

## Editorial

### *Reductio ad absurdum*

Research is considered an essential part of the duties of university professors, as well as an expectation of educators in other institutions. Hammack (1997) states, "Thus research or scholarship of some kind is necessary to demarcate their [the professional's] expertise from that of the general population" (pp. 247-248). Indeed, engaging in research and publishing research findings are deemed so important, at least in some quarters, that the aphorism *publish or perish* is sometimes touted as the motto for university professors. Universities, research institutions, and schools, especially within the last five years, appear to be increasingly concerned with *ethics* in research, especially as they relate to human participants. The fair, consistent, and humane treatment of research participants should be the paramount consideration of a researcher. The seeming lack of ethical regard for participants in the past, as exhibited by the psychologists Stanley Milgram in the 1960s (Lucas & Lidstone, 2000) and even earlier in the 1920s by John B. Watson (Watson & Rayner, 1920; Harris, 1979), are often cited as examples of what can happen when research is conducted without adequate ethical safeguards. To be sure there are other examples of published research that on analysis suggest that the sort of ethical considerations that some might consider essential today were not followed earlier. From such examples, however, it does not follow that most educational researchers are *unethical* in their research or that they lack professional knowledge of ethical practice. Naturally I am not contending that there should be neither ethical policies nor mechanisms for ensuring that human participants are treated in a consistent and ethical manner. I certainly support Pritchard's (2002) views that researchers when intending to deal with human participants must: ensure that their potential participants are informed about the nature of the research; obtain informed consent from participants; ensure that participants understand that they may freely opt out of the process at any stage; preserve anonymity and/or confidentiality; and not change the purpose of their research without informing participants. However, I question the motives for the sudden increase in the number of regulations established by particular institutions that are often delivered in a top-down manner without any discussion or latitude for appeal.

Such arbitrary and autocratic action raises the question as to whether such strictures arise solely from an interest to safeguard the rights and dignity of participants and help ensure that researchers do not commit misconduct. Are there perhaps other, not-so-altruistic motives? According to Lucas and Lidstone (2000), much of the recent concern about ethics arises from institutional fear of litigation. From my own experience, and that of colleagues from other educational institutions, many research ethics boards, when asked, respond that they are indeed trying to minimize the likelihood of litigation. Safeguarding an institution against litigation sounds laudable, but the process appears to interfere with research as well as being largely useless in preventing

litigation. For example, I was told recently that even if I wished to write a biography of a deceased person, I would not receive ethics clearance unless I obtained permission from the decedent's relatives. When I questioned this in a meeting for faculty on research ethics, I was told that the policy existed to prevent the decedent's relatives from suing if I happened to say something *harmful* about the decedent. I inquired further, first noting that British Common Law holds that one cannot slander or libel the dead. If I were to say, for example, that Adolf Hitler was a racist, and if Hitler's heirs wished to sue, they would not prevail, especially as archival evidence and Hitler's own writing support my conclusion (Hitler, 1927-1928). Moreover, the United States *Code of Federal Regulations* states, "Human Subjects [participants] means a living individual about whom an investigator ..." (34 CFR 97.102[f]). The key point in this clause is *living individual*. A *dead* person by definition is not living.

The response was that neither the people on the ethics board nor I were lawyers, and so the point about libel or slander could not be debated. Moreover, the US code was not Canadian, and because there was no counterpart, I should simply go along with the spirit of the ethics board. Second, I asked if I were going to research the life of Joseph Stalin and received permission from his daughter to do so, what about other relatives who might not wish me to write about him? This time I was told that "famous people" were not in the same category as those who are not famous. Even so, "it would probably be a good idea to ask for permission from all relatives." When I asked to see the regulations in print, I was told that "they are in a state of flux right now." In other words, some research ethics boards are making up regulations as they go along. However, it was added that if one did not comply with whatever the research ethics board decided, one could expect "dire consequences that could affect my employment, as we have a zero tolerance policy." In a feeble attempt to appeal to my loyalty to the institution, I was informed that at the very least a breach of these nebulous research ethics could result in the university losing federal grant moneys.

Insofar as litigation is concerned, no matter what safeguards one puts into place, one cannot preclude someone else from suing. Consider the recent case of an obese person who sued a well-known international fast-food establishment, blaming the obesity on the establishment for not warning that eating their menu items frequently would result in obesity (BBC News, 2002, November 22). Although the suit failed in court (Sweet, 2003), this example shows that no matter how ridiculous or unfounded the premise might be, one may sue. In other words, it is practically impossible to safeguard an institution against litigation. About the only way an institution could preclude being sued over matters related to research is to prohibit all research. Although it might possibly appeal to some fourth-rate legal minds, this approach goes against one of the main purposes of a university—or a collection of professionals interested in the advancement of knowledge and the improvement of practice.

On another plane, the tendency for research ethics boards to prevent research that may somehow be construed as contentious or challenging some popular orthodoxy or dogma raises the specter that the research ethics boards are transcending their intended purpose and are engaged in *gatekeeping*.

Pritchard (2002) notes that ignorance by members of boards, obsession with "risk management," and regulating research has led some research ethics boards to exceed their purpose. On the surface this transgression may seem trivial, but it belies deep-seated threats both to what is researched and to the fundamental principle of academic freedom.

Even a brief examination of recent history provides evidence how, if not challenged, such exceeding of authority can lead to profound consequences for both the researcher and the advancement of knowledge. A colleague of mine who earned a doctorate in an eastern European country while it was under Communist rule told me that because she dared to investigate an aspect of young students' behavior that clearly showed a pattern related to sex difference, she was told not include those findings in her dissertation. The explanation given was, "The state says that we are all the same. Therefore, research focusing on sex differences is not only unethical, it is wrong." By refusing to omit those findings, or altering them to conform to policy, she precluded any opportunity of obtaining a scholarly position in that country. The situation was untenable, and this led her to seek employment elsewhere in the world. This scenario is neither unique nor rare. Consider that "approved" history books in the Soviet Union contained pictures that were altered. Photographs originally showing Stalin alongside Trotsky or the Menshevik leader Zinoviev were airbrushed so that these individuals were either removed or rendered unrecognizable. This was sound ethical practice in Soviet research, as not complying with the dictate that nonpersons did not exist would probably have resulted either in long-term incarceration of the researcher or death. With such strictures the value of such *research* and consequent publication is dubious. Moreover, the ethical structure that restricted research in such ways rendered research as nothing more than propaganda and pandering to state-sanctioned orthodoxy. By extension, according to what a local research ethics board states, if I wish to publish a photograph of a barefoot child attending a rural Alberta school in 1900 to illustrate the condition of some students at that time, I must first obtain permission from the subject in the picture. If I cannot ascertain the identity of the individual, I cannot get permission from him or her or from the relatives for that matter. I then either have to forget about sharing this information, or I can alter the image so that the person is not recognizable. Although this may satisfy some amateurish ideas of how to prevent litigation, the truthfulness and trustworthiness of my research is likely to be called into question. If I altered that aspect of the image, what assurance does the reader have that I have not changed other attributes? Indeed, this type of data alteration was undertaken by some unscrupulous researchers in the past to help support hypotheses about the heritability of intelligence that were otherwise unsubstantiated. Gould (1981), for example, notes that before World War I the psychologist H.H. Goddard had photographs of subjects retouched so as "to give eyes and mouths their diabolical appearance" (p. 171).

Although many of the totalitarian governments that created such farcical research ethics are gone, the potential for research ethics boards presently to travel the same road is great. An example of this is the experience of a colleague who wished to research the interaction of minority groups in the general

population of schools. Although the research methodology was deemed *ethical*, the project was nevertheless turned down. After providing varied and sometimes conflicting reasons why permission was refused, when pressed the board told my colleague that no reason had to be given; permission was simply refused. Although one can speculate as to the actual reason why permission was refused, this episode reiterates that the current emphasis on ethics is a one-way street. Rulings are made, but there is no discussion or even explanation.

Although we can debate the issue of ethics philosophically much as some medieval scholars debated how many angels could dance on the head of a pin, the practical implications of either poorly thought-out ethical procedures or policies driven by fear of litigation are considerable. In some respects events are developing much along the lines of the Inquisition. This general court, with sweeping powers, was instituted by the Roman Catholic Church in the 13th century, initially to correct misunderstandings of scripture and doctrine and to rectify heresy. Without a means of external governance the Inquisition later degenerated into a means of controlling views and stifling discussion through brutal and arbitrary practices. Attempts to moderate the Inquisition such as that by Girolamo Savonarola (1452-1498) usually led to torture and execution. In the case of Galileo Galilei (1564-1642), however, who recanted his unethical and heretical views that the earth was not the center of the universe, he was merely placed under house arrest. This injustice was not redressed until 1992 when Pope John Paul II stated that the Inquisition had made errors in the case against Galileo.

As with the Inquisition, it appears that many institutions expect their researchers to accept passively and without question the increasing stranglehold of strictures under the guise of *ethics*. This expectation runs contrary to what Winston and Saunders (1998) and Hardy (2002) advocate. Hardy contends that "professional educators [should] continually consider and discuss institutional and professional ethical standards and fundamental legal principles" (p. 388). However, when professionals are told in a parochial, top-down manner that questioning is tantamount to disobedience and that such behavior will result in "dire consequences," it is time for this absurdity to be challenged. If collegial discussion—the tradition of universities—is no longer welcome or sanctioned by their administration, then perhaps the challenge needs to occur by the very means that the gatekeepers fear: litigation. For as Juvenal said almost two millennia ago, *Quis custodiet ipsos custodes* [Who will watch those who watch?] (*Satire 6*, line 347).

G.H. Buck

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