Additionally, one interview was done with an expert on ethics assessment in the field.

2. Ethical Assessment: Approaches and Principles

Before the introduction of institutionalised ethical reviews to the field of humanities in the 1990s, "ethical conduct of research [in humanities] was a matter for the conscience of the individual researcher and for informal policing by the broader research community".[3] Our expert interview respondent confirmed that interviews with research participants (the most common way of research involving humans in the humanities) were done in much more informal way.[4] In terms of social responsibility, the debate focused on "the choice between detachment and engagement", i.e., between neutral academic research and engagement in current political struggles.[5]

The need for special guidelines and procedures for ethics assessment in humanities and social science research is almost universally stated in literature. The difficulties of simple application of protocols and procedures based on medical and natural sciences are heavily reported on.[6] "Some researchers in the humanities […] have indeed argued that extending the ethical clearance regime of a biomedical research model into a new range of previously unaffected disciplines including history, literary studies, and cultural or media studies, with quite different models of research practice, is dangerous and may well have significant negative effects."[7] That Research Ethics Committees (RECs) in humanities have not always seemed necessary is testified by the decision of a working group established in the mid-1990s by the Danish Social Sciences and the Danish Humanities Research Council which "reached the conclusion that RECs were not necessary in these areas".[8]

More appropriate guidelines for ethical assessment of research were first crafted in the social sciences, where research involving human participants is more common. E. g., the first version of Social Research Association's *Ethical Guidelines* was drawn up in the 1980s. The first version of Norwegian National Committee for Research Ethics in the Social Sciences and

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[3] Cribb, Robert, "Ethical regulation and humanities research in Australia: Problems and consequences", *Monash Bioethics Review*, 2004, 23 (3), p. 39.
[4] The interview respondent was Dr Michael Kandiah, chair of the Arts & Humanities Research Ethics Panel at King's College London.
[5] Cribb, op. cit., 2004, p. 40.
[6] *Cf.* Schrag, Zachary M., "The Case against Ethics Review in the Social Sciences", *Research Ethics*, 2011, 7 (4), pp. 120-131, and Schrag's blog on the topic: http://www.institutionalreviewblog.com; also Cribb, *op. cit.* 2004 and Jacobson, Nora, Rebecca Gewurtz and Emma Haydon, "Ethical Review of Interpretive Research: Problems and Solutions", *IRB: Ethics & Human Research*, 2007, 29 (5), pp. 1-8.
[7] Parker, Malcolm, Jim Holt, Graeme Turner, Jack Broerse, "Ethics of research involving humans: Uniform processes for disparate categories?" *Monash Bioethics Review*, 2003, 22 (3), p. 59.
[8] Holm, Sören, "The Danish Research Ethics Committee System, Overview and Critical Assessment", Online Ethics Center for Engineering 6/14/2006, National Academy of Engineering.
http://www.onlineethics.org/Topics/RespResearch/ResResources/nbacindex/nbachindex/hholm.aspx

the Humanities' (NESH) *Guidelines for Research Ethics in the Social Sciences, Law and the Humanities*, was published in 1993.[9] At the EU level, these issues were addressed by the *EU Code of Ethics for Socio-Economic Research*,[10] written as a part of the RESPECT project,[11] as well as the *Guidance Note for Researchers and Evaluators of Social Sciences and Humanities Research*[12] by the European Commission.

It seems that these documents and the general approach to ethics assessment in humanities and social sciences is based on the adaptation of principles well established in other fields according to bottom-up deliberations grounded in every-day experience in research practices. The interview respondent's experience with ethical review of humanities in the UK is that issues are resolved on a bottom-up level, from case to case, rather than by extensively elaborating on general frameworks.

The following discussion of ethical principles in the field is based on the above-mentioned documents. The characteristics of the application of these values in humanities will be discussed in the next section on ethical issues.

Ethical guidelines and codes for research in social sciences and humanities often divide values and principles connected to research into three major categories:

1. standards of *scientific* practice;
2. responsibilities towards individuals and communities directly *participating* in research;
3. considerations of *societal* impact of research.[13]

1) Values pertaining to scientific practice in humanities are mostly common to all scientific fields. The ones listed below are accompanied by commentaries on the specificity of their role in humanities (based on the ethical guidelines mentioned above).

- *Quality* of research. The criteria for quality and verifiability of research in humanities are often discussed as they differ from quantifiable criteria used in natural sciences and sometimes even in social sciences. The co-existence of different approaches and theories must be accounted for without sacrificing means of evaluation.
- *Freedom, autonomy* or *independence* of scientific pursuit. As humanities often address topics that challenge accepted believes within society, researchers can find themselves under pressure from political, cultural or religious groups.
- *Scientific integrity*:

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[9] De nasjonale forskningsetiske komiteer, *Guidelines for Research Ethics in the Social Sciences, Law and the Humanities*, 2006. https://www.etikkom.no/Documents/Publikasjoner-som-PDF/Guidelines%20for%20research%20ethics%20in%20the%20social%20sciences,%20law%20and%20the%20humanities%20(2006).pdf

[10] Dench, Sally, Ron Iphofen and Ursula Huws, *An EU Code of Ethics for Socio-Economic Research*, The Institute for Employment Studies, Brighton 2014.

[11] The RESPECT project was funded by the European Commission's Information Society Technologies (IST) Programme, to draw up professional and ethical guidelines for the conduct of socio-economic research. http://www.respectproject.org/main/index.php

[12] European Commission, *Guidance Note for Researchers and Evaluators of Social Sciences and Humanities Research (Draft)*, 2010. http://ec.europa.eu/research/participants/data/ref/fp7/89867/social-sciences-humanities_en.pdf.

[13] This kind of categorisation can be found in the mentioned *EU Code of Ethics for Socio-Economic Research* as well as in the *Guidelines for Research Ethics in the Social Sciences, Law and the Humanities* (see footnotes 11 and 12).

- o strictly referencing other researchers' work;
- o honest handling of data;
- o fair treatment of colleagues;
- o fair treatment of rival theoretical or methodological approaches, especially when in the role of official evaluator (the coexistence of different approaches and theories is of a high importance in humanities).

2) Some disciplines within humanities include research involving human participants. In these cases, the following values and principles apply:

- *human dignity* (in relevant cases in performance arts, this principle can also apply to involved performers);
- *avoiding harm*;
- *voluntary* and *informed consent*;
- *confidentiality* and *anonymity;*
- respect for *cultural differences* and regard for vulnerable participants.

3) In humanities, general scientific values linked with responsibilities towards society are recognised.

- *Benefit* of research for society, including addressing concerns of relevant stakeholders and recognising the impact of research results on individuals and communities. This value can draw on the long-standing tradition of reflecting on the role of the intellectual in society within humanities. There is the need, however, to balance this value with the value of autonomy of scientific pursuit.
- *Equality of participation* in conducting research:
  - o respecting gender differences
  - o excluding bias in terms of differences of age, race, religion etc.
- Regard for *vulnerable*, *disadvantaged* or *underrepresented* individuals and groups or communities.
- Care for publication and responsible *dissemination* of research results and participating in public debates.

A specific value in humanities is
- the *preservation* of cultural monuments, insofar as these are the objects of research (e.g. archived texts).

A case-study of a REC at a Faculty of Humanities suggests the value system of the four R's: "Relevance, Responsibility, Respect and Reciprocity".[14]

There is consensus among researchers that ethical assessment in humanities, when necessary, should be done in a way that is mindful of the field's characteristics. The best way to do that is to establish specialised ethics committees in which humanities research projects are reviewed by peers from the same disciplines following guidelines, adapted/adjusted to these disciplines. The interview respondent claims that it is important to establish a dialogue between researchers and committees, in order that the applicants' fears of the review being overly intrusive are mitigated and that they better understand the aims of the review.

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[14] De Wet, Katinka, "The Importance of Ethical Appraisal in Social Science Research: Reviewing a Faculty of Humanities' Research Ethics Committee", *Journal of Academic Ethics*, 2010, 8 (4), p. 312.

3. Overview of Ethical Issues

Ethics has been one of the central topics in philosophy ever since antiquity and is also an important aspect of research in many other disciplines within the field of humanities. Research ethics approaches are themselves based on some sort of a philosophical background. Furthermore, there is a long tradition of high awareness of societal impact of research in humanities. The figure of the public intellectual (exemplified for example by Jean-Paul Sartre, Bertrand Russell or Edward Said), combining academic work with political activism, was highly influential throughout the 20th century. In the latter decades of the last century, several highly influential theoretical currents within the field, such as post-colonialism, feminism, deconstruction, etc., have placed ethical concerns, especially regarding race, gender and minorities, at the forefront of their research endeavours.

However, these traditions have not had a major influence on the institutionalisation of ethical assessment and guidance in research and innovation in humanities. The institutionalisation was rather influenced by ethical assessment practices in biomedicine and social sciences. The discussion of the array of ethical topics opened up by various theoretical approaches in contemporary humanities would be outside the scope of this report. Therefore, the following presentation of ethical issues focuses on ethical issues addressed by research-ethics guidelines in the field.

The specificities of ethical issues in humanities will be presented, following the categorisation referred to in the previous section: 1) scientific practice, 2) research involving human participants, 3) societal impact. These specificities are emphasised in ethical guidelines for the field and are also discussed in literature. The literature on ethical issues in humanities may not be as vast as in some other fields, but the discussion is nevertheless active. Focus is on pointing out differences in ethical issues between humanities and social science research on the one hand, and medical research on the other.

1) Scientific practice

- Methods of assessing quality in humanities are a matter of fierce discussion. From an ethical point of view, the coexistence of several theoretical approaches must be acknowledged according to the principle of good faith. As stated by the NESH *Guidelines*:

  > All disciplines are characterised by competing schools of thought, and possibly even by disagreement on fundamental questions of scientific theory. Those responsible for the assessment of others' work must therefore be willing to seriously consider arguments and ways of thinking that are asserted by approaches other than their own.[15]

  Since research in humanities is often very interpretive, reviewers are often faced with "the conflict between the ideal of remaining objective in reviewing and critiquing papers and performances and the inherently subjective nature of these products".[16]

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[15] De nasjonale forskningsetiske komiteer, op. cit., 2006, p. 27.

[16] Stenmark, Cheryl K., Alison L. Antes, Laura E. Martin, Zhanna Bagdasarov, James F. Johnson, Lynn D. Devenport, Michael D. Mumford, "Ethics in the Humanities: Findings from Focus Groups", *Journal of Academic Ethics*, 2010, 8 (4), p. 296.

- As humanities often address topics that can be politically controversial or sensitive for various groups within society, researchers are often faced with pressure from political parties or religious organisations. To quote the NESH *Guidelines*:

  > Research must be safeguarded against control from the inside or the outside that interferes with well-founded problems for discussion that are at loggerheads with particular financial, political, social, cultural or religious interests and traditions.[17]

- Plagiarism is an issue humanities share with other fields. Humanities literature often involves extensive commenting on other authors' texts so special care must be applied to clearly distinguish summaries of other texts and the author's own theses. As the interview respondent pointed out, the notion of authenticity can vary in different cultural contexts.
- Ownership of gathered material (copyright of utterances in an interview) can be an issue.[18]
- Data fabrication and data presentation bias: researchers in humanities work with qualitative data which they select and interpret, so they "should be transparent in the methods and sources they use".[19] Cases of fabrication of data are especially notorious in historiography.[20] To avoid such allegations, resources should be made available for verification. Apart from fabricating data, bias in selection of data based on ideological positions of the researcher can be a problem.[21] Distinction between bias in data selection and data fabrication can sometimes be blurred:

  > what, after all, is the relation between the systematic bias of ideological blinders—race, gender, ethnicity, class—to […] plagiarism, falsification and fabrication[.]But aren't these two very different issues: one, the all but inevitable ideological meta-narrative behind the storytelling of any coherent narrative history; the other, the violation of basic standards of intellectual honesty[.][22]

  Since research in humanities tends to be very interpretative and embedded in the cultural and political realities and differences, history is not the only discipline in which it is sometimes hard to distinguish between legitimate differences in methodologies or approaches and ideological bias.
- Accepting arts funding and sponsorship from corporations that do not stand for the same values as those being promoted by the artworks and art institutions can be ethically questionable.[23] In performance arts, when performances generate profit, the "profits must be managed with integrity".[24]

2) Research involving human participants

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[17] De nasjonale forskningsetiske komiteer, op, cit., 2006, p. 10.

[18] *Cf.* Smythe, W. E., and M. J. Murray, "Owning the Story: Ethical Considerations in Narrative Research", *Ethics & Behavior*, 2000, 10 (4), pp. 311-336.

[19] Stenmark, et al. op. cit. 2010, p. 294, 297.

[20] *Cf.* Hoffer, Peter Charles, *Past Imperfect: Facts, Fictions, Fraud – American History from Bancroft and Parkman to Ambrose, Bellesiles, Ellis, and Goodwin*, PublicAffairs, Perseus Books Group, Cambridge 2007.

[21] The debate on the relation between the possibility of objective truth and an ideological perspective was fierce in the case of the work of the left-wing historian Howard Zinn. See http://rationalwiki.org/wiki/Howard_Zinn

[22] Meltzer, Mitchell, "Plagiary, Falsification, and Fabrication in American Historiography", *Plagiary*, 2007, 2, p. 118.

[23] See, for example, the controversy surrounding BP's sponsorship of Tate museum. Wright, Michelle, "Arts Sponsorship: the Slippery Issue of Ethics", *The Guardian*, 24 November 2014.

[24] Stenmark, et al. op. cit. 2010, p. 297.

Humanities mostly study texts and other cultural artefacts. Even when human subjects are included in the research, there is almost no risk of physical harm. The issues concerning human participants that do arise in humanities research are very similar to those in social sciences and substantially different to those in biomedical research. The *Guidance Note for Researchers and Evaluators of Social Sciences and Humanities Research* from the European Commission states that "in many cases the ethical guidelines used by the ethical review boards are better suited to medical/biomedical research than to SSH (social sciences and humanities) research".[25] According to this document, to properly assess ethical risks in social sciences and humanities research, acknowledging the differences between fields is crucial:

> Professional associations of SSH have expressed their concerns and pointed out that if standard rules and procedures are followed in a blanket manner on the assumption that the same ethical principles apply in the same way to all research fields, this will do more harm than good (it may heighten the risk to the participants of research instead of protecting them, and even stop socially important research).[26]

In contrast to biomedical science, the potential harm for participants in social sciences rarely relates to health risks or physical wellbeing. Rather, the issues are of a more psychological nature or linked to the problem of how cultures and behaviours of certain individuals or groups are represented in the community (risk of discrimination, stigmatisation). "Psychological harm, unfulfilled expectations, deception, unexpected or erroneous representations and different interpretations are examples of possible harm that might befall the research subject in non-medical research."[27] The very status of the participant in humanities research is different - "The human subjects of research are direct and knowing sources of information, not the site of experimentation."[28] This also entails that unlike in medical sciences, which assume "an all-powerful investigator and a vulnerable participant", the investigator and the participant are "engaged in a mutual process of constituting knowledge".[29] Also, a slightly different approach is needed concerning consent and privacy, as discussed below.

In humanities, research involving human participants is not as frequent as in biomedical and social sciences, although it is often carried out in historiography (e.g., interviews in oral history), linguistics and cultural studies (where it is sometimes hard to distinguish humanities from social sciences). Also, when performing arts can be considered as research, performers or participating audiences can be considered as research participants.

The risks for research participants in social sciences are extensively discussed in the *EU Code of Ethics for Socio-Economic Research* by the RESPECT project. The following list (with noted additions) is based on this document, summarising those issues that seem equally applicable to humanities.

- Issues concerning *avoidance of harm* and *human dignity*.
  - The RESPECT *Code* states that in "medical research, the concept of protection from harm is perhaps clearer than in socio-economic research".[30] The harm, potentially caused by SSH research, is most likely to be of a psychological

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[25] European Commission Guidance Note, op. cit., 2010, p. 6.
[26] Ibid.
[27] De Wet, op cit., 2010, p. 302.
[28] Parker, op. cit., 2003, p. 59.
[29] Jacobson, op. cit., 2007, pp. 4, 2.
[30] Dench, op. cit., 2014, pp. 78-9.

nature: "research involving sensitive topics […] might induce psychological stress, anxiety or humiliation".[31] Sensitive topics are further defined by the *Framework for Research Ethics* of UK's Economic and Social Research Council: "participants' sexual behaviour, their illegal or political behaviour, their experience of violence, their abuse or exploitation, their mental health, or their gender or ethnic status".[32] Humanities researchers state that it is very hard to predict psychological harm that can be caused by interviewing participants on such topics.[33]

o However, research in these kinds of sensitive topics is not only seen in terms of potential harm, but also as *beneficent to participants*. Some have emphasised the benefits of such research for these participants, e.g. the "important therapeutic value of talking about one's past, even if that past contains uncomfortable or even deeply unpleasant experiences".[34]

o Harm can also be defined socially as potential stigmatisation and discrimination of an individual within the community or of a group within society. It is important to note that "potential for injury resides less in the research act and more in the issues of expectation, interpretation, and representation".[35]

o As a minimal risk of harm is sometimes unavoidable, researchers have to "balance individual rights and public interest/common good".[36] The Canadian Tri-council policy statement *Ethical Conduct for Research Involving Humans* also claims that "some research may be deliberately and legitimately opposed to the interest of the research subjects. This is particularly true of research in the social sciences and humanities that may be critical of public personalities or organisations."[37] The interview respondent also pointed out this reversal of power relations which is characteristic, for example, in interviews with the political elite. In such cases, the interviewer can be influenced by the interviewee. Furthermore, final interpretation of what interviewees say can be very critical of them.

o Risk of harm can also fall upon the researcher, e. g. while doing research on conflicts or entering war zones. The interview respondent has stressed that these risks need to be assessed.

- Issues concerning *voluntary consent*:

o A signed consent form may not always be the best solution, especially "when the ritual of signing an informed consent document is either culturally foreign or politically objectionable to the participants".[38] This is "particularly the case when interviews involve those who have good reason to fear formal and official procedures - members of poor or marginalized groups in our own society, subjects of authoritarian rule or civil discrimination in some other

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[31] European Commission Guidance Note, op. cit., 2010, p. 10.
[32] Economic and Social Research Council (ESRC), *ESRC Framework for Research Ethics (FRE)*, 2010, Updated September 2012, p. 9. http://www.esrc.ac.uk/_images/framework-for-research-ethics-09-12_tcm8-4586.pdf
[33] Jacobson, Nora, Rebecca Gewurtz and Emma Haydon, "Ethical Review of Interpretive Research: Problems and Solutions", *IRB: Ethics & Human Research*, 29 (5), 2007, p. 3.
[34] Cribb, op. cit., 2004, p. 49.
[35] Jacobson et al, op. cit, 2007, p. 3.
[36] European Commission Guidance Note, op. cit., 2010, p. 9.
[37] Interagency Secretariat on Research Ethics, *Ethical Conduct for Research Involving Humans*, Ottawa 2005, p. i.7.
[38] Jacobson et al, op. cit, 2007, p. 3.

countries".[39] Researchers should therefore "take into account the cultural and ethical norms of the population(s) under study"[40] when deciding on the most appropriate way to obtain consent.

- o As in other fields, there are issues raised by indirect consent via gatekeepers, when research concerns children or people with disabilities.
- o The decision to participate must not be taken under pressure: e.g. from a researcher, pushing too hard for an interview or from employers or professors using their power over their employees or students to get consent.
- o Covert research: the controversial bypassing of consent is mostly used in research of criminal or anti-social behaviour, where consent cannot be obtained without alerting the participant to normalise his or her actions.
- o Reversal of power relations: the *Guidance Note* draws attention to cases where participants in question are powerful political or financial figures who oppose research results that could harm them professionally.

> Extending to such powerful figures the right to withhold or withdraw consent (which is clearly appropriate for vulnerable and ill-informed research subjects) can leave SSH researchers seriously disadvantaged.[41]

- o In performing arts, audience is sometimes observed for research; ethical issues should be considered in these cases, argues the interview respondent.

- Issues concerning *informed consent*:
  - o Key information should be provided in a comprehensible way, adjusted to the participant; too much information can make the consent form less comprehensible or can compromise the outcomes.
  - o There is a debate on the timing of consent: is it enough to obtain it before the research or does it have to be obtained again after the research when all the data is revealed. It has also been suggested that an informed consent should not be understood as a one-time event but as a continuous process: "These aspects are highly relevant from an ethical perspective because research in SSH is often carried out over long periods of time and outside institutional settings."[42] Similar claims can be found in literature, e.g. the view of "ethics as process", in which "consent involves a series of interactions between researchers and participants that promote the engagement of all parties in frank discussion of possible harm and benefit as the research unfolds".[43]
  - o Deception: there is an ongoing debate whether deception is acceptable; it should, if ever, only be used in exceptional cases and thoroughly justified.
- Issues concerning *privacy*, *confidentiality* and *anonymity*.
  - o These principles are in some specific cases overridden by the principle of "giving voice".

> [T]he powerful ethical impulse in history as a discipline is precisely to give voice to the voiceless, to return identity and agency to those who have been forgotten or written out of history. Women's history, the history of ethnic, cultural, gender and

[39] Cribb, op. cit., 2004, p. 48.
[40] Interagency Secretariat on Research Ethics, *Ethical Conduct for Research Involving Humans*, Ottawa, 2005, p. 17.
[41] European Commission Guidance Note, op. cit., 2010, p. 11.
[42] *Ibid.*, p. 13.
[43] Jacobson et al, op. cit., 2007, p. 3.

other minorities, subaltern history and a host of other fields of historical research are impelled more than anything else by a desire to do justice to these groups by telling their story.[44]

- o When illegal activities or situations of abuse are revealed to the researcher, he or she may face an ethical dilemma whether to breach confidentiality and report it; in some cases it is even illegal not to report it.
- o Legal issues can emerge when materials gathered in research under the principle of confidentiality are demanded by the authorities. The Boston College case was brought to attention by the interview respondent.[45] Former Irish Republican Army members were interviewed as a part of an oral history project on the Northern Ireland conflict. The interviewees were assured the tapes would only be made accessible after their death. This led the Police Service of Northern Ireland to start a court case in USA demanding access to these materials.[46]
- o Attention should also be paid to the way confidential materials are stored, claims the interview respondent. Cloud storage cannot be considered as completely secure.
- Issues concerning respect for *cultural differences*, *vulnerable* participants and groups.
    - o When obtaining consent – according to NESH *Guidelines* – researchers should take notice that "vulnerable and disadvantaged individuals and groups will not always be equipped to defend their own interests in respect of researchers".[47] In what concerns research results, researchers "should avoid using classifications or designations that give rise to unreasonable generalisation, resulting in practice in the stigmatisation of particular social groups",[48] especially minorities, the disabled, etc. In literature this issue is discussed as a problem of "representation".[49]
    - o When studying other cultures, researchers must have "the skill and experience to ensure that there is nothing about their personal attributes that offends or intimidates the subjects".[50]
- In performing arts, when they can be considered as research, all of the above issues need to be considered in relation to performers and audiences.

Ad 3) Societal impact

- The issue of balancing the autonomy of scientific pursuit with its aim to *benefit society*. Especially in humanities, research is also expected to yield *cultural benefit*. In performing and visual arts the questions of its impact on the public is sometimes raised in ethical terms, although the freedom of expressions is considered a higher value in most cases.
- Humanities often deal with ideologically sensitive topics. This is why researchers

    should be aware of the potential impact their work may have on public policy and other matters that may affect the broader society, such as the way history books are written.

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[44] Cribb, op. cit., 2004, p. 49. Also *cf*. Jacobson et al, op. cit., 2007, p. 3.
[45] The case is well documented at this site: https://bostoncollegesubpoena.wordpress.com.
[46] Ibid.
[47] De nasjonale forskningsetiske komiteer, op. cit., 2006, p. 22.
[48] Ibid.
[49] *Cf*. Jacobson et al, op. cit., 2007, p. 3; De Wet, op. cit., 2010, p. 312.
[50] European Commission Guidance Note op. cit., 2010, p. 13.

Additionally, while part of the work in these fields may often include challenging others intellectually, socially, or emotionally, it is also true that these practitioners must be cognizant of how their work might impact others[.][51]

Same problems occur with controversial artworks.[52] Being aware of the possibility of offending other people's sensitivities, can, however, be at odds with fundamental values of freedom of speech and autonomy of scientific endeavour and artistic expression.

- Research involving *vulnerable groups* should strive to guarantee that its findings do not "further marginalise and stigmatise these groups".[53] Measures should be taken to responsibly disseminate such results to the public, so that results cannot be used to stimulate discrimination.
- In research concerning *other cultures and times*, researchers also have to make a "clear distinction between documentation and evaluation"; however, they also need to "weigh consideration for the recognition of cultural differences against consideration for other fundamental values and human rights".[54]
- Research in *developing countries* needs to "be responsive to the needs of the country where it is carried out".[55]
- *Discrimination* based on gender, nationality, race, religion etc. in terms of methodologies and language used. (This is a crucial aspect, since the humanities study ideas and cultures, which are the subject of many prejudices. Discourses of exclusion are themselves often the object of research, which means that humanities can be involved actively in the fight against discrimination.)
- When researching *cultural monuments*, measures should be taken to preserve them for future generations.[56] Special care must be taken when dealing with posthumous remains and reputations.

4. Institutionalisation: EU and International

The level of institutionalisation of ethics assessment in humanities cannot be compared to that in biomedical or even social sciences. However, with the growing awareness of the differences in risks and methodologies between fields, the extent of ethics assessment institutionalisation in humanities is increasing. As stated by our interview respondent, changes in data protection legislation and growth of universities are contributing factors to increased institutionalisation.

Increasing institutionalisation has been encouraged on the European level with the attention given by the European Commission to acknowledging differences between fields in the ethics assessment procedures within its Framework Programmes. The EC has taken measures not to treat all fields in a uniform way by issuing the *Guidance Note for Researchers and Evaluators of Social Sciences and Humanities Research* as a part of FP7 documentation. Its aim was "to provide applicants and evaluators of Social Sciences and Humanities research projects with advice and practical guidance on dealing with the ethical aspects of Social Sciences and

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[51] Stenmark et al, op. cit., 2010, p. 294.
[52] See for example the controversies surrounding Andes Serrano's 'Piss Christ' which still enrages many Christians, although it was made by a Christian artist.
[53] Dench et al, op. cit., 2014, pp. 78-9., p. xi.
[54] De nasjonale forskningsetiske komiteer, op. cit., 2006, p. 24.
[55] European Commission Guidance Note op. cit., 2010, p. 23.
[56] *Cf*. De nasjonale forskningsetiske komiteer, op. cit., 2006, p. 23.

Humanities research".[57] The document was developed on the basis of discussion "among twenty-eight Ethics Experts with previous experience in Ethics Screening".[58] The EC funded RESPECT project's *EU Code of Ethics for Socio-Economic Research* also has implications for research in humanities.

There are no major international organisations dedicated to research ethics in humanities. However, the number of specialised national and university ethics committees is growing. To the best of our knowledge, there are also no specialised journals or publication series on research ethics in humanities, although some research ethics journals have a partial focus or have dedicated special issues to the topic. In humanities journals, papers on research ethics appear sporadically. It should also be emphasised that ethical assessment in humanities is often covered alongside social science literature.

For the most part, national and international legislation concerning ethical aspects of research focuses on biomedical research. Nevertheless, SSH ethical guidelines often refer to other laws that can have a bearing on research. RESPECT's EU Code states that "recent increased emphasis in ethical considerations is partly a consequence of legislative change in human rights and data protection".[59] Most commonly, ethical guidelines in SSH reference data protection acts, achieves acts and legislation on human rights and equality.[60] Interview respondent brought to attention possible consequences of legislation such as the UK Freedom of Information Act which could be interpreted in such a way that confidential research data should be disclosed due to the public's right to know.

5. Institutionalisation: National

The first national-level research ethics committee specialising in humanities (and social sciences) was established in Norway in 1990 (National Committee for Research Ethics in the Social Sciences and the Humanities – NESH). NESH has also taken on guidance role with the publication of the above-referenced *Guidelines for Research Ethics in the Social Sciences, Law and the Humanities*. These kind of national-level guidelines were also elaborated in Finland, where the Finnish Advisory Board on Research Integrity published the *Ethical principles of research in the humanities and social and behavioural sciences and proposals for ethical review*.[61]

Most specialised committees and assessment protocols, however, can be found at universities and other research institutions across Europe. For example, Kings College London established an Arts & Humanities Research Ethical Panel.

National-level scientific associations can also act as ethics standard-setters as testified by the UK Oral History Societies' ethical guidance.[62]

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[57] European Commission Guidance Note op. cit., 2010, p. 3.

[58] Ibid.

[59] Dench, S., R. Iphofen and U. Huws, *An EU Code of Ethics for Socio-Economic Research*, 2004, p. 3.

[60] For example, the NESH *Guidelines* reference the following:Personal Data Act, The Personal Data Regulations, Public Administration Act, Personal Health Data Filing System Act, Children Act, The Penal Code, Archives Act, The copyright Act. (De nasjonale forskningsetiske komiteer, op. cit., 2006, p. 39.) See also ibid, p. 7, on relation between ethical guidelines and legislation.

[61] National Advisory Board on Research Ethics, *Ethical principles of research in the humanities and social and behavioural sciences and proposals for ethical review*, Helsinki 2009

[62] http://www.oralhistory.org.uk/ethics.php

6. Evaluation

The volume of research on ethical issues in the field is not nearly as vast as in some other fields, especially in medicine, although the discussion is nevertheless active. In the literature, there is a special focus on determining the differences in handling ethical issues in the field as compared to those in other fields due to different methodologies and different kinds of involvement and risks of research participants.

Humanities is one of the fields in which ethics assessment is least institutionalised. However, the degree of institutionalisation is increasing – the number of specialised ethics committees and guidelines are constantly growing. The trend of increasing institutionalisation goes hand in hand with the acknowledgment of the need for principles and protocols of ethics assessment to be adjusted to the methodologies used in humanities and specific ethical issues that arise within its research disciplines.

As shown by the sections above, the range of ethical issues considered is as broad as in other fields. As regards scientific integrity and the responsibilities of science towards society, humanities shares ethical values and issues with all scientific fields, e.g. values of freedom and autonomy of research and its aim to benefit the society, issues of plagiarism and privacy of gathered data. As regards human research participants, humanities share ethical values and issues with social sciences. Unlike biomedical research, where the potential harm is mostly physical, in the fields of SSH, there are considerable risks of psychological harm or social stigmatisation and discrimination. Since the results of research in SSH can often be critical to powerful political or social institutions, attention must be given to cases of reversed power relations.

There seem to be no specific gaps or problems with ethics assessment in the field, which is also the opinion of the interview respondent. In the future, further institutionalisation of ethical assessment in the field is expected due to the need for more field-specific assessment protocols and data protection legislation changes.

Annex 1: Key Publications, Journals and Conference Series

Key publications

Cribb, R., "Ethical regulation and humanities research in Australia: Problems and consequences", *Monash Bioethics Review*, 2004, 23 (3), pp. 39-57.

De nasjonale forskningsetiske komiteer, *Guidelines for Research Ethics in the Social Sciences, Law and the Humanities*, 2006.
https://www.etikkom.no/Documents/Publikasjoner-som-
PDF/Guidelines%20for%20research%20ethics%20in%20the%20social%20sciences,%20law
%20and%20the%20humanities%20(2006).pdf

De Wet, K., "The Importance of Ethical Appraisal in Social Science Research: Reviewing a Faculty of Humanities' Research Ethics Committee", *Journal of Academic Ethics*, 2010, 8 (4), pp. 301-314.

Dench, S., R. Iphofen and U. Huws, *An EU Code of Ethics for Socio-Economic Research*, The Institute for Employment Studies, Brighton, 2014.

Economic and Social Research Council, *ESRC Framework for Research Ethics (FRE)*, 2010 (Updated September 2012). http://www.esrc.ac.uk/_images/framework-for-research-ethics-09-12_tcm8-4586.pdf.

European Commission, *Guidance Note for Researchers and Evaluators of Social Sciences and Humanities Research (Draft)*, 2010. http://ec.europa.eu/research/participants/data/ref/fp7/89867/social-sciences-humanities_en.pdf.

Hoffer, P. C., *Past Imperfect: Facts, Fictions, Fraud – American History from Bancroft and Parkman to Ambrose, Bellesiles, Ellis, and Goodwin*, PublicAffairs, Perseus Books Group, Cambridge, 2007.

Jacobson, N., R. Gewurtz and E. Haydon, "Ethical Review of Interpretive Research: Problems and Solutions", *IRB: Ethics & Human Research*, 2007, 29 (5), pp. 1-8.

Meltzer, M., "Plagiary, Falsification, and Fabrication in American Historiography", *Plagiary*, 2007, 2, pp. 116-119. http://quod.lib.umich.edu/p/plag/5240451.0002.014/--plagiary-falsification-and-fabrication-in-american?rgn=main;view=fulltext

National Advisory Board on Research Ethics, *Ethical principles of research in the humanities and social and behavioural sciences and proposals for ethical review*, Helsinki 2009. http://www.tenk.fi/sites/tenk.fi/files/ethicalprinciples.pdf

Owen, M., "Engaging the humanities? Research ethics in Canada.", *Journal of Research Administration*, 2002, 33 (3). (http://www.freepatentsonline.com/article/Journal-Research-Administration/95790882.html.)

Parker, M., J. Holt, G. Turner and J. Broerse, "Ethics of research involving humans: Uniform processes for disparate categories?", *Monash Bioethics Review*, 2003, 22 (3), pp. 50-65.

Robertson, M., "The case for ethics review in the social sciences: Drawing from practice at Queen Mary University of London", *Research Ethics*, 2014, 10 (2), pp. 69-76.

Schrag, Z. M., "The Case against Ethics Review in the Social Sciences", *Research Ethics*, 2011, 7 (4), pp. 120-131.

Smythe, W. E., and M. J. Murray, "Owning the Story: Ethical Considerations in Narrative Research", *Ethics & Behavior*, 2000, 10 (4), pp. 311-336.

Stenmark, C. K., A. L. Antes, L. E. Martin, Z. Bagdasarov, J. F. Johnson, L. D. Devenport and M. D. Mumford, "Ethics in the Humanities: Findings from Focus Groups", *Journal of Academic Ethics*, 2010, 8 (4), pp. 285-300.

Some journals with partial focus on research ethics in humanities

Ethics & Behavior, Routledge, ISSN: 1050-8422.

Journal of Academic Ethics, Springer, ISSN: 1570-1727.

Journal of Empirical Research on Human Research Ethics, SAGE, ISSN: 1556-2646.

Monash Bioethics Review, Springer International Publishing, ISSN: 1321-2753.

Research ethics, SAGE, ISSN: 1747-0161.

Annex 2: List of Organisations

There have been increasing number of calls for specialised ethics assessment in the fields of social sciences and humanities, as the guidelines and protocols used in relation to biomedical research have been deemed unsuited for their aims, methodologies and contexts.

What follows is a list of organisations partly involved in ethics assessment in humanities, beginning with the international and ending with the local level.

- *United Nations Educational, Scientific and Cultural Organisation* (UNESCO)[63]
    - UNESCO has published the *Code of conduct: Social Science Research* as a part of its Management of Social Transformations (MOST) Programme.[64] The document contains ethical guidelines and has an advisory, standard-setting role.
- *European Commission* (EC)[65]
    - After introducing a greater emphasis on ethics within its 7th Framework Programme for Research, the EC also stressed the need for special treatment of research in social sciences and humanities, resulting in the *Guidance Note for Researchers and Evaluators of Social Sciences and Humanities Research*. Research proposals in humanities that involved ethical risk, were assessed by external reviewers. This practice is now implemented in the Horizon 2020's Ethics Appraisal Procedure.
    - The EC has funded the RESPECT project within its Information Society Technologies (IST) Programme. The project produced *the EU Code of Ethics for Socio-Economic Research*, which can also be applied to similar research in humanities.
- *The National Committee for Research Ethics in the Social Sciences and the Humanities* (NESH), Norway[66]
    - Established in 1990, NESH was responsible for formulating and updating the *Guidelines for Research Ethics in the Social Sciences, Law and the Humanities*. NESH uses the Guidelines in giving opinions on research projects or evaluating them upon request.
- *Finnish Advisory Board on Research Integrity* (TENK)[67]
    - TENK issued the *Ethical principles of research in the humanities and social and behavioural sciences and proposals for ethical review*[68] as a set of recommendations to which research institutions and universities voluntarily commit. These institutions commit to organise ethical reviews of their research projects in line with the principles and protocols, outlined in the document.
        - Accordingly, several Finnish universities now have special ethics committees reviewing non-medical research proposals and practices, e.g. The Ethics Committee of the University of Turku[69]

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[63] http://www.unesco.org/new/en/social-and-human-sciences

[64] http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/SHS/pdf/Soc_Sci_Code.pdf.

[65] http://ec.europa.eu/research/participants/docs/h2020-funding-guide/cross-cutting-issues/ethics_en.htm

[66] https://www.etikkom.no/en/In-English/Committee-for-Research-Ethics-in-the-Social-Sciences-and-the-Humanities/

[67] http://www.tenk.fi/en/ethical-review-human-sciences

[68] National Advisory Board on Research Ethics, *Ethical principles of research in the humanities and social and behavioural sciences and proposals for ethical review*, Helsinki 2009

[69] https://www.utu.fi/en/research/ethicality/Pages/ethics-committee.aspx

- ▪ Ethics Committee of the Tampere region[70]
- *Social Sciences and Humanities Research Council of Canada* (SSHRC)[71]
  - o SSHRC is a national funding institution. It collaborated in the internationally influential *Policy Statement: Ethical Conduct for Research Involving Humans* that also applies to humanities. The document is used by local research ethics boards in Canada when assessing research proposals.
- *Arts and Humanities Research Council* (AHRC)
  - o As a UK funding agency, AHRC delegates the responsibility to ensure an ethical review to the research organisations, applying for founds. Universities have thus formed specialised ethics committees, e.g.:
    - ▪ The Humanities and Social Sciences Research Ethics Committee, School of the Humanities and Social Sciences, University of Cambridge[72]
    - ▪ Humanties and Social Sciences Research Ethics Sub Committee, The University of Warwick
    - ▪ Arts & Humanities Research Ethics Panel, King's College, London[73]
    - ▪ Humanities Ethics Committee, School of Humanities, University of Southampton[74]
- UK Oral History Society[75]
  - o Offers ethical guidance in the discipline.
- Some other examples of specialised ethics committees at various universities around Europe, assessing research proposals and practices:
  - o The Ethics Committee Social Sciences and Humanities, University of Leiden[76]
  - o The Human Research Ethics Committee – Humanities, University College Dublin[77]
  - o Faculty of Arts Ethics Committee, University of Ljubljana[78]

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[70] http://www.uta.fi/english/research/ethics/review/committee.html

[71] http://www.sshrc-crsh.gc.ca/home-accueil-eng.aspx

[72] http://www.cshss.cam.ac.uk/research-ethics-approval

[73] http://www.kcl.ac.uk/innovation/research/support/ethics/committees/sshl/reps/humanities.aspx

[74] http://www.southampton.ac.uk/hpgr/current_students/ethics.html

[75] http://www.oralhistory.org.uk/

[76] http://archaeology.leiden.edu/organisation/board-organisation/committees/ethics-committee.html

[77] http://www.ucd.ie/researchethics/committees/hs/

[78] http://etika.ff.uni-lj.si/