Final Draft

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***Phrónēsis* and the ethical regulation of ethnographic research**

In Western societies, ethical regulation spread out from medicine and research in psychology to other areas, so that it now covers virtually all of social science. This occurred some time ago in the US, with the operational field of Institutional Review Boards’ (IRBs), which were set up in the wake of the Belmont Report in 1979) , gradually being extended. What has been referred to as ‘ethics creepis a more recent development in the UK, and some other countries, such as Canada, Australia and New Zealand, and at European Union level in the context of applying for research funding, but the process is much the same (see Haggerty 2004; van den Hoonard and Hamilton 2016). Ethical regulation involves IRBs or research ethics committees (RECs) in Universities and other institutions exercising mandatory, pre-emptive control over research by academic researchers. They must submit outlines of their proposed investigations that identify any potential ethical problems likely to arise, and how they plan to deal with them. In response, IRBs/RECs decide whether all the problems have been recognised, whether the proposed solutions are acceptable, and therefore whether the research can proceed.

Ethical regulation of this kind had its origins in genuine concerns about serious ethical failings in the pursuit of medical research (Dingwall 2012). However, there has been little attempt to demonstrate that social research suffers from ethical problems that are so serious as to require this draconian form of control. Furthermore, it has been argued that, far from increasing the methodological and ethical quality of social research, ethical regulation is either ineffective or actually damaging (see, for example, Shweder 2006; Hamburger 2007; Hammersley 2009; Katz 2007; Schrag 2010; van den Hoonaard 2011; van den Hoonard & Hamilton, 2016; Traianou, 2018). Further, it has been recognised that ethical regulation causes particular problems for ethnographic research (see Delamont and Atkinson, 2018), for example, the tendency of IRBs/RECs to require that written informed consent is secured before research begins. These requirements make it difficult for ethnographers to obtain authorisation without distorting their work. While it may be accepted that achieving fully informed and free consent is an ideal that is not always possible to achieve, and perhaps even that covert inquiry may under some (rare) circumstances be legitimate, ethnography is generally framed by ethical regulation regimes as non-standard and marginal.

The emphasis given to obtaining informed consent by IRBs/RECs arises, to a large extent, from a proceduralist approach to ethics on their part. This involves treating ethical conduct as if it were a matter of complying with standard rules or procedures. This approach has become prevalent across business and the professions, for instance in the form of ‘ethical audit’ (see Baggini 2018). it fits closely with wider efforts to make the work of occupational practitioners ‘transparently accountable’, in both public and private organisations. Pressure for this derives from the fact that the second half of the twentieth century witnessed a gradual erosion of public trust in claims made by professionals to be devoted solely to carrying out their tasks well, and thereby in their capacity to regulate themselves (see Pollitt, 1990; Whitty, 2000). Indeed, some economists and sociologists came to view professionalism as an ideology designed to enable occupations to increase their power over clients, over other occupations, and in relation to other organisations, including nation-states (see for example Larson 1977). At the same time, this emphasis on ‘transparent accountability’ reflects the fact that – in the context of large, complex, and to a large degree globalised, societies – we are forced to rely upon anonymous others, where there can be no personal trust. While professional status and expertise at one time provided a substitute for this, this kind of trust is undercut in a world where status hierarchies are increasingly under challenge, and where trust has been eroded by fraudulent advertising and political spin. The rise of ethical regulation reflects this development, along with the associated concern of funders and universities with the threat of litigation.

While IRBs/RECs may show some flexibility in dealing with particular projects, then, their fundamental mode of operation is proceduralist, and this is virtually unavoidable given the task assigned to them (van den Hoonard 2011; Stark 2011). Moreover, from a proceduralist point of view, ethnography does not, and probably cannot, meet the ethical requirements that ought to guide social research. In particular, it involves initial planning but not a detailed plan that is ethically sound which is then executed; instead, the research process evolves, adapting to changes not only in the situations being investigated but also in conceptualisation of the problems that are the focus of inquiry. In these terms, ethnography can easily be seen as intrinsically unethical.

Yet, serious questions can be raised about this proceduralist approach to ethics. Even philosophical discussions of ethics that focus on the role of general principles generally recognise that applying these to particular situations will involve considerable interpretation, and indeed flexibility (see Hammersley & Traianou 2012 Chapter 1). Furthermore, there are writers about ethics who challenge the relevance even of general principles, arguing that ethical judgment is necessarily situationally variable or context-dependent (Dancy 2004). In this chapter I draw on an approach of this kind, virtue ethics, and in particular on the Aristotelian concept of phrónēsis, which has become increasingly influential in the literature on research ethics today (Macfarlane 2009; Emmerich 2018). This is an approach that is much more compatible with ethnography than is proceduralism.

**What is phrónēsis?**

Aristotle argued that all forms of governance – from state decision-making to the running of a household – rely on phrónēsis. One translation of this Greek word would be ‘skill’, especially since today we talk of social as well as of physical skills. It is significant that skills are acquired via lengthy periods of practice, perhaps via some kind of apprenticeship or simply through first-hand experience, along with reflection on this directed towards facilitating improved performance. The concept of skill captures an important aspect of the meaning of ‘phrónēsis’: that successful practice does not amount to following a set of rules, even though ‘rules of thumb’ can be used to facilitate and refine this (see Dreyfus and Dreyfus 1986; Dreyfus 2004; see also Eraut 1994). Rather, skilful practice involves situationally appropriate decision-making that takes account of all relevant, and only of relevant, considerations.

However, the notion of skill omits something important from the meaning given to the term ‘phrónēsis’ by Aristotle: for him it refers to a pre-eminent virtue (see Hammersley, 2018; Pring 2001; Macfarlane 2009). What Aristotle means by an activity being done well is not just that actions are effective in achieving a goal but that they are performed in ways that are good in a broader sense: that they exemplify and respect the human ideal. An important part of this is that how activity is performed must be good for the person engaged in it: it must form part of a good life for that person. Aristotle argues that only those who act in ways that contribute to a good life for themselves will be acting ethically. Indeed this is in large part what the term ‘ethical’ means for him.

The notion of phrónēsis has been selectively interpreted and widely applied in seeking to understand the character of professional work of various kinds, from educational and business leadership to medical training, urban planning or policymaking (Krajewski 2011). Furthermore, it has often been mobilised to resist attempts to impose technical or ethical regulations of various sorts on professionals. It has been argued that such regulations are incompatible with the very nature of professional work, and that attempts to impose them will necessarily distort it (see Dunne 1997). In these terms, we can think of human activities as ranged along a dimension of increasing complexity, so that the more complex the activity the greater the need for the exercise of phrónēsis. What ‘complexity’ refers to here is the degree of uncertainty surrounding the nature of the situation faced, and the implications of relevant principles for that situation. The effect of a high degree of complexity is that considerable interpretation and judgment are required in order to accomplish the activity effectively. Good decision-making must draw on past experience of similar situations and take into account all relevant concerns, and conflicts amongst them. While it may be possible to reduce pursuit of some activities to specific procedures or rules (e.g. reciting a poem or carrying out a statistical test), this is not possible in the case of many others. The latter are not susceptible to a proceduralist approach, and attempts to organise and control them in this fashion are likely to be counterproductive. There are clear parallels here with the criticisms made of ethical regulation by ethnographers.

**The conflict between phrónēsis and ethical regulation of research**

Pre-emptive ethical regulation is at odds with the idea that researchers must exercise phronesis since to a large extent it demands compliance with pre-specified rules. In this respect, as I indicated, there is an inevitable tendency for such regulation to operate on the basis of a proceduralist conception of ethics. This tendency arises from the fact that few members of IRBs/RECs will have direct experience of all the kinds of research method to be used in the proposals about which they must make decisions. And, equally important in the case of ethnography, they will often have little familiarity with the sorts of situation in which the research is to be carried out. This encourages recourse to general rules, a tendency that is reinforced by the commitment to a ‘transparent’ mode of operation. The rules concerned, for example as enshrined in various research ethics ‘codes’, amount to an ‘abridgement of the contingencies and vicissitudes of practice that aspires to be, but can never succeed in becoming, an authoritative, prescriptive guide for practice’ (Gray 2009:78-9).[[1]](#footnote-1)

Perhaps the most fundamental problem is that regulatory regimes are pre-emptive or anticipatory: they assume that ethical issues can be identified at the beginning of the research process and properly addressed there and then. Hence, ethics committees will only approve a project if potential ethical and indeed methodological problems, along with strategies for dealing with them, have been explicitly identified at the start. Researchers have become all too familiar with the ‘ethical clearance’ forms which they have to submit. Yet it is obvious, even from the most superficial experience of the research process, that not all problems can be anticipated, that some which are anticipated do not arise, and that even when problems have been anticipated they will often take forms that require new thinking about how to handle them in the specific circumstances in which they occur.

And, of course, this is especially true in the case of ethnographic inquiry. It cannot involve formulating a research design at the beginning, and then simply implementing it. Participant observation in natural settings requires continual negotiation of access to data, and is therefore subject to various contingencies, over many of which the researcher has little control. Access often depends on the ethnographers’ capacity for sustaining the co-operation of the participants; and the latter can be, and sometimes is, withdrawn (see for example Traianou, 2007). Consent tends to be negotiated and renegotiated over time as the relationship between the ethnographer and the research participants develops (Murphy & Dingwall, 2007). Even in the case of interviews, these are usually relatively unstructured in character, so that what particular questions will be asked and what will be said cannot be anticipated; and, often, they are carried out in settings that are not controlled by the researcher, such as school staffrooms, classrooms, or playgrounds. All these features make it difficult to anticipate what will happen at various stages of the research process and to plan in any detail for how ethical issues will be dealt with.

Also at odds with the idea that researchers must exercise phrónēsis is the assumption, frequently built into ethical regulation, that ‘best practice’ in research can be pre-specified. This is not possible because, like many other professional activities, research is a form of *praxis*. The grounds for decisions cannot be made fully explicit in ways that would be accessible to someone with little experience of the kind of research involved and/or of the situation in which it was carried out. There is a parallel here with the difficulty teachers sometimes experience in explaining the decisions they make in the classroom (see Traianou, 2006) or that doctors face explaining in ‘transparent’ terms how they judge what particular sets of symptoms indicate, and why. This does not suggest that these matters are beyond all expression, only that tacit knowledge and understanding are involved (see Montgomery, 2006).

We should also note that there is a tendency for IRBs/RECs, given their particular responsibilities, to give more weight to ethical than to other relevant considerations. This can often result in what has been called moralism: ‘the vice of overdoing morality’ (Coady 2005:101; Hammersley and Traianou 2012:Conclusion).[[2]](#footnote-2) One manifestation of this is the common requirement that researchers adhere to ‘high’, perhaps even to ‘the highest’, ethical standards, these being specified in terms of abstract principles whose implications for particular cases are regarded as closely determined – in effect, they amount to injunctions. Appeal to high, or even to the highest, ethical standards is routine in the rhetoric around ethical regulation. For example, the UK Research Integrity Office states that ‘we promote integrity and high ethical standards,’ and it recently produced a document which places emphasis on the ‘training and development’ of researchers in order to ensure that they meet the ‘highest standards’ of ‘research conduct.’[[3]](#footnote-3) This document is entirely about compliance, with no hint that there could be problems or disagreements about what would and would not be ethical, or what would be justifiable in broader terms, as regards social research. For instance, one concrete requirement is that fully informed consent be obtained from all research participants (p.14). In a similar way**,** for all research projects funded by the European Union under Horizon 2020: ‘ethics is an integral part of research from beginning to end, and ethical compliance is seen as pivotal to achieve real research excellence’.[[4]](#footnote-4)

Yet, as has been argued elsewhere, seeking written consent from participants is not always desirable (see Hammersley & Traianou, 2012;Ch. 4). Indeed, it is far from clear that informed consent of any kind is *always* required. Thus, a case can even be made for covert research in some circumstances. While some commentators have argued that it is virtually never legitimate (Bok, 1978; Shils, 1959; Warwick, 1982) others have challenged this (Calvey, 2000, 2008, 2017; Roulet et al., 2017). These discussions have identified a range of considerations that need to be taken into account in making judgments about this issue. What this indicates is that, rather than being formulated either as a general prohibition, or even as a globally permissive statement, any judgment about whether or not covert research is legitimate must be made in relation to specific cases. This is because covertness can vary significantly in degree and character, as also can conditions in the field that are relevant to making a judgment about its legitimacy, such as the vulnerability or power of the people being studied.

In statements like those from the UKRIO and Horizon 2020, mentioned earlier, it is apparently assumed that we cannot be ‘too ethical’, and that social research involves a high risk of severe ethical dangers for the people studied, so that rigorous precautions must be taken to avoid these. Yet, the presence of these severe dangers has not been demonstrated, and, since there are often conflicting principles, it is by no means clear what would or would not be ethical, or more rather than less ethical, in some cases. Furthermore, there is very often a tension between ethical considerations relating to the people being studied and the methodological requirements of the research, so that some sort of trade-off is required between the two. Once again, this must necessarily be done in a way that takes account of the distinctive features of the particular situation(s) faced. For reasons already explained, this is not the sort of judgment that ethics committees can make, or that can be framed in terms of rules.

It is also necessary to recognise that in the world in which researchers must operate the other parties with whom they have to deal may well be committed to ideals and interests, or engage in behaviour, that are at odds with the requirements of social research, to one degree or another. One of the problems with the kind of moralism underpinning ethical regulation being criticised here is that it is premised on an unrealistic view of human nature and society. Conflicting ideals and interests, and struggles over these, are endemic in social life; and, as a result, the use of coercion, manipulation, and deception is widespread. Given this, moralism is not a viable basis for carrying out any activity, including ethnographic inquiry (Douglas, 1976; Duster, Matza, & Wellman, 1979; Littrell, 1993). If researchers are to get their work done in *the world as it is*, and produce reliable knowledge, they will often have to engage in actions that fall short of “the highest standards” specified in moral codes or guidance provided by regulatory regimes.

In short, what can reasonably be expected of ethnographers is *not* compliance with the highest ethical standards but rather that their behavior is *acceptable* in terms of the whole range of practical values involved, *taking account of the constraints operating in the situations concerned*. It is also important to remember that social scientists are members of a profession operating *within* societies and that all they can distinctively aspire to is a high commitment to a specific goal and to the values associated with this, not some general ethical superiority. Perhaps it is necessary to emphasise that this does not amount to a recommendation of expediency, even less to the conclusion that ‘anything goes’. In fact, adopting a more realistic conception of what research ethics entails ought to lead to more careful and realistic judgments about what can and should be done in the field.

Interestingly, all this suggests a slightly different approach to the notion of phrónēsis from that characteristic of Aristotle, one that takes in Machiavelli’s rather different conception of ‘virtue’. Contrary to what is sometimes assumed, Machiavelli did not propose that rulers and other political agents should pursue evil ends. Rather, he argued that they will often have to use means that are regarded as morally questionable, such as deception, and even sometimes those that are abhorrent, like war, *in order effectively to pursue ends that are good*. According to Strauss (1975, p. 84), Machiavelli was the first of the early modern political philosophers, whose ethical thinking starts not from “how people ought to live,” in the manner of the ancients, but rather from “how people actually live.” In Max Weber’s terms, Machiavelli rejected an “ethics of ultimate ends” in favor of an “ethic of responsibility” (see Bruun, 2007, pp. 250–259). It seems to me that there is scope for applying this argument in the context of research (Hammersley & Traianou, 2011).

However, the contrast between this Machiavellian approach and the Aristotelian notion of phrónēsis should not be exaggerated: in both cases the emphasis is on the need to develop wise and skilful judgment in dealing, in the best way possible, with the contingencies that arise, taking account of all the considerations that are relevant, including those that conflict with one another. This is not a matter of the end justifying the use of any means, but rather that both ends and means must be ranked in terms of desirability (on various grounds), with phrónēsis being deployed to ‘weigh’ the relative desirability of achieving a particular end against the use of means of varying degrees of likely effectiveness and desirability.

**Conclusion**

I have argued that the spread of ethical regulation to social research has been closely associated with the broader demand for transparent accountability within governments and other large organisations, in both the public and private sectors. This demand is understandable. The second half of the twentieth century witnessed a gradual erosion of public trust in claims made by professionals to be devoted solely to carrying out their tasks well, and thereby in their capacity to regulate themselves. Indeed, some sociologists and economists came to view professionalism as an ideology designed to enable occupations to increase their power over clients, over other occupations, and in relation to other organisations, including nation-states (see for example Larson 1977). In this context, it might be argued that use of the concept of phrónēsis amounts to little more than an appeal to professional mystique, allowing bias in the service of self-interest.

In the context of large, complex, and to a large degree globalised, societies, we are forced to rely on anonymous others, where there can be no personal trust. While professional status and expertise at one time provided a substitute for this, in a world where status hierarchies are increasingly under challenge, and where trust has been eroded by fraudulent advertising and political spin, this kind of trust is undercut. As a result, there have been increasing demands for ‘transparent accountability’, in other words that the basis for professional judgments be made explicit so as to be open to judgment by lay people. This was, of course, a central theme in the evidence-based practice movement (Wieringa et al 2017). While such accountability may not be possible, as I have argued here, the concerns lying behind the call for it are genuine.

Furthermore, there are certainly potentially serious ethical dangers involved in the pursuit of some kinds of research; and, where these arise, regulation will certainly be necessary. But it has not been established that social research involves dangers of such severity that mandatory, pre-emptive ethical regulation is required. Nor has such regulation been shown to be effective in reducing these dangers. As I have argued, doing research well necessarily involves reliance on situational judgments, albeit guided by principles. This is particularly true in the case of ethnography. There is no form of transparency that will allow others to see, or to be completely assured, that what is being done conforms to ‘best practice’, in the sense of what it would be best to do in the specific circumstances faced. Pretending that there is some means of doing this, by enforcing procedures, damages ethnographic research.

Any attempt to deal with the ethical dangers associated with research must be proportionate, and should respect the limits of what is possible – rather than simply assuming that transparent accountability via proceduralist regulation is achievable, and that it will eliminate all uncertainty and risk. The risks associated with most social research are very different from, and arguably much less severe than, those involved in testing medical treatments, which is where the pressure for ethical regulation originally arose.[[5]](#footnote-5) Furthermore, non-experimental research, and especially that involving the collection of unstructured data in the field, is much less open to prospective, procedural control than experimental work. Indeed, attempts to achieve this will almost always be counterproductive.

It is also worth emphasising that researchers have never been free to do as they wish, contrary to what often seems to be assumed about the past. Prior to the spread of ethical regulation, they nevertheless operated in situations where legal rules applied; where other agents, notably gatekeepers but also sometimes research participants, had considerable power over the research process; and where there was always the prospect that colleagues would bring what they regarded as unethical behaviour to public attention, resulting in reputational damage for the researcher concerned, at the very least.[[6]](#footnote-6) Any justification put forward for ethical regulation needs to demonstrate that these curbs were, and are, inadequate. It also needs to show that ethical regulation works in minimising, or at least reducing, unethical behaviour on the part of researchers. Yet there is little evidence that it does; indeed, determining this is fraught with difficulties because of the variable judgments that can be made about what is and is not ethical (see Dingwall, 2016). These judgments are rarely a matter of the straightforward application of a single principle, and as a result there is considerable scope for reasonable disagreement about what would and would not be ethical. This is precisely why phrónēsis is required, and why the attempt to achieve ‘transparency’ is unrealistic, while attempts to achieve it will very often have damaging consequences.[[7]](#footnote-7)

Even if ethnographic research necessarily depends upon phrónēsis, this does not rule out the desirability of guidelines, such as the ‘codes’ developed by professional associations. However, rather than laying down injunctions to be followed, these must recognise that ethical considerations – specifically those relating to how researchers deal with the people they study – are multiple and potentially in conflict, and that they are not the only considerations that must be taken into account in doing research. Above all, codes must acknowledge that researchers have an obligation to pursue worthwhile knowledge effectively, and to do this in a way that is *prudent*, for instance keeping any risk of serious harm to themselves below an acceptable threshold.

The role of phrónēsis does not eliminate all the functions of ethics committees, but they should no longer be regulatory bodies determining whether or not research projects can go ahead. As Murphy and Dingwall (2007) argued ‘it is time to reclaim research ethics from the bureaucrats’ (p. 2231). Instead, ethics committees ought to be fora in which researchers are required to outline and defend their research proposals, or to defend research they have already carried out where this has generated ethical concerns.[[8]](#footnote-8) In this way ethics committees could play an important role in facilitating the development of phrónēsis on the part of researchers, since they would force greater attention to methodological and ethical issues, and expose individual researchers to diverse views about these. At present the regulatory function of ethics committees seriously inhibits this process, and thereby damages ethnographic research.

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1. Gray is here discussing the philosopher Michael Oakeshott’s critique of what he labels ‘rationalism’: see Oakeshott 1962. [↑](#footnote-ref-1)
2. There is a parallel between moralism and the religious enthusiasm that Locke and others objected to in the seventeenth century, as part of their defence of political liberalism (Locke 1975:ch19). [↑](#footnote-ref-2)
3. See: <http://ukrio.org/wp-content/uploads/UKRIO-Code-of-Practice-for-Research.pdf> 23.06.17 [↑](#footnote-ref-3)
4. See: <http://ec.europa.eu/research/swafs/index.cfm?pg=policy&lib=ethics> [↑](#footnote-ref-4)
5. Stark (2011:2 and *passim*) has argued that, even in the case of medicine, ethical regulation ‘has served to enable research as much as to restrict it’, including some that many would regard as unethical. [↑](#footnote-ref-5)
6. For examples of cases where colleagues have called one another to account in the context of social research, see Hammersley and Traianou 2012:ch1. [↑](#footnote-ref-6)
7. The case of medical research, and indeed any experimental research that involves treatments that carry with them substantial risks of harm, as well as potential benefit, is different from that of most social research. Here, the potential dangers of ethical regulation may be outweighed by the risks carried by the research. However, it is important to note that even here regulation cannot deliver transparent accountability, nor does it necessarily prevent harm. Of course, ethical regulation can have beneficial consequences, in terms of prompting researchers to take more account of ethical considerations, to recognise problems that they had overlooked, etc. However, it these benefits could be gained in other ways. [↑](#footnote-ref-7)
8. For various other proposals for reform, see: Carpenter 2007; Feeley 2007; Hyman 2007; Stark 2007; Marlow and Tolich 2015; van den Hoonaard and Hamilton 2016. [↑](#footnote-ref-8)