The bureaucratization of ethical integrity

Research ethics committees and imaginaries of risk

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Fifteen years ago, the sociologist Martyn Hammersley (2009) published a critique of how ethical regulation had developed after the UK's Economic and Social Research Council adopted its Research Ethics Framework. His essay made three provocative claims: first, that ethics committees are usually incapable of making sound ethical decisions and, therefore, exercising their authority will not improve the ethical quality of social science research; second, that the legitimacy of the control such committees seek to exercise over researchers is questionable, particularly on ethical grounds; and, third, that increasing ethical regulation is likely to produce severe and undesirable consequences. Since then, the regulatory apparatus of ethics committees has continued to expand, with ethical regulation becoming a requirement for all university social research. Hammersley warned that, left unchecked, this growth would 'threaten the future of social research as a worthwhile enterprise' (ibid.: 221).

Problems of/with ethical regulation

So, when does ethical regulation impede independent social research? Ethics have long been a cornerstone of social research, offering guidance on balancing scientific enquiry with respect for the rights and well-being of research participants. Nevertheless, the growing complexity of ethical regulation and its conflation with risk management and legal liability raises its own ethical concerns. Can the bureaucratization of research ethics be ethical?

That is the question Michael Herzfeld (2023) poses in his essay on 'ethnographic responsibility'. Herzfeld draws on ethnographic vignettes to show how university research ethics committees (RECs) and institutional review boards (IRBs) conceptualize ethical responsibility in terms very different from those of anthropologists. Without denying or minimizing the importance that RECs play – in reminding researchers that their actions have consequences for participants, cultivating ethical awareness and protecting both participants and researchers from harms arising from poorly conceived projects – his criticisms are levelled primarily against the bureaucratization of RECs and the harms that their standardized, one-size-fits-all approach creates.

This article will explore the ethics of ethical regulation by placing Hammersley's and Herzfeld's arguments in conversation with my own experience of engaging with RECs. Complaints about the failings of ethics committees, particularly from anthropologists, go back several decades (Lederman 2006; Petit 1992; Tolich & Fitzgerald 2006; Wynn 2018: 248), and most social science and humanities literature on RECs is still overwhelmingly critical. Why do RECs have such apparent difficulty in dealing with social research? In answering that question, I develop three arguments. First, I suggest that university ethical regulation procedures are largely incompatible with ethnographic research methodologies and follow different ethical imperatives (as Herzfeld illustrates). Second, I show, for reasons that I outline below, that attempts to address the misunderstandings surrounding ethnographic research and imaginaries of risk that shape REC decision-making have largely failed. Third, since the current REC system is poorly suited for evaluating the ethics of social research, it is time to create an alternative system with RECs that understand social research methodologies.

Why RECs find ethnographic research problematic

The frustration of researchers with RECs is often expressed through personal anecdotes and horror stories of Kafkaesque encounters with incomprehensible university bureaucracies. Kirsten Bell and L.L. Wynn's (2023) surveys, however, show a pattern to these stories, and social researchers and ethnographers experience the greatest difficulty with RECs, often describing them as punitive and adversarial.

The most frequent complaint is that these committees are dominated by disciplines steeped in scientific and positivistic approaches, disciplines whose idea of research typically follows a biomedical model of deduction, hypothesis testing, controlled variables, formalized informed consent forms and institutional permissions (Sleeboom-Faulkner et al. 2017). Within that framework, anthropology's methodology – which includes immersive fieldwork, participant observation, serendipity and a willingness to change direction depending on what happens in the field – is seen as problematic, lacking in scientific rigour and unethical. Ethnographic research is considered inherently risky, even more so than experiments with human subjects in laboratory settings.

For example, I had an application for ethnographic research on university industrial relations rejected on the grounds that the committee couldn't see how the research focus would be contained. As the committee explained: 'If you're participating in an event or you enter a room

Ethical reviews for anthropological research in UK universities

Ethical review Type	Description	Key challenges
University research ethics committees (RECs)	Standardized ethical regulation procedures for all university research	Dominated by biomedical and positivistic approaches Lack understanding of ethnographic methodologies One-size-fits-all approach Bureaucratization and mission creep
Institutional review boards (IRBs)	Similar to RECs, often used interchangeably	Conceptualize ethical responsibility differently from anthropologists Focus on risk management and legal liability
Discipline-specific RECs	Proposed alternative: RECs composed mainly of members with expertise in social research methodologies	Not yet widely implemented Potential concerns about lack of diverse perspectives
Localized, faculty-level committees	Proposed alternative: Decentralized, more efficient approach to ethical considerations	Requires restructuring of current university REC system Potential resistance to change

Fig. 1. *Table showing some of the ethical review hurdles anthropological research in the UK potentially needs to pass.*

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where there are many people besides those you want to interview or observe, how will you ensure that you *don't* see things that were not specified in your research proposal?' (emphasis in original). The implication is that discovering things that were unplanned or outside the original research design is dangerous for participants and potentially unethical.

I tried explaining that serendipitous discovery was a necessary part of the ethnographic research process – and why it required professional trust, something seemingly lacking in the standardized REC model. Some committees, however, regard participant observation as intrinsically unethical. As one colleague recounted, an application to conduct ethnographic research on Romanian street cleaners was questioned on the grounds that such research entailed 'deception' because the ethnographer would be 'pretending' to be a Romanian cleaner. Others even treat interviewing people (or 'human subjects') as potentially dangerous, as Zachary Schrag (2010: 1) has shown.

This indicates that the problem RECs have with ethnographic research is systemic and derives from a 'lack of epistemological fit between ethnographic methods and ethics review paradigms' (Bell & Wynn 2023: 1). This is particularly evident in how each imagines risk. Both define their goal as protecting research participants from harm and safeguarding their well-being, but what that means in practice differs.

For example, one respondent in Bell and Wynn's survey spoke about 'being required to hire psychologists to debrief research participants or be on call in case of distress'. Another said, 'We are often asked whether our participants will be "upset" by talking to us. This medicalization/psychologization is really creepy' (ibid.: 9).

I experienced a similar problem. In its feedback on an ethics application for research on 'The Crown and Constitutional Reform in New Zealand, Australia, Canada and the UK', the ethics committee wanted to know what measures we would implement to ensure that interviewees did not feel coerced into participating. The participants were all professionals – elected politicians, senior government ministers, civil servants, judges, military officers, journalists and Crown officials – and considerably more powerful than our two academics and MA students.

In a further comment, the committee wrote that to protect participants from feeling coerced, 'it would be desirable if a recruitment methodology were devised in which (a) a direct approach from the PI was omitted and (b) a process in which the PI was unable to ascertain who participated and who did not was put in place'. After a lengthy explanation of why an anthropological approach necessarily entails person-to-person interactions, the importance of establishing rapport and why interpersonal contact is part of fieldwork ethics and creating ongoing social relationships between researcher and research communities, I eventually obtained approval. Unusually for a New Zealand REC, those dealing with my proposal seemed unfamiliar with Linda Smith's *Decolonizing methodologies* (1999).

Epistemological incompatibility also derives from the fact that most RECs adopt a normative and deontological approach: that is, one based on abstract rules and principles and cost-benefit calculations rather than on considerations of the effects of those rules or the situated nature of practical judgements. Fieldwork, however, is unpredictable and ethicality in the field is situational and inter-subjective. To be an effective and ethical field researcher requires constant reflexivity and adaptation, not adherence to fixed rules.

Thus 'any ethical principles must come out of, and are secondary to, ethical practices rather than being its foundation' (Hammersley 2009: 215). The problem is that RECs are not particularly interested in the ethical expectations of the people we study (Herzfeld 2023: 3). This makes ethical regulation one-dimensional and ethnocentric, even imperialistic (Schrag 2010).

Is educating your IRB enough?

The challenges ethnographers face with RECs are not only epistemological; the bureaucratization of ethical regulation itself creates problems. By bureaucratization I mean the proliferation of paperwork, form-filling, rules and regulations, guidelines, protocols and oversight mechanisms, the expansion of the ethics approval process and the ever-more complex requirements applicants must navigate to justify their research – often to people who lack the knowledge to be able to judge its ethical integrity. Inevitably, this pressures applicants to tailor their responses to what they assume RECs want, further reducing ethics approval to a mechanical exercise in bureaucratic compliance. The growing number of universities that have now institutionalized an 'Office for Research Integrity and Compliance' perfectly illustrates this elision of ethical integrity with compliance.

The ethics-compliance apparatus has also expanded into other aspects of university research. Even unfunded research and graduate student projects must receive formal ethics approval. The scope of ethical regulation has also expanded. Whereas ethics forms were once short and straightforward, today they often exceed 30 pages, with multiple sections and annexes requiring detailed guidelines on completing and uploading them onto the required online portal. Some also require essay-like answers to their questions.

For example, one university I studied also requires research students to write an 'ethical self-evaluation' of their proposals, anticipating potential risks and demonstrating their mastery of all relevant disciplinary ethical guidelines. Many applications are sent back for failing to provide full appendices, including Participant Information Sheets (PISs) or Plain Language Statements (PLSs), Consent Forms (CFs) and sample questions for each different category of interviewees.

This expansion of regulation, or 'mission creep' (Lederman 2006), has produced what, echoing Tereza Østbo Kuldova (2022), we might call an 'ethics-compliance industrial complex': a self-reinforcing bureaucratic assemblage that occupies an increasingly central place within universities with its own dedicated budget, resources, staffing and career paths. Besides being time-consuming for committee members and increasing staff workloads, this creates large backlogs in the approval process that can delay researchers for months if their application is sent back for revision or simply for clarification (as frequently happens).

This adds pressure on committees to standardize procedures, further exacerbating the one-size-fits-all approach and the inability to accommodate plural epistemologies and methodologies. Overworked REC members rarely have time or resources to consider alternative research paradigms seriously. Yet most are reluctant to provide applicants with template answers. They prefer to identify shortcomings without specifying solutions. Some researchers liken this procedure to a 'guessing game' where contestants must discover the correct 'formula' of words. The result is a further 'muting' of disciplinary values as applicants adopt the boilerplate language they imagine committees are looking for and tailor their methodologies to fit the 'Standard Model' (Bell & Wynn 2023: 8; Lederman 2016).

Further problems arise when ethics are conflated with risk management – when standardized evaluation procedures based on biomedical models converge with institutional anxieties about legal liability. Legal risk and ethical compliance are central to the work of university RECs, but

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Pettit, P. 1992. Instituting a research ethic: Chilling and cautionary tales. *Bioethics* 6(2): 89-112.

Fig. 2. *ESRC website setting out the principles of the ESRC adopted Research Ethics Framework.*

Schrag, Z. 2010. *Ethical imperialism: Institutional review boards and the social sciences, 1965-2009*. Baltimore: Johns Hopkins University Press.

Shore, C. 2018. How corrupt are universities? Audit culture, fraud prevention, and the Big Four accountancy firms. *Current Anthropology* 59(S18): S92-S104.

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Sleeboom-Faulkner, M. et al. 2017. The formalization of social-science research ethics: How did we get there? *HAU: Journal of Ethnographic Theory* 7(1): 71-79.

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Tolich, M. & M.H. Fitzgerald 2006. If ethics committees were designed for ethnography. *Journal of Empirical Research on Human Research Ethics* 1(2):71-78.

Wynn, L. 2018. When ethics review boards get ethnographic research wrong. In *The SAGE handbook of qualitative research ethics*. (eds) P. Iphofen & M. Tolich. London: SAGE Publications Ltd.

conflating them can produce perverse effects and the temptation to use ethics-compliance machinery to mute dissent.

There have been several attempts to silence academics whose views university leaders find uncomfortable, or to rule that academics can only speak in public on matters where they have 'recognized research expertise' (Kohn & Shore 2017: 244; Shore 2018). Research on university policy or internal matters is particularly sensitive.

My application to study the neoliberal reform of New Zealand's universities, including my own, occupied an entire meeting of my university REC. The committee worried I might discover things outside the 'designated research parameters' and were unhappy with the argument for not using consent forms at public events, even though they recognized the impracticalities. The committee finally agreed that 'observing people in their naturalistic setting' was permissible, but interviews required written consent. To their credit, the committee expressed interest in learning more about anthropology's approach.

In 2006, Rena Lederman called upon anthropologists to 'educate your IRBs' so that committee members could learn to understand the importance of alternative social research paradigms. While educating committee members is a worthy goal, it is impractical, for at least two reasons.

First, ethics committees are subject to frequent turnover and, therefore, have short memories. Despite recognizing the need for multidisciplinary inclusivity, RECs in larger universities often have no members conversant with ethnographic methods. Including academics from psychology or economics departments is no guarantee that they will be familiar with qualitative social research methodologies.

Second, when researchers do try to educate their RECs, their criticisms and challenges are often treated as the response of unreflexive or out-of-touch individuals whose complaints mask a desire to avoid scrutiny or change working habits (Bell & Wynn 2023: 8). This echoes the way academics who criticize the spread of 'audit culture' – the proliferation of ranking systems for monitoring and measuring performance – are often dismissed as self-serving elitists who oppose accountability and transparency (Shore & Wright 2004).

In short, biomedical assumptions about what constitutes best practice – what Schrag (2010) called 'ethical imperialism' – are deeply entrenched in the imagination of RECs and difficult to change. Yet change they must.

Alternatives to the REC system?

My argument is that the current REC system is ill equipped to judge the ethicality of ethnographic research and that alternatives are needed. Bell and Wynn go further, arguing that 'not only is bureaucratic ethics review as currently constituted a threat to certain researcher methodologies, it also is not particularly good at protecting research participants' (2023: 6). This is a damning indictment that invites the question: 'what are ethics committees actually *for*?'

Ethics is about morality and the moral principles that govern a person's behaviour – or, in this case, the conduct of researchers and their disposition to act responsibly and obey the categorical principle of respecting others.

Ethical conduct in fieldwork settings, however, is situational and defined by context. Ethical regulations are guidelines, not inviolable codes, protecting all parties. Indeed, sometimes ethical regulation increases liability by shifting responsibility for ethical conduct to the RECs. This incentivizes committees to expand their remit to cover the entire field of methodology – hence, the mission creep of the ethics compliance-industrial complex. In Hammersley's words, this proliferation of ethical regulation over social research constitutes 'an illegitimate attempt to legislate morality' (2009: 218) and an unwelcome infringement on academic freedom.

What can be done to halt this mission creep? I propose two solutions. The first is to de-bureaucratize the ethics approval process by adopting less interventionist or 'lighter-touch' approaches. Many European countries already do this.

For example, obtaining university ethics approval in research universities took less than 15 minutes in Finland. An early triage process concluded that my research and methodology – interviewing university staff – posed no risks to research participants. Switzerland and Austria operate a similar system. As one Austrian colleague and former pro-vice-chancellor for research told me, 'We trust our academics and accept that they will abide by their disciplinary codes of practice.' That is not something academics in the UK and the US often hear.

The second solution is to establish discipline-specific RECs composed mainly of members with expertise in social research methodologies. This is hardly a radical idea, and many liberal arts colleges already operate along these lines. Ethics committees for animal research, environment and bio-safety research and health sciences research already exist; why not committees for social research? These would not be composed exclusively of social researchers or anthropologists (to avoid accusations of collusion), but most members would have expertise in qualitative social research methodologies. Including scientists and biomedical researchers could also help educate IRB/REC members, generating a deeper cross-disciplinary understanding of social research.

Establishing ethics committees for social research would mean decentralizing university RECs and shifting ethics approval to a more localized model of faculty-level committees. This would reduce time spent on reviewing and provide a more tailored and efficient means of addressing ethical considerations. Subjecting all researchers to the same standardized, bureaucratic ethical regulation procedures is cumbersome and unproductive.

Making the level of institutional oversight commensurate with the level of risk would also ensure that the ethical integrity of social research is maintained while reducing bureaucratic burdens on researchers. In short, it is time to rethink the current REC system and use our ethnographic methods to challenge the universalistic and moralistic assumptions that govern the standardized ethical review procedures. ●