Codes of research ethics : what are they useful for; and what are their limitations?

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Introduction

This paper will discuss the nature, usefulness and limitations of codes of research ethics. An awareness of the need for ethical sensitivity has been an accepted part of research practice in the humanities and social science for at least the last sixty years (Small, 2001). In recent decades the concern has taken a distinctive form, namely an increasingly prominent role being ascribed to procedural safeguards for ethical behaviour. Formal ethical approval for research proposals is now a standard requirement in virtually all disciplines in universities of the Global 'North'. Major funders of research in humanities and social sciences – for example, the Research Councils in the case of the UK – ask specifically that research they fund have appropriate ethical approval. The concern has gradually cascaded down the academic hierarchy, so that by now it appears to be commonplace in planning schools in the UK and elsewhere to require ethical approval of any significant piece of formal research even by undergraduate students[1].

Ethical approvals for research proposals are also required in some of the Southern European university systems, such as those of Portugal and Spain. This can extend to the training of the next generation of researchers. Despite the substantial lack of awareness in PhD programmes which was described by Mello (2009) in reference to many European university systems, in 2011 the Portuguese National Ministry for Education and Science issued a Guideline of Ethical Issues which has to be considered by all applicants; consequently, PhD researchers are asked to complete a questionnaire concerning ethical issues. In Spain, the National Law 14/2011 established (Title I, art. 10) the National Ethical Committee on Research; among its duties and commitments, there is also that of producing a code of ethics. At the local level, as a consequence of the National Law 14/2011, many universities have established ethical committees, issuing ethical protocols and guidelines. Although most of the concerns regard bio-medical and natural sciences research, in both countries some attention is paid to ethical issues arising in social research, in reference to those activities which involve the treatment of personal data or the engagement of children or adults unable to give informed consent.

Italy provides a rather different, but instructive case. In Italy codes of ethics represent a very recent initiative undertaken by universities, and the concern of Italian universities' codes of ethics is on the independence of research on the one hand and on integrity in the staff recruitment procedures on the other (thereby recruiting the right kind of ethical individuals). These concerns reflect the particular political and socio-cultural circumstances of Italy,

[1] This statement is based on personal experiences and anecdotal evidence.

reminding us that in relation to ethical judgement, especially, cultural inflection is inevitable. The focus on the independent responsibility of the researcher, on the other hand, is common to most discussions of ethics, and ethical codes: the implication is that in essence ethical behaviour is an individual accomplishment in an imperfect and impure world.

We previously discussed how most of the debate on research ethics and the principal concern of codes of ethics focus on individual behaviour, tending therefore towards a view of ethics as heroic endeavour (Lo Piccolo and Thomas, 2009). Small (2001, p. 390) highlights that the radical assumption that ethics is "an immediate relation between the individual person and moral values, without the mediation of a social group as a source of either understanding or motivation (…) leave the public dimension of ethics in darkness". We suggested (Lo Piccolo and Thomas, 2008) that ethical sensitivity is developed by researchers as part of a social practice, through communal activity; in order to demonstrate this assumption, we used the notion of social practice, as developed by MacIntyre (1985), which places the individual's acquisition and development of moral perception and judgements within a social context.

Nevertheless, individual responsibility is sill the basis of approach to most ethical issues in planning research (and practice). In fact, in most of the examples discussed in the literature, which regards planning research as well as planning practice, the autobiographical approach is (still) the most common: personal experience, and the ethical dilemmas which were faced, are the base for a more or less (self)reflective interpretation of more general issues. Codes of ethics *for individuals* reinforces this individualistic framing of the ethical landscape of research, including planning research.

Some commentators have drawn a distinction between a procedural approach to research ethics and reliance upon a code of research ethics (Guillemin and Gillam, 2004). The prime example of the former is a requirement to seek formal ethical approval of a research proposal. This approach, it is suggested, attempts to address all potential ethical issues involved in research ahead of time, and checks that the researcher's espoused belief about how s/he will react to such issues is acceptable. The latter, on the other hand, involves drawing up a code which gives advice on good conduct in research, and allowing individuals to interpret the code within the context of their particular research as it progresses. It should be noted that though the code has to be interpreted, its contents – what count as ethical considerations – are laid down within it for the researcher. There is undoubtedly a difference of approach being identified here, but its significance is over-stated. In practice, applications for research ethics approval will often contain a reference to an appropriate code of research ethics, usually one from an academic discipline within which the research proposal is framed. Second, and more importantly, a procedural approach and the reliance on a code share a significant similarity which marks them as very different from the approach to research ethics that once prevailed in planning research. Use of either a code or formal research ethics approval suggests that it is not safe to allow researchers to simply get on with their research project and exercise individual judgement in the field (even after suitable training, which could include a period of supervised research for example). In addition, and related to this focus on anticipating what researchers will encounter, both approaches assume that their framing of the ethical landscape within which the proposed research will take place by codes or approval

procedures is accurate, and will be uncontested by the researcher, even when s/he encounters the day to day realities of the research project. A discussion of the usefulness and limitations of codes of research ethics will therefore identify some considerations which also apply to a procedural approach to regulating researchers' behaviour.

This chapter will begin by discussing why concerns might arise about the ethical conduct of research, and in particular how such concerns are shaped by how research is conceptualised. It then examines the nature of codes of ethics, especially what they might typically contain and hope to achieve. Finally, it considers whether the content of codes of ethics are intelligible outside specific ethical traditions. In each section, the implications of the discussion for the kinds of use researchers can make of codes of ethics are drawn out.

Why regulate research?

Research is a social practice which finds its definition and rationale within a particular way of conducting, and ordering, social relations and institutions more generally –ie a way of organising social life. While curiosity, learning and teaching, and social differences which are at least in part based on some conception of possession of greater or lesser knowledge or understanding may be widespread in human societies, research as the kind of activity conducted in contemporary universities is distinctive of a certain kind of post-Enlightenment society. As Weber knew, science as a vocation becomes possible only when certain political-economic and institutional structures are in place. It is because research has become a particular kind of social practice that it comes to be argued that it requires formal regulation – in which a code, or codes, of research ethics may play apart.

Regulation of a practice can become attractive for many reasons; in the case of academic research a number of these have coincided. From outside a practice, demands for regulation arise when the practice has the capacity to cause widespread and possibly serious harm, and when there is a possibility that those involved in the practice may be so wrapped up in it that they lose their sensitivity to broader value concerns. This is particularly likely when a practice becomes institutionalised and a significant divide – in terms of social identity and outlook – arises between practitioners and others beings and objects which are caught up in the practice. From within the institutionalised practice, on the other hand, the key question will be who undertakes the regulation. It is a mark of the power, and status, of those engaged in a particular practice that they be allowed to regulate themselves, as in the case of some professionalised occupations (Johnson, 1972). Even for practices/occupations which are not entirely self-regulating, having aspects of regulation such as a code of ethics can provide an additional (albeit small) marker of distinctiveness for the practice, as it does with professionalised occupations (Bickenbach and Hendler,1994). Even in professional codes we can find an attitude towards the accountability and legitimation of the social status of a profession (and its members), which is prevailing compared to the aim of regulating the ethical conduct of the members in their professional activities (Moccia, 2011).

We would suggest that it is significant that the rise to prominence of regulation in general, and codes of ethics as part of this, in social science research has coincided in many countries with a number of related phenomena. Prominent among these is the increased emphasis on the importance of research as an activity which defines a university and is also a major source of revenue (Collini, 2012). Secondly, there has been an acceleration of research, with minimal teaching, as a career path – both for established faculty, who may simply relinquish other duties – and for newer faculty, who are recruited as researchers and intend following, if possible, a research career. The research-based PhD has become almost universally required as a qualification/apprenticeship for academic life. Running alongside these developments, social research institutions have continued, perhaps intensified, their roles as authoritative producers of knowledge, particularly for policy development that professes to be based on evidence (Allen and Imrie, 2010; Thomas, 2010). So, universities and research institutes are doing more research, are claiming it is important, and more and more academics are thinking of themselves primarily, or at least in large measure, as researchers. It is in these circumstances that it can seem attractive and appropriate to devise and subscribe to a code of research ethics as part of a tacit professionalising of the researcher's role and practice. It is arguable that Planning still has an insecure place in the Academy, and for such a discipline a clear commitment to ethical self-regulation, including adherence to a code of ethics, can be an important part of the continuous assertion of academic legitimacy. Some arguments are discussed by Stengers (1987) on the process of 'soft' sciences in order to become 'harder' in order to acquire broader recognition. The process of 'hardening' a discipline comes from the need of gaining broader social legitimation and reaching an upper status for its members. Even the establishment of professional codes of ethics is a step towards this direction.

In large measure, the practice and understanding of research in contemporary universities is modelled on the experimental sciences (for example, if the underlying rationales for research assessment exercises are ever persuasive then it is in relation to these disciplines (Collini, 2012)). Yet, the metaphysical underpinning of experimental science, its ontology and epistemology, is only one way of seeking an understanding of the world. Within social science, positivism, which is an approach framed by the same metaphysics as experimental science, is fiercely contested (eg Flyvbjerg, 2001). Values are central to various (different) critiques of positivism within social science. Thus, it is criticised by some for ignoring, and having no resources to address, the value-context within which social scientific problems/issues are framed and pursued (Flyvbjerg, 2001). Others suggest that to make sense of individual and social activity, social science must understand the systems of meaning (and values) within which individuals and groups make sense of the world and generate reasons for acting (Winch, 1958). Conceived in this way, social science and the Humanities might be characterised as activities which seek understanding rather than seek knowledge (Collini, 2012). And undertaking them might sometimes involve feeling one's way into sets of values and ways of life which have ethically questionable dimensions. At the same time, knowledge produced by planning research is influenced by the local power-relations and the hegemonic policy discourse (Thomas, 2010). In many cases (and more often in recent times, due to the position of the contemporary entrepreneurial universities), planning researchers are looking for institutional requests and commitments, with significant ethical implications. Thomas

(2010) has discussed how planning research can be helpful to those who would promote and sustain hegemonic policy discourses and that legitimacy is acquired through claims to a particular kind of rationality and objectivity. In other words, planning research as it is developed in universities – as a product of institutional requests – may have as a result the university's standing as the guardian and constructor of (a supposedly neutral and objective) knowledge, justifying and sustaining any given set of governance arrangements.

One might expect a code of ethics to have something to say about these matters. But as Christians (2000) points out, codes of research ethics developed in the context of positivist, 'value-free', science. This has shaped their form and content. One consequence is that the nature and purpose of research as a practice is usually not alluded to in the codes – it is assumed to be socially beneficial and value-free (as natural science is widely considered to be). The codes focus on the day to day practice of research itself, and within that, the researcher is viewed as detachable (including ethically detachable), at least in principle (and ethically) from that which is being researched.

This is particularly inappropriate for research such as planning research which involves, of necessity, an engagement with the value-saturated world of public policy. For example, if planning is about a dialectical relationship between knowledge and action (Friedmann, 1973, 1987) then those who claim to produce planning knowledge will inevitably be implicated in the moral landscape of practice. As we know, most of the practice requires to face ethical judgements and dilemma; as Kaufman (1993, p. 113) highlights, "much of the behaviour of planners reflects both ethical choices and carries with it ethical consequences. Ethical judgements are involved, sometimes explicitly but more often implicitly, in many planning activities including collecting and analyzing data, forecasting, cost-benefit analysis…". So, if we consider and recognize the pervasive ethical dimensions involved in planning work (Kaufman, 1993), ethics is a relevant, even if not particularly discussed, component of planning research, which mainly derives from the continuous involvement of planning researchers into practice. Although the utilitarian approach implies that the choice of good or ends come from a political process beyond the scope of the planner-as-scientist, which is responsible just of the choice of means (Harper and Stein, 1992), we all know that this division does not occur in reality. Planning practice is inherently political, denying the rhetoric or stereotype as a value-free means-technician who deals with "factual data but avoids the value questions of defining these objectives" (Klosterman, 1978). In those circumstances, good researching is partly defined by sensitivity to politico-ethical implications of the research (Flyvbjerg, 2001).

What do (and could) codes of research ethics contain?

In discussing professional codes of ethics for planning, Taylor (1992) rehearses a distinction which also appears regularly in discussions of research ethics (eg Small, 2001): is a code a set of ethical guidelines which could apply to any occupation, or at least any professional occupation, or does it identify challenges and issues which are particularly pertinent to

particular kinds of activities? The appearance of virtues such as honesty, objectivity and respecting confidentiality (eg Resnik, nd) in research ethics codes illustrates that to a large extent what is being asked of researchers is that they simply be of good character as they go about their work (Thomas, 2009). Yet, it is certainly the case that different kinds of research tend to bring distinctive challenges and dilemmas. The case-studies in Lo Piccolo and Thomas (2009) illustrated ethical challenges which had resonance for researchers into planning, but were likely to have little or no resonance for researchers in experimental science. For example, at the core of Porter's (2009) concerns is exploring the feasibility that a non-indigenous researcher researching the lives and views of indigenous peoples can free herself from the objectifying imperial gaze that has structured (and defined) indigenous/non-indigenous relations over centuries. She is rejecting the research position of the experimental researcher on ethical grounds.

It follows that codes of ethics which is sensitive to the circumstances under which particular occupations or activities are undertaken are likely to be more useful. In the case of research, appropriately different codes will be needed by researchers engaged in activities involving people, other sentient beings, other organisms, or objects, for example. Different codes may also apply to people engaged in activities which can potentially cause widespread harm; and these are just some examples of differences which many would regard as warranting special mention in a code of research ethics. Researchers who wish to avail themselves of guidance from a code need to unearth one that is appropriate for their kind of research, therefore. It should be noted that what counts as a significant difference between types of research is itself an ethical judgement ; so, for a group of people to agree about even the need for, and broad lineaments of, a code, they must already share significant ethical perspectives.

This consideration has a bearing on another of Taylor's points. He argues that central to a code of ethics must be a vision of what the activity (eg planning research) should be, a vision of what MacIntyre might refer to as the characterisation of excellence in that activity[2] .

Such visions are contestable. This is not always obvious because often discussions of research ethics focus on the minutiae of day to day research activity, at its worst reducing the ethical implications of research to a kind of soap-opera of inter-personal relations which happen to take place in the research field. It is certainly the case that inter-personal relations are as important an issue in research ethics as they are in ethics in general, and researchers must be sensitive to factors such as the power-relations bound up in social relation. The research activity itself can create distinctive kinds of social relations which will have their own power-dynamic, and at times one that is questionable (eg Porter, 2009).In addition, those engaging in research, in any capacity, are inevitably embodied and socially located (in terms of gender, or class, for example) as they engage in the research process. As Sayer (2005) has argued persuasively in relation to social class, these characteristics, and their associated hierarchies, can have a moral dimension because they have judgements of personal worth bound up with them.

[2] Hendler (1990), too, notes the significance of ideals of excellence in relation to codes of ethics.

Important as they are, these kinds of issues associated with the conduct of research do not comprehensively define the ethical landscape for the researcher. Flyvbjerg (2001) points out that social research practice is itself enmeshed in webs of power-laden social relations which constitute a particular kind of world with a particular kind of trajectory. The practice of social research will either consolidate or change the world. He argues that the kind of practical knowledge which is required for researching human social life is itself a capacity which will allow the researcher to judge the ethical import of the research being undertaken and to act so as to make the world better. There is no choice in this matter, in that research which is not self-consciously set on improving matters will either be self-consciously avoiding doing so, or be poor research because ignorance of the import of research betrays a lack of the phronesis needed to undertake insightful research into human social life.

Harper and Stein's (1992) argument for a reunion of ethical and planning theory makes a similar point in relation to planning research, on the grounds that planning can not be considered a technical, value-free activity. Moving beyond this consideration, we could add that is not possible to justify the goals of (public) planning research without appeals (possibly explicit) to normative ethical theory. In most planning research we will not find references to ethics and ethical theory, but implicit interpretations of and references to public ethics, as inherent in planning as a public (political) activity: issues as cultural heritage, environment and public health, social justice and equal opportunities are common examples. Most planning research (especially when intended to directly inform practice) does not make any reference to any sort of ethics or ethical theory. This does not imply that there is not any (normative) ethical theory at the base of the research, but just that it is implicit (and sometimes at a non-cognitive/conscious level). It would be a significant advancement in our research to make these implicit normative ethical foundations explicit. However, an ethical code alone will not impel researchers in this direction.

Research is intended to make us understand the world better, and hence differently. In planning, this cannot but have normative implications, because understanding the world a certain way suggests ways in which it can, and should, be changed. Seeing people a certain way is part and parcel of behaving towards them in given ways; the two are inseparable. This implication of research is so, whether one is taking oneself to be de-mystifying power-relations in a major planning project in Denmark (Flyvbjerg, 1998) or exposing the failure of planners to grasp the concrete realities of the communities they were affecting with their policies as Jacobs (1961) and Dennis (1970,1972) did in their different ways. In these cases, Geertz (1988) argument that a process of persuasive interpretation of circumstances is central to ethnographic research rings true. But even self-consciously dispassionate studies such as Forsyth's (1999) account of struggles over urban expansion in Sydney, or Le Goix andWebster's (2008) theorising of gated communities still invite us to understand the social world in a certain way, and that way will be shot-through with values. This is impossible to capture in any code of ethics, for the latter's bullet-points can get little beyond 'don't lie; don't fabricate' and the like; and that is not what is going on when research is being written up. All writing up of research intends to persuade the reader of that of which the researcher is

already persuaded. But in writing up planning research, like any social research, the commentary (like the study itself) has within it a picture of humanity, a picture that is inevitably normative.

Codes and ethical traditions

As noted earlier, codes of research ethics tend to contain a core set of concepts. Central to most are integrity and respect for persons. The current UK Economic and Social Research Council framework for research ethics identifies what it calls 'six key principles' (ESRC,2010, p3). These highlight the significance of:

- Integrity, quality and transparency
- Informed consent
- Confidentiality
- Voluntary participation
- Avoidance of harm to participants
- Independence/freedom from partiality and/or clear declaration of interest/partiality

Small (2001) points out that the kinds of concepts listed above gain their meaning within an ethical tradition or theory which will itself have metaphysical underpinnings. Underlying the significance of informed consent and voluntariness, for example, is a liberal notion of respect for persons, which views the person as ontologically and morally more basic than, and prior to, any social entity. But liberal conceptions of what is meant by 'respect for a person' simply cannot be transplanted unchanged into, say, the kind of feminist perspective on life which emphasises the significance of our social being in constructing our individuality. As he says, applying the notion of respect to social groups is not simply an extension of the Kantian notion of respect for individuals, but a different idea entirely. This kind of conceptual revision, and argument around it, is central to ethical life. It is an unavoidable part of the way in which we construct our social existence, and moral concepts have to be understood within these forms of life (MacIntyre, 1998, 1– 4).

Small (2001) suggests that as a consequence, ethical codes are simply compromises between groups with fundamentally different ethical perspectives, a kind of lowest common denominator that all can live by. Not surprisingly, he goes on to argue that developing ethical behaviour among researchers should not focus on codes of ethics but on how to discuss ethical issues and reach agreement on ways forward. If one follows MacIntyre's approach, even a lowest common denominator will be illusory – for the terms used will have been ripped from the context which gives them their full meaning. As a consequence, they will either be applied in ways which will seem arbitrary, even when agreeable to all; or, at other times, their application will be embroiled in irreconcilable conflict (eg in relation to research involving human embryos; or research which involves contact with largely undisturbed peoples) as concepts are interpreted within different ethical traditions. Codes of ethics are

mainly related to procedures and (individual) conducts; nevertheless, there is a substantial difference between substantive ethical theory and procedural ethical theory, the latter making "recommendations about the process which should be followed in deriving and justifying ethical principles, and arriving at ethical conclusions" (Harper and Stein, 1992, p. 106). For their nature, codes of ethics are mainly related to procedural, and not substantive, ethics.

These considerations suggest that central to ethical research will be the development of a community of researchers which shares an outlook on what matters, and what the place of human life (including practices like research) is in relation to what matters. Within this community there will be shared terms of reference and vocabulary which allows principled, but constructive, discussion and disagreement about research ethics. In particular, it allows constructive discussion about why, when and how research may be appropriate. Within research communities, codes of ethics may have a role as rules of thumbs, or reminders of key dangers to researchers' integrity. But not as answers to day to day issues that arise in research.

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