Ethical Regulation and Visual Methods: Making Visual Research Impossible or Developing Good Practice?

by Rose Wiles, Amanda Coffey, Judy Robison and Jon Prosser
University of Southampton; Cardiff University; Leeds University

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Abstract

The ethical regulation of social research in the UK has been steadily increasing over the last decade or so and comprises a form of audit to which all researchers in Higher Education are subject. Concerns have been raised by social researchers using visual methods that such ethical scrutiny and regulation will place severe limitations on visual research developments and practice. This paper draws on a qualitative study of social researchers using visual methods in the UK. The study explored their views, the challenges they face and the practices they adopt in relation to processes of ethical review. Researchers reflected on the variety of strategies they adopted for managing the ethical approval process in relation to visual research. For some this meant explicitly 'making the case' for undertaking visual research, notwithstanding the ethical challenges, while for others it involved 'normalising' visual methods in ways which delimited the possible ethical dilemmas of visual approaches. Researchers only rarely identified significant barriers to conducting visual research from ethical approval processes, though skilful negotiation and actively managing the system was often required. Nevertheless, the climate of increasing ethical regulation is identified as having a potential detrimental effect on visual research practice and development, in some instances leading to subtle but significant self-censorship in the dissemination of findings.

Keywords: Visual Research; Visual Methods; Ethics Committees; Ethical Regulation; Research Governance; Qualitative Methods

Introduction

1.1 Visual research methods in the social sciences comprise a vast array of different types of approaches and data. Data may comprise found data (e.g., family photo albums, advertisements), researcher-created data (e.g., photographs or film taken by researchers), respondent-created data (e.g., photographs taken by study participants or drawings or models created by them) and representations (e.g., graphical representations of data). Approaches to the collection and analysis of these data are varied and include, among others, photo elicitation, documentary film making, visual anthropology and semiotics (Rose 2007; Prosser & Loxley 2008). There has been a rapid growth and interest in visual methods across social science disciplines in recent years. Visual methods have been a traditional domain of social anthropology, but more recently have become popular among sociologists as well as those working in cognate areas such as education, health, social policy and social work (Pink 2003, 2007). Prosser & Loxley (2008, p4) note that 'an international 'sea change' in methodology is taking place in response to urgent, challenging and complex global research questions, which [...] has led to a growing interest (in) 'beyond text' into sensory research methods across disciplines'. The contemporary interest in visual methods can be cast in relation to this call to methodological development, as well as also reflecting the broader 'cultural turn' in sociology and the social sciences (Friedland and Mohr 2004).

1.2 Social research is increasingly regulated by a range of legal, governmental and organisational systems of ethical review with which researchers have varying levels of obligations to comply (Mertens & Ginsberg 2009; van den Hoonaard 2002). While obligations to comply with ethical governance and regulation are reinforced by legal sanctions in some countries, in others, ethical regulation does not carry such weight. The ethical regulation of social research in the UK has been steadily increasing over the last decade and all research universities are now obliged to have research ethics committees to scrutinise and approve empirical research (ESRC, 2005, 2010; Tinker & Coomber 2004). Organisations outside of academia have also developed similar processes for ethical review (GSRU 2005). Despite some variation in the ways ethical approval practices work within the higher education sector (Tinker & Coomber 2004), the general processes of ethical review is assumed to be fairly standard. The issues they assess are likely to draw closely on those outlined in the UK Economic and Social Research Council (ESRC) research

ethics framework, and to include items such as informed consent, confidentiality, anonymity, avoidance of harm and researcher integrity (ESRC 2005, p26, 2010, pp14-15; Israel & Hay 2006, p37)^[1]. All research conducted by social researchers in the UK (with the possible exception of some self-employed researchers) is now, or would be expected to be, subject to some form of ethical review by a recognised research ethics approval procedure.

1.3 Commentators have observed that systems of ethical review are an example of the increasing audit and governance to which higher education more generally is subject (see Strathern 2000; Hammersley 2009). Power's (1997, 2000, 2003, 2004) work on the 'audit society' clearly articulated the ways in which audit has impacted on all aspects of work, particularly in the public sector. Power has argued that the processes put in place to audit and monitor routine practice are a form of governance, whereby the State can ensure professionals comply with norms of 'good conduct' and that, through the monitoring of these processes, the State can ensure that individuals self-regulate their professional behaviour. In relation to ethical regulation, individuals are expected to voluntarily subject themselves to review procedures in order to demonstrate that they are abiding by good ethical research practice; ensuring and demonstrating that researchers pose limited risk to their employers, research funders and the Government (Pels 2000). There are, of course, good reasons for researchers to self-regulate their behaviour and to comply with ethical regulation procedures; it can be seen to be in the interests of good research conduct, beneficial to researchers, research participants, employers and funders. Who would not want to demonstrate that their research is ethical? However, as various authors have noted (see for example, Shore & Wright 2000) assessment (or auditing) of 'good practice' is not a neutral activity but a means of governance which can have profound effects on the freedom of professionals to work in the ways they see fit. Power (2000, p115) argues that those audited may engage in 'creative compliance' with auditing processes in which they 'create images of auditable performance' (Power 1997, p95) solely for the purpose of the audit. Ethical review can thus be viewed in ways not dissimilar to other auditing processes in higher education (for example reviews of teaching quality, and the research assessment exercise); or indeed across education, where it has long been noted that those being subjected to inspection and review work out the rules of the game and what is expected, and then attempt to present themselves in a favourable light.

1.4 There has been considerable criticism of the ethical regulation of social research, not least from qualitative, visual and ethnographic researchers, who have variously argued that it places unnecessary and unhelpful limitations on research practice (see Atkinson 2009; Boden et al. 2009; Dingwall 2006, 2008; Gunsalus et al. 2007; Hammersley 2009; Murphy & Dingwall 2007; Pels 2000; Prosser & Loxley 2008; Strathern 2000; Sweetman 2009). The consequences of ethical regulation on social research practice have been identified as making some research approaches or topics difficult to pursue (for example research seen to be especially sensitive, or research with vulnerable groups, or research where it is difficult to anonymise research participants). Furthermore, the system of review, it has been argued, encourages researchers to think of ethics as a one-off event (the moment of ethical approval) rather than as a series of issues that need consideration through the lifetime of a project. Some counter arguments have been made, stressing the importance of some form of ethical scrutiny as good research practice, given that social research should not be assumed to be risk free (Kent et al. 2002; Boulton et al 2004; van Teijlingen 2006). However, while the importance of ethical practice is increasingly and widely recognised (or accepted) by researchers, many remain somewhat sceptical that regulation forms the best mechanism to achieve ethical practice, not least in relation to qualitative research, and in the context of our interests in this paper, visual methods (Sweetman 2009; van den Hoonaard 2002; see also Plummer 2001).

Visual research and ethical approval

1.5 In this paper we specifically explore the issues of undertaking visual research within these contemporary contexts of ethical review. Anecdotally, it is clear that presenting some types of visual research to a university ethics committee is potentially problematic. Visual research poses a challenge to the 'rules' often used by ethical approval committees to define 'good ethical practice' (Prosser & Loxley 2008). For example, visual methods that produce visually identifiable (or potentially identifiable) images of individuals, such as photographs and films, where the intention is that these images will be publicly disseminated, raises particular and distinct ethical issues in relation to anonymisation, consent and confidentiality (Wiles et al 2008).

1.6 Literature on the management of these issues in visual research, both in relation to respondent-generated and researcher-generated images, note the importance of developing relationships of mutual trust with study participants; ensuring where possible that the collection and use of images emerges from collaborations between researcher and study participant, and are thus jointly owned (Gold 1989; Harper 1998; Pink 2003, 2007; Renold et al., 2008)^[2]. However, a range of issues make this process far from straightforward. These include: the longevity of images and their potential for sharing and re-use (Wiles et al 2008); difficulties in assessing respondents' understandings of research and the ways in which images will be used and disseminated (Pink 2007; Prosser 2010); researchers' (in)ability to assess potential risk to participants (Pink 2007); and assessing the 'competence' to informed consent of (so called) 'vulnerable groups', including children and young people (Alderson 2004). Consideration of these issues have led many visual researchers to argue for a more flexible approach to issues of consent, anonymity and confidentiality, situated in the contexts in which the research is located; a position often referred to as situated visual ethics (Clark, Prosser and Wiles 2010). The importance of recognising that visual research, like all research, gives rise to potential ethical dilemmas, not easily resolvable with reference to specific principles or rules is well established in the literature (Simons & Usher, 2000). Such an approach challenges the rule-based auditing approach inherent in formal ethics review by research ethics committees, and argues for more situated, local and contextualized ethical practices.

1.7 However literature sceptical of ethical regulation lacks empirical evidence of the *actual* impact of ethical regulation and formal ethics review on the research practices of visual researchers. This paper sets out to engage with these current debates in relation to the presentation of visual research (or research that involves a visual element) for ethical scrutiny. The paper draws on interviews conducted with social researchers using visual methods (we refer to them in this paper as 'visual researchers'), from across a range of social science and sociological disciplines in the UK. The interviews set out to explore

how social researchers working in and with specific visual methods (primarily where photographs and film comprise data) manage research ethics, particularly but not exclusively in relation to ethical regulation and approval. This paper specifically explores views and experiences of ethical regulation, and the ways in which visual researchers work with and manage processes of ethical review. In particular, drawing on the notion of ethics review comprising a form of audit and governance, we seek to explore the ways in which researchers comply with or resist these processes, and the implications of this for visual research practice. In doing so the paper aims to make a contribution to understanding the contemporary processes and practices of ethical regulation.

Research study

2.1 The paper draws on qualitative interviews and focus groups with researchers with experience of visual methods. Central to our approach was the need to ensure we were familiar with our participant's research prior to data collection, and that we were satisfied that all our participants had some experience of visual research. Participants were identified via research networks (including those of the research team) and a broader familiarity with the research methods field. All participants were contacted by email and invited to participate and we also sent them information about the study and the topics to be covered in the focus groups or interviews. We did not explicitly invite participants to bring visual data to the focus groups but we recognised that some researchers might do so. While none actually did, we found that participants were able to discuss the specific ethical issues that they had encountered and to draw on examples without the need to share specific visual material. The issues raised in discussions in focus groups appeared well understood by participants; it proved unnecessary to see a specific image to explain the issue. Many of the participants were known to each other and familiar with each others' work; this aided the articulation of shared understandings of the issues raised. We are aware of the tension in conducting a study of visual researchers in a non-visual way. We did consider using visual materials as part of the elicitation process, but decided against imposing our own understandings of visual methods and frameworks on our interviews. As we have noted, visual methods embrace a potential wide range of data and materials. Our aim was to enhance our understanding of visual ethics in the broadest sense. We did not view explicitly including a visual element as necessary to exploring visual researchers' perspectives and practices.

2.2 Data were generated through four focus groups and eleven qualitative interviews with researchers with experience of visual methods (n=39). The focus groups were run in four different academic institutions in the UK. Each of these groups comprised seven researchers (n=28). Participants for the focus group discussions were identified via a range of methods, including personal contacts, research centres and initiatives, and the knowledge of the research team of particular projects or programmes. Participants in the focus groups had varying levels of experience with visual methods, and included both those who had been using such methods over a considerable period of time and those currently using them for the first time. We also included researchers at different stages of their career, including doctoral students, early career researchers and university professors. Individual interviews were also conducted with 11 visual researchers. These interviewees included some researchers who were unable to attend focus groups, as well as individuals identified by focus group participants, interviewees or the research team as being involved in visual research or with a reputation in visual methods.

2.3 Study participants were drawn from 16 different academic institutions. They comprised five doctoral candidates, seven research associates, fifteen academics at lecturer or senior lecturer level, eleven senior academics at reader or professorial level and one university legal adviser. Participants were drawn from a range of disciplines (including education, social work, social policy, geography, law, management and anthropology), though most defined themselves as sociologists or as using sociological methods (n=30). The majority of participants had experience of using visual methods that encompassed respondent or researcher-generated photographs, film or other creative media (such as drawing or making models) as tools for data elicitation and/or analysis.

2.4 The focus groups and individual interviews were used to explore a range of issues in relation to research ethics and ethical regulation. These included; i) the ethical issues routinely encountered by visual researchers and how these are managed; ii) views about 'good' and 'bad' ethical practice; iii) views, experiences and management of ethical regulation; and iv) how visual researchers might be better supported in their management of ethical issues. All data were digitally recorded, fully transcribed, and coded as part of a thematic analytical strategy. Features of grounded theorising and constant comparison were used to identify and develop themes iteratively from the ongoing data-collection and analysis. Emergent themes were discussed among members of the research team and discussion of thematic coding led to refinement to the coding scheme. The central themes emerging from the data concerned anonymity, ethical regulation, consent, use and dissemination of images, ethical practice and resources implications. This paper focuses specifically on the theme of ethical regulation and the ways in which ethical review impacts upon, and is managed by, researchers working in the visual mode. Before going on to discuss our findings in relation to this theme, we should also briefly address the practice of peer research

Peer research

2.5 It is worth noting here that the study involved researching our peers. A number of ethical issues are raised in conducting research on one's peers (Wiles et al, 2006). A central ethical issue in conducting the research was the issue of confidentiality. We were aware that researchers might be wary of discussing their own or their peers' actual research practice on issues of ethics, and be anxious about how the information would be used and what repercussions it might have. In fact we found that researchers were very willing to discuss their views about ethical regulation and their experiences of engaging with ethics committees, but that they were indeed wary of how these views and experiences might be reported within the research community and wider academy. In considering how to manage this, our practice was to assure participants that we would not report on data in ways that would identify them or their institution. We also decided not to use any identifiers in quotes in the interest of preserving anonymity. It was sometimes the case that participants prefaced remarks with 'you mustn't quote this' or 'I wouldn't want

this to get back to my institution'. Where this occurred we went back to the individuals concerned, with the transcript, to ask whether or how these data might be reported in analysis and publication. We assured participants that we would endeavour to ensure that they and their institution could not be identified in presenting the findings. A related concern was that we felt that some of the data we collected had potential implications for the ways that visual research and visual researchers might be perceived by the wider social science community. We certainly did not want to present visual research or researchers in an unfavourable light. Some researchers for example, discussed creative and innovative ways of working with the processes of ethical review that could be perceived as 'working the system', something to which we return later in this paper.

Ethical regulation and visual research

3.1 In this section we report on data from the focus groups and interviews in relation to the ways in which ethical review and regulation impacts upon visual research practice. It is important to note here that not all visual methods were identified as presenting particular or difficult challenges in relation to gaining ethics approval; it was largely the sharing and dissemination of identifiable images (moving and still photographic images of people and place) that was perceived as presenting the most challenges.

Experiences of regulation

3.2 Our study participants identified a widespread concern within the visual research community that ethical regulation was having a negative impact on visual research, particularly in terms of potentially discouraging visual research or limiting the ways in which it could be undertaken. Interestingly, however, the majority of our participants had no first-hand experience or stories of such constraints themselves. In fact only one researcher identified an ethics committee explicitly refusing permission for her to conduct her research in the way in which she wanted^[3]. We expected our data to reveal more such incidents, and for visual researchers to be more critical of ethical regulation but this was not the case. In fact the general view was that ethical regulation was a concern, but not one that had really impacted on individuals' day-to-day practice of visual methods. Participants did not report especially negative experiences of ethical review, as illustrated by the following quotes:

Perhaps rather disappointingly I haven't really had many ethical issues ... ethical scrutiny in my university is relatively effective ... and accepts, or is beginning to accept, that the research subjects can have a say in what is done.

I don't think I've had to change my actual research designs because of what ethics committees have wanted ...but I've been to the sessions on ethics on the visual methods courses and ... normally there's some horrifying anecdotes, they're like "oh I'm not even allowed to do this" and "I'm not even allowed to do that".

3.3 Most of the researchers in the study had considerable experience of visual methods and they all had experience of the ethics approval process. Our data indicate that it is not the case that ethics committees are unconcerned about visual research or that the participants in our study were conducting visual research in ways that did not pose challenges for research ethics. The data do support the view, however, that visual researchers have found ways to manage the processes of ethical approval, in ways that appeared to have minimal impact on their day-to-day research practice.

Managing ethical regulation

3.4 Some participants reported the process of ethical review to be helpful, arguing that it encouraged researchers to reflect on the ethical issues that might arise in a study. Among this group there was evidence of acceptance of the processes of assessment involved in ethics review, and of self-regulation to ensure compliance with accepted behaviours. These researchers viewed ethics review processes as encouraging good practice in research and they saw no reason not to comply with them. While they were aware that ethics review procedures were adopted, primarily, to protect their employing institutions, they viewed the interests of researchers and their institutions to be broadly in accord. Researchers expressing this approach to ethics review processes tended to be located in institutions with a reputation in, or long association with, visual methods; or conducted visual research in which anonymisation of images was accepted practice. Thus, for these researchers, the processes of ethics review posed the least threat to their ability to conduct research in the ways they chose.

3.5 Researchers with this view identified the importance of 'making the case' to ethics committees, by being as thorough as possible in providing relevant information; thinking through and arguing for the approach proposed in relation to all of the issues that an ethics committee might have concerns about. A case well made, with ethical concerns appropriately anticipated and dealt with in the application, tended to lead to few difficulties with ethical approval. Researchers adopting this 'make the case' approach seemed sympathetic to the notion of ethical review and felt it did have benefits in enabling researchers to think through ethical issues that might arise, as these participants indicated:

I don't think I got my ethics approval because I went through a lax ethics committee, I think I just gave a good rationale and showed that I was considering the issues.

The thing is you've got to explain it really clearly to the committee. And I think with visual stuff it really makes you think through, well what will I do if and how will I deal with the material?

3.6 For many of our researchers however, the view was that ethical regulation involved the (often unhelpful) adoption of a blanket approach to ethical issues, rather than encouraging the more nuanced development of researchers' ethical thinking. The purpose of ethical regulation was widely viewed by participants as protection from litigation for their research organisation rather than in ensuring the ethical integrity of research projects. Researchers with this view adopted a range of approaches to resist the

systems for assessing and monitoring their research practice and to minimise their impact on their research. One strategy was to thoroughly research the membership of ethics committees and to anticipate the ways in which the membership could influence the outcome of an application. Researchers also reported trying to identify, where they had a choice, whether a particular committee would be likely to view their research more favourably than another. Notably several of our study participants indicated that, where possible, they had avoided taking their research to National Health Service (NHS) ethics committees. These committees were perceived as being highly bureaucratic and standardised, allowing little room for variation from the norm of consent forms and anonymisation, and as being less sympathetic to qualitative research and visual methods. Participants also described the ways in which they felt the outcome of the review process might be influenced by identifying a committee member who might support the application:

We had a very sympathetic supporter who sponsored the form through the committee, someone who the PI had worked with before and we went and met with her and talked with her and I know that if she hadn't been such a champion of the research and if she hadn't spent so much time talking with us about what was going on then we would have had a much harder ride through the ethics committee.

3.7 Other strategies comprise what might be referred to as 'creative compliance' (Power 2000), involving researchers complying with the ethical approval process in more creative ways, so as to minimise the negative impacts of the approval process. These strategies could be seen as a form of 'everyday resistance' to processes of ethical assessment and centred around researchers finding out how to work (or work with) the system. These strategies included providing the ethics committee with what they asked for in application forms, but nothing more; providing minimal and factual responses to specific questions, rather than elaborating in ways that demonstrated that there were issues a committee might not have thought about. So, for example, some researchers noted that ethical review committees were often primarily concerned with risk in relation to medical research and they did not necessarily ask the sorts of questions on ethics application forms that would identify the specific ethical issues that visual methods raise, such as how anonymity would be managed. Some of our respondents reported that, in such instances they were likely to 'keep quiet' rather than open up issues that would need detailed explanation and elaboration.

3.8 In other cases, the specific questions asked on application forms forced researchers into a yes/no response when a more accurate response is 'don't know'. An example of this is the question 'will all study participants be anonymous?' when this will be dependent on discussion between the study participants and the researcher as the research unfolds. In these cases, researchers noted that they had to tell, what Atkinson (2009) has referred to as, 'half-truths' in order to complete the application form and provide the information sought. In some cases researchers were aware that the information provided might not reflect the actual processes that would be used in the study as it progressed. The ethics approval process demands that researchers make statements about how these issues will be managed prior to study commencement when, in reality, these sorts of decisions cannot necessarily be made then because participants' wishes about anonymity are unlikely to be known at this point, nor the nature of the visual images and their potential impact. Researchers' general approach was to provide ethics committees with the response, type of information or the format of information that they had learnt that the committee wanted, provided they could do so without compromising themselves or their research by telling complete 'untruths'.

3.9 What did come across strongly was that the formalised ethical approval process was seen to bear little relationship to ethical thinking, which was most often viewed as something that researchers engaged in as a study progressed. The process of ethical approval was most often expressed as being a form of audit and governance of research for the university to assure itself that researchers were not undertaking research that might result in litigation for the university. The following quotes illustrate these approaches to gaining ethical approval:

I don't think the forms we fill in ask the right [questions], they don't actually elicit the information from us ... mostly one's responses are 'not applicable' so it's very obvious they're not asking the right sorts of questions.

I've managed to fudge it basically ... you have to make it up [because you just don't know those things at the outset] so you're actually lying to show that you're being ethical.

Impact on research practice

3.10 The impact of the processes of ethical review on actual research practice was perceived as fairly minimal because researchers had, in the main, adopted various strategies to manage the process. The ethical review process was viewed as a hurdle to be negotiated but not one that substantially impacted on the ways in which they conducted their research, nor on their engagement with ethical dilemmas that arose as their research unfolded. In contrast to standard auditing procedures in which ongoing monitoring is central (Power 1997), our participants noted that, once approval had been granted, they were not subject to monitoring procedures to ensure they were abiding with what had been agreed. They also noted that they did not consider consulting with ethics committees to discuss ethical issues as they arose in the process of their research. Rather, the management of such ethical issues was viewed as something that the research team was best placed to manage in situ, and without recourse to formal ethical procedures. Discussions revealed that visual researchers do carefully consider ethical issues post-approval and that they viewed the best practice management of ethical issues to be something that takes place post-approval and not via the processes of ethical review:

we'll get approval and, you know, then spend much longer talking about ethics in our teams, we go round and round the issues, discussing them ... one doesn't trust the ethics committees to get anywhere near the real issues I don't think.

3.11 Although researchers appear to view ethics review as having limited impact on their research practice, we did observe a preoccupation with issues of anonymisation. This preoccupation, we argue, has directly arisen, and is driven by, increasing levels of ethical regulation and ethical review processes. For some researchers in our study, particularly those outside of disciplines such as anthropology and arts-based subjects, there was also considerable caution expressed about the use of identifiable images. This accords with the views of Pels (2000) who notes that the increasing focus on informed consent arising from ethics review processes has resulted in increased concerns with ownership of data and has limited researchers' freedom to publish their material in the ways they see fit.

3.12 As we have noted above, visual methods raise a wide range of ethical issues but our participants noted that it is the specific issue of the dissemination of identifiable images of individuals (and places) that is viewed as presenting the most significant ethical challenges; both for researchers in making decisions about how to manage the issues that arise and in terms of gaining ethical approval. Anonymity was identified as a central concern for ethics committees and a signifier of 'good practice'. Any plans to use identifiable images of individuals would raise concerns for ethics committees, and thus researchers would need to make a strong case for why anonymity was not being provided. This issue was particularly prominent in relation to (so called) 'vulnerable' groups, especially children, for whom anonymity was almost always seen as necessary. Consent in relation to the taking and use of identifiable images was a linked concern; researchers noted that there was an expectation that standard and formal consent forms would be used to ensure study participants were clear about the use to which their images would be put. The management of anonymity was seen as the issue that might 'make or break' an application for ethical approval. As one researcher commented 'all ethics committees care about is anonymity and consent and if you've got a form [for study participants] to sign'.

3.13 Researchers did not necessarily have firm views about whether or not individuals should be anonymised or identified, but observed that they routinely made such decisions with participants in the context of the specific research being undertaken or the specific dissemination taking place. Nevertheless, many of these researchers were cautious about the sharing of identifiable images of both people and places. This remained the case for many participants, despite the fact that their own study participants had consented to identification. So, for example, while many were willing to show images in presentations to academic audiences, the importance of ensuring this would not find its way into public arenas was noted. Similarly, dissemination of material back to study participants or stakeholders was often done via a DVD, with restricted access, rather than making such material more widely available via a website or downloadable resource. Extreme caution was identified among our participants about the dissemination of identifiable images in academic journals or other publications, not least because of concerns about the potential longevity of published materials:

we're happy you know to use visual materials for sort of one-off showings where people are just glancing at them for a few seconds but that's quite different from a permanent record on the Web.

I've shown photos with un-blurred faces that I've got permission for in presentations but I've never, if I've got a photo in a presentation I am more careful and always [present] off my data stick. I'll never allow it to go online or, and won't give a handout.

we've not done [published] anything yet where we've put a picture with that person's pseudonym you know linked to it so people could match the two. That's what we haven't done yet, which is a dilemma.

I would like to publish something with a picture from a participant from my PhD [...] I mean she consented at the time but her consent was some years ago.

3.14 We are not arguing that such caution is misplaced. Clearly it is appropriate for researchers to follow the advice of visual researchers such as Pink (2007) to carefully consider the impact of disseminating identifiable images. However, we argue that the concerns inherent in the ethics review process have impacted on researchers and research practice in ways which have resulted in researchers exercising greater caution than they might otherwise have done. As one researcher noted:

having done research over a number of years, anyone can see the ethical bars have gone higher and higher and now we just assume that anything that might be vaguely harmful, even if it isn't really going to be, we'd better not go there.

3.15 There are disciplines which have longer traditions of using visual methods (particularly anthropology), and indeed there are some publications in these disciplines in which the publication of visual material is the norm. However within our sample, most of whom were sociologists, there were high levels of concern about the publication of visual material. One of the factors in this may be the lack of journals within the mainstream social science disciplines that encourage or enable the publication of visual material, particularly video^[4]. However, it is interesting to note that the inclusion of such material is relatively rare even in online sociology journals which have the potential to include identifiable photographs, film clips, or links to such materials^[5]. Researchers' caution in the use of these materials does raise questions about the purpose of conducting this type of visual research; clearly there is little point collecting such data if it is cannot be more widely used or shared. This was a point raised by several participants for whom there was a sense that the constraints they perceived there to be on the use of their data meant that the publications they produced did not do justice to the range of data collected and analysed.

Discussion

4.1 In contrast to assessments of teaching quality and research outputs in higher education, processes of ethical assessment of research do not map perfectly onto definitions of audit in that they are not subject to routine assessment by external regulatory bodies^[6]. Nevertheless, ethical assessment has some

features in common with definitions of audit and can be seen as a form of management, governance and monitoring of researchers. Ethics assessment fits with Power's (2004) assertion that audit has become increasingly concerned with risk management and, in particular, with the organisational management of reputational risk. Power (2004) argues that, in an increasingly litigious culture, organisations develop and intensify routine practices to minimise the risk of reputational harm, even though the actual risks of it occurring are not well understood. Researchers in this study observed such practices in their own institutions. The reasoning behind ethical assessment of research was well understood by most of our study participants as being to avoid reputational harm rather than to develop researchers' actual ethical practice.

4.2 The current debates which are critical of the moves toward ethical review of social science research present a picture of formal regulation potentially impeding certain kinds of research, including those which rely on visual methods. However, as we have noted, there is a lack of empirical data which seriously reviews the impact of ethical review on (visual) research practice. Evidence from this exploratory study indicates that visual researchers are, in common with other social researchers, concerned about ethical regulation and its potential impacts. However, in practice they appear to be working with(in) the current processes of gaining ethical approval that operate in their own institutions, in ways that seek to minimise any unhelpful impacts on research practice. The view that social researchers are being subject to surveillance and control by ethical regulation is one held by some critics of the current ethical regulatory practices (Dingwall 2006; Stanley & Wise, 2010). However our research indicates that, in common with other professional groups who are subject to processes aimed at controlling them, researchers find ways to resist, subvert and work with such processes (Power 1997). Ethical regulation is just one of several forms of audit to which academic researchers are subject. Groups who are subject to regulation and governance quickly learn how to adapt systems to limit the restrictions it might impose on their practice. As systems of ethical regulation have bedded down in universities, so visual researchers (and others) have developed ways of working (with) the system. Power's (2000) notion of 'creative compliance' and the creating of a false world (or in this case a version of the research which may not necessarily reflect the reality) is one which has resonance in relation to some of the strategies in which visual researchers engaged in managing regulation.

4.3 While there is some evidence of resistance to regulation, it is important not to overstate the characterisation of these visual researchers' engagement with ethical regulation as one of resistance. This research indicates that some researchers, primarily those working in organisations sympathetic to visual methods, viewed the ethical review process as having benefits in encouraging researchers to reflect on ethical issues that might arise within their research. However, we also found that, while ethics committees may play a role in encouraging researchers to 'think through' ethical issues in the process of applying for ethical review, formal ethical review processes do little to develop researchers' ethical thinking over the longer term. Our participants expressed both their relief and frustration that ethical review was generally a 'one-stop' process, encountered early on in a research study, and following some notion of minimal ethical principles that should guide all social research. In essence the approach operating in institutions appears to accord with what Plummer (2001) has referred to as ethical absolutism. What many of our participants noted is that this kind of approach to research ethics had little to do with their experiences 'on the ground', in relation to the ongoing understanding and negotiation of ethical research relations; what Plummer (2001, p227) refers to the situational relativist position.

4.4 Nevertheless, while researchers attempt to find ways to minimise the impact of ethics review processes on their research practice, such processes inevitably do have some negative impacts. Power (1997, 2000) has identified two extreme effects of audit, 'decoupling' and 'colonisation'. Decoupling occurs when the performance being audited does not reflect reality. In these cases, audit becomes an 'expensive but harmless ritual' (Power 2000, p115). At the other extreme, colonization occurs when the audit becomes a dominant part of organisational activity forcing 'changes in organisational habits' (Power 2000, p115). The growth in ethics review and research governance in universities and the industry that has grown up around these practices are indicators of colonization. There was certainly very clear evidence of decoupling in our study in that researchers reported various 'creative compliance' strategies. However, we cannot assume these have no costs for those being audited or that ethics review processes are a 'harmless ritual'. Rather, our research indicates that, despite some resistance to assessment, the 'rules' of 'good' ethical behaviour that are inherent in assessments impact both on researchers' concerns and their practice and create a culture that leads to subtle but significant self-censorship. The concern that ethics committees have about the principles of informed consent and anonymity have impacted on researchers in subtle ways such that there appears to be a reluctance among some visual researchers to make full use of their data in publications or wider communications. The consequence of ethical assessment of research may thus be to encourage conservatism in the dissemination of research findings, and what Holland et al. (2008) refer to as 'sanitised' findings^[7]. The processes of ethical assessment, and researchers' engagement with them, may also impact on the well being of researchers in the way that Power (2003, p199) describes:

The auditee is undoubtedly a complex being: simultaneously devious and depressed; she is skilled at games of compliance but exhausted and cynical about them too ... she knows the past was far from being a golden age but despairs of the iron cage of auditing ... [and] wonders why, after all her years of training, she is not trusted as an expert anymore.

4.5 The danger of the current system of ethical review, perhaps, is that the preoccupation with gaining ethical approval shifts debates away from genuine discussions of ethical dilemmas, negotiations and difficult decision making. We are encouraged to make our research appear ethical and discouraged from raising genuine ethical concerns. Our study has indicated that ethical review does not necessarily create a supportive and stimulating environment for the genuine articulation of, and innovative responses to, ethical research practice. Further it may have the unintended consequence of curtailing innovative (visual) research practice

Acknowledgements

Notes

¹These issues are also identified in various guidelines and codes of the professional associations, such as the British Sociological Association (BSA, 2002). Strathern (2000) has noted that the development of codes of ethics and research ethics committees go hand-in-hand.

²The exception to this is images that are taken in 'public places', such as streets or crowds, where it is impossible to gain the consent of all people present. In such cases it is viewed as acceptable (and legal) to use images or film without the express consent of those involved. Nevertheless various authors have noted that it is becoming increasingly difficult to take photographs or film in public places and that what is legal and what is sanctioned in practice do not necessarily coincide.

³In this case the individual was seeking approval from NRES who manage ethics approval for research projects involving National Health Service (NHS) staff or patients. The applicant was seeking to conduct research on disability and to use identifiable images of study participants.

⁴Visual Studies is the journal of the International Visual Sociology Association and promotes and encourages 'visually-led' research. The journal's focus is visual research and is likely to be viewed as less appropriate for researchers who have collected some visual data as part of a study than those whose study is entirely visual. It is a special interest rather than mainstream sociology journal.

⁵It was stated in personal correspondence with the current editor of SRO that 'although we often advertise the fact that SRO can host such articles (i.e. either with video embedded or the use of many/extensive images; links etc) we simply do not receive them because researchers do not write such articles and people we approach often say they cannot because of the constraints of ethics around their research - or the fear of it'

⁶Adherence to the Economic and Social Research Council's (ESRC) Framework for Research Ethics is mandatory for institutions that have ESRC funding. However, this is on the basis of 'ad hoc testing of institutions' rather than routine auditing.

⁷This term was used by Holland et al (2008) in relation to one of the potential outcomes of participatory approaches to dissemination.

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