The Association of Social Anthropologists of the UK and Commonwealth and the American Anthropological Association have had codes of ethics for some decades now; and debate about ethics and ethnographic research is likewise long-standing and ongoing.¹ In recent years, however, there has been a proliferation of additional ethics codification, emanating from a wide array of organisations, including research councils and governments. A key difference from the codes of professional organisations is that these are generally to be implemented at institutional (i.e. university) level, which has led many universities to draw up their own codes of ethics and procedures for the review and management of research undertaken by their staff. Unlike the codes of ethics of professional organisations, those of institutions generally need to cover all disciplines and their multiple types of, and approaches to, research; and, accordingly, they also need to take into account the regulations, codes and guidelines of numerous organisations. In addition, as part of a public performance of being ethical that is generally required by research sponsors, institutions are required to put auditable procedures in place for scrutinising research undertaken by their staff. This includes prospective research, the plans for which must be approved by ethics review boards before it is permitted to go ahead, as well as, in many cases, mechanisms for monitoring ongoing and sometimes completed research.

This move towards increasing codification and bureaucratisation of ethics, especially by universities, has been the subject of much discussion and two major areas of concern in anthropology. One of these is over the processes of codification and bureaucratisation themselves, which some see as part of a culture of audit in which these act as a publicly performed ‘proxy of moral judgement’, which, according to Lynn Meskell and Peter Pels, can entail ‘a distanciation from the ethical practice that practitioners should aim at’ (2005b: 21; see also Brenneis 2005). Ian Harper and Alberto Corsin Jiménez similarly argue that codification involves a ‘process of exteriorizing ethics, such that they become something external to the discipline’ and
‘less a quality of relationships than an aspect of managerial processes and cultures’ in which ‘professional judgment is displaced in favour of defendable process’ (2005: 10; see also Corsín Jiménez 2005a). What these commentators call for instead is an ethics that is ‘embed[ded] in scholarly practice’ (Meskell and Pels 2005b: 3) and, as such, located ‘at the core of rather than exterior to research’ (ibid.: 10). On the basis of this principle, the European Association of Social Anthropologists (EASA) has decided against producing a code of conduct but has instead established an ethics network to allow for ‘the constant renegotiation and re-contextualization of ethical thinking and standards’ and to act ‘as a think-tank to advance ethics debates and as an advisory body’ (http://www.easaonline.org/networkspage.htm, accessed July 2007).

The other, related, area of concern has been over whether ethnographic research can be accommodated within pan-disciplinary ethics regulations that seek to demonstrate high levels of research governance. Particular difficulties are seen to lie in the fact that, as Rena Lederman puts it, “doing fieldwork” is all about embedding oneself in social situations not designed by the investigator’ (2006a: 477). This is typically over long periods of time, during which one may come to be related to less often only as a researcher. This means that ethnography is inherently responsive, indeterminate – we do not always know in advance what the focus will end up being – and difficult to codify, and that the boundaries between ‘research’ and ‘not research’ are often unclear and fluid. Ethics codification, in contrast, presumes ‘clearly bracketed research’ (Lederman 2006a: 477) rather than such ‘informality’ (ibid.). Some of the specific requirements of ethics codification may, for these reasons, be inappropriate and even misleading to those among whom we conduct our research. Signed informed consent forms, for example, may run counter to the aim to provide information by implying a more tightly specified and narrow research approach than is usual in ethnography; or they may be deemed insulting by research participants, who see themselves as ‘experts’ rather than research ‘subjects’. Likewise, anonymisation – another technique of assumed ‘good practice’ in many institutional and other disciplinary ethics codes – may in some cases be judged an affront to intellectual property or denial of recognition. But we may only learn the local ideas and expectations after having been immersed in them (see, for example, Silverman 2003 for a sensitive discussion).

Whatever concerns anthropologists may have, institutional ethics review and research governance are not likely to go away and, indeed, look set to spread, though it is worth noting that in the United States, in what have been dubbed the ‘institutional review board wars’, legal scholars in particular have argued that aspects of review procedures violate the US First Amendment, that is, they infringe upon the freedom of speech (Hamburger 2005; Lederman 2006a). Given that ethics review of prospective research is almost certainly a requirement (if not now, then in the near future), what can we do? One option is for ethnographers to pretend compliance, ‘going through the motions’ of institutional review but undertaking research in the manner they think most appropriate (and ethical) (see, for example, Katz 2006). This clearly puts the researcher in an invidious position. Another option is to participate in ethics review procedures in order to try to ensure that the specificities of ethnographic research are recognised and accommodated and that at least some of the dangers of codification and its implementation are averted.
This chapter gives an account of my own participation in the drawing up of a university ethics policy and procedures. Like a number of other scholars, including Vered Amit (2000), Don Brenneis (2005, 2006) and Rena Lederman (2006a, b), who have participated in institutional research governance procedures, I became involved in my university’s ethics developments largely because of concerns about ethnographic research of the kind noted above. During the years in which I participated, although there were times of frustration, I was fairly optimistic – as I reported at the 2004 EASA meeting, at which the workshop on which this volume is based – that we would be able to produce a policy with sufficient subclauses, exceptions and procedural flexibility to make ethnographic research possible and to allow for some embedding within disciplinary specialism. I noted in that account, however, that I was aware that:

my confidence partly rests on the rather flimsy basis of words such as ‘normally’ and the fact that most of those who have chosen to become involved in matters of ethics at present are open, reflective people who do not see their task as one of laying down absolute laws and insisting that they are followed to the letter, caveats notwithstanding.

As the policies were put into practice in my own department, I was also relieved to see this being done with sensitivity towards and understanding of the nature of qualitative work, including ethnographic; and throughout I remained impressed by the thoughtfulness, sagacity and commitment of most of those involved.

Nevertheless, when, for the purpose of revising my original paper for this volume, I came to look back at the ethics policy that was finally produced in 2005, I was struck by how much less the policy seemed to concede to ethnographic research than I had imagined at the time. The wording was such that it seemed to me now that were an ethics reviewer to follow the policy to the letter, rather than generously interpreting its nuances, they would probably not give approval to most ethnographic research. In part, my more pessimistic reading was shaped by awareness of a turn towards ‘regulatory hypervigilance’ (Lederman 2006b: 489) in US universities, where, especially following changes in federal legislation in 1991 and some prominent cases of medical research malpractice, institutional ethics review boards have been reported as often being more conservative in their assessments, rejecting or requiring amendment of more proposals and extending their remit to disciplines (e.g. literature) that were formerly off the review radar (see Lederman 2006a; Shweder 2006). Another reason for my more pessimistic interpretation, I think, was that I was reading the policy ‘cold’ and disconnected from the social relationships of its production, and so without my earlier sense of either it necessarily being operated by known reasonable people or my heightened attention to the hard-won ‘get-out clauses’. But, even beyond these different interpretive moments, there was a question to be addressed of how, even in a context where there was an express intention to make sure that there was understanding of the nature of ethnographic research and provision for it within the policies, this did not end up in the final policy in a more substantial way, as well as why I had not seen this more clearly at the time. This chapter is an attempt to reflect back on the ethics making in which I was involved to try to unravel how this had happened.
Examining this question is not intended just as a personal working through of individual disquiet. Rather, by reflecting back and trying to understand how this came about, my aim is to explore what are likely to be wider processes at work. As is a common endeavour in anthropology, I investigate how particular ways of going about things, of framing debates, of shared assumptions and so forth can shape an outcome – sometimes in ways that are unanticipated and perhaps not fully realised by participants at the time. Doing so can also, I hope, be useful to others engaged in drawing up similar policies and procedures, amending or challenging them, for, as Vered Amit says (2000: 232), ‘knowing and understanding these structures and practices are crucial for framing any kind of informed stance’ – even though her own experience of trying to participate in her university’s ethics committees left her disillusioned about the possibility for intervention. So, although my account to some extent corroborates Amit’s conclusion that it is harder to make a difference than we might have hoped, I want also to investigate further how this happens, as well as to recognise the value of what might seem fairly small achievements and possibilities for the future.

Reflecting on Ethics in the Making

Below, then, I take an anthropological look at some of the aspects of the making of a university ethics review policy that led to ethnographic research being less well accommodated than I had originally hoped. This means reflecting back on the work of the committees of which I was part over a number of years. The ethical status of such reflection itself deserves comment – and to some extent illustrates some of the wider dilemmas of ethnographic research, including the retrospective revisiting of ‘the field’ to think about it in light of new themes, which is fairly commonplace in anthropology. When I participated in committee work, I did so as a colleague concerned to ensure that ethnographic and related approaches would be accommodated within the ethics policy and, officially, as a representative of social science research interests more generally. Although one committee member once joked that I might make an interesting study of ‘this bear pit’, I was not there to conduct research and did not anticipate writing about the committee work (though I did write about ethics regulations more generally in relation to my own fieldwork, as for the original conference presentation). I decided to do so initially, however, in order to work out for myself what had happened; and then, after fairly extensive discussion with some of those involved directly in the committee work as well as others elsewhere, to share this and open it up to wider collegial debate through publication.

In doing so, I have been careful to avoid as far as possible identifying particular individuals with specific positions or breaking any confidences. For this reason, and as this is ‘unintentional ethnography’ that seeks to present general reflections, I include less concretising detail (e.g. participant portraits, dates, numbers of meetings, direct examples of dialogue) than an ethnographic account would more usually contain; and I seek to draw out more general matters rather than dwelling too much on the
specifics, though the latter are not irrelevant and some need to be outlined. Luckily, perhaps, the story that I have to tell is not itself about any kind of malpractice or incompetence (except occasionally my own). It is instead about relatively routine procedures and ways of framing debates that are likely to have wider currency.

Between 2003 and 2006, I participated in several committees involved in initiating, drawing up and putting into practice the University of Sheffield’s ethics policy. These included university meetings at which I was present as a research director of my department, during which I voiced concern about possible risks to other forms of research if a general ethics review policy was devised only with consideration to biomedicine; this led to my being drafted on to an ad hoc committee, consisting primarily of biomedical and health-related researchers, whose task was to map out the university ethics policy, which was then presented to the university senate for approval. A more wide-ranging group, drawn partly from the ad hoc committee, then drew up the terms of reference for establishing a university research ethics committee (UREC). This, on which I served as representative for social sciences, was concerned with identifying governing principles and operating procedures, as well as some reviewing of research proposals.

The immediate prompt for the University of Sheffield to create an ethics policy and set of procedures for reviewing research proposals was a decision by the Wellcome Trust, which funds mainly biomedical, though also some social science and other, research, that it would only fund research undertaken in universities that had such codes and procedures. It was widely anticipated that other research councils would follow suit, as some have since done (e.g. the Economic and Social Research Council). The ethics policy produced (University of Sheffield 2005) acknowledges this ‘continuing trend towards ensuring that, where applicable, sponsored research is prior to ethics approval’ in a list of ‘several, significant developments over recent years [that have] strengthened the case to develop an Ethics Policy’ (ibid.: 3). Four other developments are also identified: ‘(ii) A continuing trend towards collaborative interdisciplinary and international research’; ‘(iii) Developments in UK and EU legislation and policy concerning research ethics’; ‘(iv) A series of well-publicised scandals that adversely affected public confidence in health and social care research (e.g. the Royal Liverpool Children’s Hospital Alder Hey Inquiry)’; and ‘(v) The development of research ethics policies by other Russell Group Universities’ (ibid.).

These ‘trends’ neatly sum up some important features of the context in which the ethics policy was produced and which helped shape it: in particular, the sense that doing so was inevitable and, moreover, the policy must be put in place rapidly if university research was to be funded at all; awareness of a plethora of national and international developments under way; and the understanding that this was as much about public performance as about the ‘real ethics’ of research.

Medicine Matters

Also evident to some extent in the list and elsewhere in the policy document, as in the initial prompt to create the policy and the predominance of medical and health
researchers and representatives involved, especially in the early stages, the concerns of biomedicine were often to the fore in developing the ethics policy. This was not unusual: institutional ethics policies elsewhere, including institutional review in the US, have also generally been devised primarily to address the ethics of biomedical practice. As others have noted (e.g. Hamburger 2005; Lederman 2006a), such policies typically employ a model of relations between researchers and researched in which the latter are conceived as ‘patients’ or ‘human subjects’ in need of protection from possible medical research malpractice – a model that does not necessarily readily encompass other ways of construing the research relationship. At Sheffield, we avoided the language of ‘subjects’ and instead used ‘participants’, a change of terminology that at the time I thought important in that it might better cover the more participative relationships of some kinds of social science research as well as the active acquiescence that the medics also wanted to procure through the ethics procedures. In itself, however, it did not necessarily leave space for participation (of the kind discussed earlier in this chapter as well as in other chapters in this volume) beyond that defined by the ethics procedures.

Medicine does, of course, matter. Few other disciplines face the regular risk of causing their research participants physical injury or even killing them. As such, biomedicine had ‘risk-clout’ – its greater potential for serious harm was one important and justifiable reason why it tended to dominate discussions. In an ethnography of the Science Museum that I carried out in London, where I charted a process that did not turn out quite as its participants had anticipated, I coined the term ‘institutional regression’ to describe how, when decisions became hard to make and time pressure was on, there was a tendency to revert to more conservative approaches and to legitimise these through phrases such as ‘we’re the Science Museum after all’ (Macdonald 2002). In the Sheffield ethics discussions, despite attempts to consider a wide range of disciplines, there was a similar process of what might be called disciplinary regression, a return to the biomedical case and accepting the need for this to be central (by me included), especially when the pressure was on.

In addition, as noted above, in what might be called prior framing, so many existing debate and broader networks of ethics procedures and policies were already centred upon biomedicine. Ethics policies from elsewhere, including other universities, which were consulted as part of drawing up the Sheffield code, were predominantly framed in terms of biomedicine. In addition, National Health Service (NHS) ethics policies and procedures8 – which any research involving National Health Service patients, staff or premises had to comply with – were familiar to many on the Sheffield committees and so tended to act as something of a model, albeit partly as one to avoid replicating, NHS ethics review being legendary for its slowness, and its bureaucratic and restrictive nature. Although the Sheffield committees made a decision that any research to be submitted to NHS committees would not also need to go through the university procedures, it nevertheless felt it important to create something that was no less ethically robust, even if it was more straightforward and less gruelling. Here was another more general phenomenon that also came into play in various different contexts during discussions – an avoidance of seeming less ethical than others, an ‘as-ethical-as-thou-ism’, which sometimes affected me too.
Nevertheless, there were important divergences from the NHS regulations. One interesting area concerned the boundaries between scrutiny for ‘ethics’ and for ‘scientific quality’ – two matters taken as discrete by most committee members while being recognised as related. NHS ethics committees often rejected research on ‘scientific grounds’ (e.g. ethnographer colleagues have reported to me that they had their research proposals rejected for having ‘sample sizes’ that were ‘too small to be statistically significant’). Although in other contexts I would have wanted to argue for an ‘embedded’ approach which would surely reject a separation of ‘ethics’ from ‘science’, here – in a pragmatic shifting for more immediate ends – I was relieved that we collectively concluded that the ethics committee should not see its remit as also judging the scientific merit of research.

There were also numerous discussions on the committees about the boundaries between the NHS and the university procedures, partly because emerging government policy on this was changing as we tried to create our own, and partly because there were areas of research for which the policies and procedures would need to coordinate. Indeed, the ad hoc ethics committee, although charged with drawing up guidelines for all university research, had initially been constituted to address certain developments in Department of Health procedures, and, as such, its initial and core members were from medical fields; and the chairs of both the ad hoc committee and the UREC worked in health research. Other people, including myself, later came to be added in. But the initial constitution and the fact that discussions were already under way meant that intervention was always into an existing debate in which the terms had already been established. The difficulty of entering these debates was exacerbated by the complexities of the existing and changing networks of biomedical research regulation and the numerous acronyms involved. This had a feedback effect of making those who could join these debates seem more knowledgeable and competent to deal with the matters in hand. Although the chairs and some other committee members tried to make an effort to consider other disciplines, they were most likely to do so as part of a well-meant logic of encompassment – an ‘of course this will affect you too’ – rather than opening up gaps for difference. They also, on good grounds, tended to take it for granted that these kinds of discussions were both more advanced and more pressing in relation to their own field.

In addition, as others have outlined (e.g. Mills 2003), ethics codes are often produced in response to key cases of malpractice. As noted above, the university’s ethics policy itself mentions that certain cases of malpractice, such as Alder Hey, were part of the motivation for producing the policy. Alder Hey was shorthand for a series of scandals erupting in 1999 concerning UK hospitals, in which dead bodies (including those of children) had been stripped of various organs without informing relatives. Although a main perpetrator was prosecuted under regular criminal law and expelled by the General Medical Council for malpractice that was contrary to the existing code, the scandal generated wider concern over staff supervision and the way in which the hospitals had handled the allegations. A public inquiry into the scandal in 2001 recommended tighter institutional scrutiny and legislation making informed consent mandatory – though some scholars criticised the report for its inconsistencies and ‘inappropriate conflation between seeking redress for past wrongs
and shaping future policy’ (Dewar and Boddington 2004: 463). Nevertheless, it acted as a key or motivating case in various discussions during the making of Sheffield’s ethics policy and was one reason for the wider ‘fetishization’ of informed consent (as Harper and Corsín-Jiménez 2005 put it). What happened, then, was that debates easily became framed in terms of making sure that such a worst case scenario could not occur again.

‘No Philosophers Please’

On the committees it was generally taken for granted that medical and health researchers held relevant ethics expertise. The ad hoc committees also intermittently included lawyers. These too, however, had biomedical expertise and were there to contribute their knowledge about existing and sometimes speculated future legal frameworks affecting ‘research’ (almost always used as a general term, even where it might refer only to medical research – though this was often hard to ascertain). If biomedicine had risk-clout, law had a technical-clout – it seemed to present fixed parameters. Nevertheless, there were often arguments about interpretation, with some of the medical and health researchers feeling that some of the lawyers’ interpretations or speculations about the future were too restrictive and pessimistic. Where this was the case, there was a tendency to switch the focus, to look at other regulations on which the medics had greater expertise and that were already having more immediate effect. As one medic said to me, the problem with at least some lawyers was that they tended to work too much in the abstract and, unlike medics, were not engaged in the daily task of trying to do research in the face of the regulations.

The UREC, however, did not include any lawyers in its constitution. When at one point I suggested that it might do so, in order to provide specialised expertise that others did not possess, I was overruled by the argument that such expertise could be drawn on when it was needed. Moreover, few individual lawyers would cover all possible areas, so it would be better to call up specialists in times of need than to have a single ‘resident’ lawyer. I also ventured early on that the constitution might include a philosopher, for a contribution from the discipline with most obvious professional expertise in ethics debates. This produced a hush and, once I had spent more time in the committees, I understood that it had been foolish to have suggested adding a contribution that might quibble with the existing definitions and basic premises that had already taken so long to hammer out.10 While it was a good point, I was told (probably indicating to the contrary), what really mattered was having people involved who, because of the nature of their research, would be subject to the regulations. That, indeed, was a main reason why I was there – because social sciences research would be affected. At work here too was a bounding process, through which what was seen as extraneous to the key task in hand was defined as irrelevant or unnecessary.11 The distinctive constitution of relevant expertise in terms of being subject to the effects of the regulations could also be seen in the emphasis on including ‘lay members’ (‘ordinary people’ who are not connected with the university) in the committees. Such ‘lay members’ represent the potential subjects
of the potentially risky university research. Their presence is also part of a performed transparency that, as others have observed, is also a feature of such systems and of audit more generally (Strathern 2000). I argued during the early phases that such a framework denigrated university expertise and was based on an unjustified premise of researchers as lacking in integrity (see Corsín-Jiménez 2005b), but this was also effectively irrelevant as some funding bodies required them. The terms had already been set.12

**Spaces for Difference**

The discussion above provides a partial account of why it was hard to find space for the kinds of concerns about ethnography that I had wanted to interject into the process. It was partly squeezed out by what needed to be in and by the sheer scale and complexity of the task. Along the way, we looked at numerous different ethics guidelines, including those from professional organisations, conventions and reports, and heard from various experts on matters such as university insurance and indemnity and the Data Protection Act. Just getting something produced that would meet all of the different demands without being hopelessly complex became the overriding task in itself.

Most of those who participated were keen to minimise complexity and bureaucracy – the chairman of the UREC, who did a particularly excellent job of steering the process, often emphasised this at the beginning of meetings. Many committee members grumbled about the overall rise of bureaucracy and ‘form-filling’ in university life. My more specific concerns about ethnographic research were, I think, sometimes understood within this framework – as part of a general weariness with bureaucratic overload rather than as a case for why some aspects of the policy should not apply to all research. As such, there might be nodding of heads – but then moving on. Involved here too was the fact that matters such as ‘informed consent’ were seen as so fundamental – and so much part of the rights of the ‘research participant’ – in biomedicine that it was hard to convey why they might be problematic elsewhere. Here, the fact that some colleagues from some non-medical disciplines – such as Politics and English – who attended information meetings were very vocally in favour of increased ‘ethical rigour’ in their fields made my own position even more at odds with the general consensus. They surely had good reason for their positions, especially as they did not much use discipline-specific ethics codes, their concerns being variously with misleading interviewing tactics and lack of care over anonymity or acknowledgement. For my part, however, it added to the difficulty of also needing to act as a representative of social science in general, which included disciplines such as Politics and a broad spectrum of research techniques. Indeed, I sometimes worried that perhaps I was trying only to protect my own research approach and began to wonder whether I should have used signed informed consent forms in earlier projects. These moments of self-doubt, which grew in the face of widespread acceptance of the policies among many colleagues, also damped my initial zeal to intervene as I had imagined initially.
Ethnographic research was not, however, the only approach that sought exception from aspects of the policy. Psychology, while in favour of signed forms for agreeing to participation, argued for a concession to permit ‘deception’ in ‘exceptional’ circumstances in order, say, to investigate racist views. At the time, I saw that as a useful concession that might be used by social researchers too, reasoning with myself that we were rarely talking about ‘deception’ but just a surely more acceptable inability to be fully informative about things that were outside our control. This was part of a more general tendency on my part to seize upon spaces within the policy that I thought might be conducive to ethnographic research and to overplay their significance in my own mind – a process of over-optimistic interpretation. In the face of a specific concession that formal consent might not always be fully informed, however, the argument that it might not be acquired at all became in some ways even harder to justify. Probably more useful was the concession that I managed to get inserted into the policy that ‘research in public contexts and with groups’ might not necessarily always obtain informed consent from all participants. This was framed in terms of feasibility, which was only one strand of my original set of arguments. But partly because the policy was evaluated in terms of its robustness in the face of providing possible escape routes for malpractice, the feasibility argument was all that remained. As such, it could only open up a bit more space in which, with optimistic interpretation, such a case might be made.

Here, I should also briefly note the processes by which drafting the actual policy took place. This was not done by all sitting down and jointly writing out each sentence – a procedure that would have been extraordinarily difficult with such a large group. Indeed, as discussions were often lengthy and engaged it was hard enough for the secretary of the committee to keep track of which points had been agreed. Rather, as is probably usual in these circumstances, drafts were produced by the chair and the secretary, and these were commented on and debated by the rest of us during meetings, and then the versions were redrafted and re-presented to the committee. Although the version of the ethics policy currently available on the Web says ‘version 3’, there were also numerous pre-versions and versions of specific sections that were reworked over the months. I have no doubt that those directly engaged in the difficult task of drafting and redrafting attempted to take into account all of the points that were raised; but they also did so within an overall framework in which the avoidance of harm and preventing unethical research not unreasonably (as was part of the dilemma) took precedence over enabling ‘minority’ forms of research.

As with many other knowledge systems about which anthropologists have written, arguments that questioned the overall framework or its premises tended to be defined as irrelevant or impossible to address. I tried, for example, to argue that we might not always want to make the prevention of harm or discomfort to research participants our overriding consideration – if, for example, an organisation was engaged in pernicious or corrupt practices. Indeed, the word ‘truth’ also increasingly entered my own private and uttered vocabulary. After initial puzzlement about the point I was trying to make, another committee member helpfully translated it into exposing the corrupt behaviour of estate agents, which received lots of laughter and enthusiastic agreement. (As Don Brenneis observes of the research panel discussions of which he
was part, ‘The more extreme opinions expressed were almost always made relatively safe through the use of humour or indirection’ (2005: 245). But it did not find its way into the final wording.

This did not mean that the points were totally ignored, however. Instead, the attempt was to leave space for the differential implementation at departmental/disciplinary level. This was recognised in statements early on in the documents about the diversity of research:

The Ethics Policy … has been designed to allow a certain degree of flexibility at the individual Department level in recognition of the diverse and dynamic nature of the University’s research base. The decision regarding whether or not an individual research proposal … raises ethical concerns … is made on a case by a case basis within the parameters of the University’s Ethics Review System. (University of Sheffield 2005: 2).

These were important statements in which I, and other committee members, put much hope that future committee members would act flexibly and deal thoughtfully with some of the troublesome cases that were not easily contained in the more specific details of the code. I was also told that some of the kinds of points that I was making were already covered elsewhere, in commitments to academic freedom in university statutes. What the university ethics policy needed to do was to demonstrate to funding bodies and others that the University of Sheffield had as rigorous a policy and procedure in place as any other similar institution.

I also put faith in the procedures that we devised. These involved devolving ethics scrutiny as far as possible to departments – to those who held subject expertise – with the UREC acting as a body for adjudicating disputes and monitoring practice. This, I thought, ensured that the potential for overly restrictive interpretations of policy would be limited. My initial observations in my own department seemed to confirm this. However, shortly after this was all agreed, new regulations from the Economic and Social Research Council seemed to imply that research that they funded and identified as requiring ethics scrutiny would have to be reviewed for ethics by the UREC (or another extra-departmental ethics review board) and not by subject specialists. Since then, and indicative of the slipperiness of this area, this seems to have been amended to allow for subject-specialist review procedures as long as some non-specialists are also involved.

Conclusion

This chapter has outlined some of the conceptual frameworks and discursive practices – including my own – that contributed to the university ethics policy that was produced at the University of Sheffield. It is a policy that manages to be robust while also relatively open, leaving room for negotiation in its use of phrases such as ‘wherever possible’ and ‘proportionate to the nature of the research activity’. How this will be interpreted by future committee members or other university staff as they prepare their research proposals, however, is less clear. Vered Amit tells of
how what began as a set of ‘guidelines’ in Canada rapidly transformed into ‘a priori prescriptions’ (2000: 224–25); and Richard Shweder, among others, has documented ‘mission creep’ – the extension of application of narrower interpretations of federal rules at local level – in US universities (2006). More generally, as Don Brenneis observes, ‘institutional review boards constitute a critical nexus in the shaping of research ethics across many disciplines … The anticipation of review may shape the design of research and, indeed, the range of topics considered feasible’ (2005: 240). How far such self-limiting occurs is difficult to assess. In the Department of Sociological Studies at Sheffield University, where there were lively forums for debating methodology and ethics, the local implementation of the policy suggested that this could be avoided. At the same time, however, several colleagues around the university expressed concern to me (which I tried to alleviate) that the new ethics regulations would prevent them from conducting research in the more open-ended way that they would do otherwise, one wearily remarking that they would switch to more formal interviewing, which was ‘in any case … easier to do than ethnography’. Confronted with multiple demands and time pressures, taking on what was envisaged as a ‘fight’ with an ethics committee was not something that this colleague could face.

Understandable risk aversion operates at personal as well as institutional levels. By highlighting the negotiated process of the making of an ethics policy, I hope to emphasise that, rather than being the product of a single-minded application of a set of thoroughly agreed principles, it is a more tentative and only partially settled achievement. As such, it should be understood as open for further and ongoing negotiation – something recognised in the policy’s proposed annual self-review. In addition, identifying some of the particular discursive processes involved in the making of an ethics policy may help others involved in such processes to recognise these earlier and address them more directly than I did. Some of these, such as the tendency to use worst-case scenarios as motivating cases, however, are easier to address than others. The fact that such codes or policies attempt to encompass all disciplines sets up particular difficulties; and in retrospect I think that institutional ethics policies should attempt to include more and stronger statements about specific disciplinary methods and their underlying philosophies, and the kinds of risks commonly faced in different types of research. This might also contribute to a task that Rena Lederman has recently argued for – that of ‘educating’ ethics review boards (2007b). To help do so she has proposed a ‘boilerplate’ – a statement about the nature of ethnographic research, its underlying ideas and why it needs to tackle ethics in particular ways – for anthropologists to use when they face institutional review.15 Her argument is not only that such a boilerplate provides each of us with a useful template for our own arguments but that if review boards become used to seeing these arguments repeatedly, in the same or similar words, these are more likely to become more common currency and better understood and transmitted between committee members. Her initial experience of this at her own university has been encouragingly positive.

Education is, as Lederman emphasises, necessarily an ongoing rather than a one-off process. It is also multi-directional – a process in which anthropologists (and others) need to learn about review boards, partly in order to both face and educate them. It is towards such an ongoing task that this chapter is intended as a contribution.
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Notes

1. For details of these respective guidelines and accompanying information see the Associations’ websites: http://www.aaanet.org/committees/ethics/ethics.htm and http://www.theasa.org/ethics.htm (accessed July 2007). For histories of the development of ethics codes in anthropology see Caplan (2003b) and (Mills 2003); and for further discussion see Caplan (2003a), Fluhr-Loban (2004), Meskell and Pels (2005a, b) and the recent special issue of *American Ethnologist* (2006 vol. 33, no. 4) edited by Rena Lederman.

2. There are already some journals in the medical field that will only publish research for which evidence of having passed ethical review is provided (Hamburger 2005).

3. This may have been partly due to the fact that the Department already had a culture of discussing and teaching ethics, and, for example, already expected postgraduate students to write about ethics in their research plans and for these to be approved before beginning fieldwork. The Department had also long formally stated that it followed the British Sociological Association code of ethics in its staff and student research.

4. Similar ethical questions have been faced by others (see especially Lederman 2006b). This also raises the related interesting question of what counts as ‘research’ (see also Lederman 2007a), reflective commentary not counting as such according to some ethics regulations (including, in tightly interpreted, those of Sheffield University). As I learnt during my ethics-making participation, various disciplines bypass ethics review by employing narrow definitions of what constitutes research. In medicine, for example, ‘routine testing’ is often excluded in this way.

5. See http://www.wellcome.ac.uk/doc_WTD002757.html (accessed July 2007). The history of the concern over funding is also indicated by the fact that Sheffield University’s website at which these policies are to be found is under a link on ‘winning grants’ (http://www.shef.ac.uk/researchoffice/support/Winning/governance-ethics-grp.html, accessed July 2007).


8. See the National Research Ethics website http://www.nres.npsa.nhs.uk/ (though this is the 2007 version, accessed July 2007).

9. For example, there were some suggestions that, in future, universities might have their own NHS-approved ethics committees. See also the website in the previous footnote.

10. I also learned later that there had been one meeting at which basic philosophies had been discussed (though with no professional philosophers present) but that this had produced such disagreement that it was not pursued and explicit reference to philosophical positions was not included in the policy documentation. Some members of the committee also had some philosophical training.

11. There were many other disciplines that would potentially be affected – such as history, archaeology and music – that were not included until after the policy itself had been drawn up, at which stage all heads of department were contacted to ask whether there was research in their departments that fell under the definitions that had been devised. Many that surely did such work seemed to believe that they did not (perhaps because the language of ‘human subjects’ and ‘data and tissue’ meant that they perceived it as medically oriented) or else they ignored the request for information. The UREC, however, was constituted to include representatives from all faculties, including arts and humanities.

12. I should also emphasise that those lay members who participated in this case were extremely clear-sighted and helpful.

13. Estate agents are the mediators involved in buying and selling property in the UK.

14. The first of the university’s statutes concerning academic staff is ‘to ensure that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges’ (http://www.shef.ac.uk/calendar/statute31.html#part1, accessed July 2007).

15. A first version of this boilerplate and Lederman’s excellent discussion is available at http://savageminds.org/author/rena-lederman/ (accessed July 2007); though a further developed one, with further excellent discussion, is forthcoming in AAA/Anthropology News.

References

Corsín Jiménez, A. 2005a ‘Failing to re-describe: Universities as Public Knowledge’, Description and Creativity Conference. Cambridge.  


———. 2007a. ‘Comparative “research”: a Modest Proposal Concerning the Object of Ethics Regulation’, unpublished paper forthcoming in PoLAR.


