



## A Worrying Trend. Ethical considerations of using data collected without informed consent

Martin Tolich <sup>1</sup>

### ABSTRACT:

There is a worrying trend in the social sciences whereby researchers bypass ethics review. Autoethnographers often exempt themselves from IRBs claiming the stories they tell are their own; even when others written into their story might not consent. A similar condition emerges in ethnography where novice researchers generate data prior to commencing postgraduate studies both evading ethical oversight and without demonstrating basic ethical considerations. Goffman turned her PhD into *On the Run* based on six years of fieldwork in inner city black neighbourhoods. Venkatesh's *Gangleader for a Day*, also based on his PhD, describes researching in an inner city high rise without ethical considerations. How will future social science postgraduate students read these best sellers? Author created a short scenario encapsulating these two books asking academics and IRB members to review it. Under what conditions would they supervise or approve data collected prior to enrolling in a PhD that demonstrated no evidence of ethical considerations. Respondents expressed concern for data collected without ethical considerations seeing it as inadmissible, similar to the legal term fruit of the poisonous tree. They recognised attempts to gain retrospective consent as more likely to exacerbate than alleviate harm<sup>2</sup>.

**Keywords:** Ethics; Qualitative; Venkatesh; Goffman; Ethnography; Dissertation.

---

<sup>1</sup> Sociology, University of Otago. martin.tolich@otago.ac.nz

<sup>2</sup> An earlier version of this paper was included in the CIAIQ2016, 5. Porto, Portugal proceedings as AUTHOR, M., 2016. Fruit of the Poisonous Tree: Worrying Trends in Qualitative Research.

**H**ow should social scientists, journal editors or degree awarding institutions respond to ethnographic data collected without evidence of informed consent? Is the data useable? This question positions this article within long-standing debates about the fraught relationship between the social sciences and ethics review boards (also called ethics committee or institutional review boards). Israel and Hay (2006, p. 1) opened their book *Research Ethics* claiming “social scientists are angry and frustrated, their work is constrained and distorted by regulators of ethical practice who do not necessarily understand social science research.” This frustration is manifest in other characterizations of ethics review boards. Haggerty (2004) terms them as ethics creep, Van den Hoonaard (2001) frames them as a moral panic and Iphofen’s (2012) concept of research governance highlights their primary purpose as protecting the institution from litigation rather than protecting research participants. These forthright critiques have not brought change. Writing a decade later Israel (2013, p. 1) begins the second edition of his book claiming researchers are angry and frustrated, still.

Guillemen and Gillam’s (2004) seminal article makes significant headway unlocking this trenchant debate. Their dichotomy procedural ethics and ethics in practice provide an alternative means to critique ethics review boards. Procedural ethics reaffirms problems the frustrations social scientists have with ethics review boards but *ethics in practice* directs researchers attention to big ethical moments in the field; events not predicted by the researcher or ethics review board during procedural ethics review. Ethics in practice requires social scientists to employ both reflexivity and censure. Utilising two recent bestselling monographs by junior researchers, Sudhir Venkatesh (2008) and Alice Goffman (2014) this article (and its question about the utility of data collected without consent) focuses on the responsibilities inherent in ethics in practice, not on procedural ethics. The article does not claim these books are unethical because they were not submitted to procedural ethics, rather it claims they are ethically flawed because the s failed to recognise big ethical moments, many of which were avoidable had they followed basic ethical considerations i.e. gaining informed consent and storing data securely and confidentiality.

In many ways these two s share similarities with autoethnographers who claim they own the story because they write it (Clandinin & Connelly 2000). Apparently Venkatesh and Goffman own their data, not because their ‘subjects’ consented to its sharing, but because they collected it. Typically auto ethnographers like Laurel Richardson (20007) and Carolyn Ellis (1995; 1996; 2007) create their texts without gaining the informed consent of those written into “their” story. One of the ten recommendations made in Author’s (2010) critique of autoethnography reminded autoethnographers to assume their ethical responsibilities and gain the informed consent of those written into the collective story. He also cautioned academic journal editors like the *Journal of Contemporary*

Ethnography who published Barbara Jago's (2002) autoethnography to be guardians of ethical issues. Jago's text ensnared 23 others into her story without their consent (Author 2010).

The second part of the article replicates the absence of ethical considerations in these two books by creating a scenario and asking a sample of social scientists who served on ethics review boards to consider the status of ethnographic data collected by a novice researcher without gaining informed consent. Are ethnographic data useable when collected without informed consent? This research design considers the status of research ethics outside the bounds of the research governance (or formal ethics review) but within the academic pedagogy of granting PhDs. Both Venkatesh and Goffman were awarded PhDs on the basis of data collected even though their data demonstrated little attempt to address basic ethical considerations.

Data collection involved two batches. In 2015 Eve's story was presented as a 400 word scenario replicating both the substantive and ethical issues at the heart of these two books where novice researchers interview vulnerable populations without their consent. Ten responses were recorded. In 2016 the scenario shortened to 150 words was resent to others. Fifteen persons responded to the shortened scenario isolating problems with the use of the data set for future research. There was significant overlap between the two sets of responses meaning the shorter version captured the essence of research on vulnerable persons conducted without informed consent. Self-identified social scientists responding to the shortened version affirmed this scenario was not an isolated problem.

We encounter this scenario a lot in [social science] research, where graduate students often come to us having built up a long interest and expertise in a particular field and now want to do research in that field and want to know what, if anything, they can use from their previous research.

The project was approved by an ethics review board (Otago 15/133) respondents were asked to consider the use of a data set that did not have informed consent for future research purposes. The hypothesis assumed that data collected without informed consent was inadmissible, in legal terms, the fruit of the poisonous tree. If sustained this hypothesis suggests an ethical disjuncture in the academy: ethical considerations are more stringent at the start of the research process in procedural ethics than in ethics in practice when academics are solely responsible for ethical oversight.

## **WORRYING TRENDS IN POSTGRADUATE RESEARCH**

- ***Gangleader for a day***

In 1988 Sudhir Venkatesh was postgraduate student in his first semester of graduate school at University of Chicago when he began studying inner city poverty without ethical considerations. He

turned up one night in a South Chicago high rise and was confronted at knifepoint before being incarcerated by members of the Black Knights gang in a urine soaked stairwell. Venkatesh was only released when the local drug lord named JT listened as Venkatesh misrepresented his research plans. Venkatesh was neither writing a book nor a dissertation. At the time Venkatesh was a first year graduate student completing course work, four years away from assembling a dissertation committee and seven years away from becoming a sociologist with a PhD. From this inauspicious start and with Venkatesh's life at risk he begins his eight year study placing those he met at risk. Venkatesh's safety and access to the high rise subjects was assured by JT's patronage.

JT was excited about writing his biography. He offered to assign me a personal driver (Venkatesh 2008, p. 39).

I realized that I never formally asked JT about gaining access to his life and work. (Venkatesh 2008, p. 35).

Venkatesh quoted all those he met verbatim with no attempt to inform them about his research or to seek consent. Yet informed consent is a two way street. It is first incumbent on the researcher knowing what to inform the subject about. For Venkatesh (2008, p. 67) this was impossible.

He [JT] had no real sense of what I would actually be writing – because in truth, I didn't know myself. (Venkatesh 2008, p. 67).

Venkatesh's study was inductive beginning with a focus on poverty in general and moving toward a study of the informal economy of the high rise – an account of how the tenants earn money – by babysitting, prostitution, fixing cars, etc. Much of this paid work went on under the radar of both the Inland Revenue Service and more importantly the two high-rise power brokers, JT, the gangleader and Mrs Bailey, the high rise manager. Both of these gatekeepers brokered, via coercion, Venkatesh's access to this informal economy.

Venkatesh did not believe what the tenants told him and sought to confirm the veracity of this data with his two gatekeepers. As a result the tenants' interviews are commodified: their secrets exchanged for verification. Here Venkatesh uses a standard methodological technique, triangulating his data albeit with ethical consequences.

“Hey, you know what, I could actually use the chance to tell you [JT and Mrs Bailey] what I've been finding,” I said, taking out my notebooks. “I've been meeting so many people, and I can't be sure whether they're telling me the truth about how much they earn. I suppose I want to know whether I'm really understanding what it's like to hustle around here....” For the next three hours, I went through my notebooks and told them what I'd learned about dozens of hustlers, male and female (Venkatesh 2008, p. 200-201).

The information divulging the tenants' employment had been given to him freely because Venkatesh was a trusted person under the patronage of the two power brokers. Venkatesh had gained

no informed consent, offered no confidentiality, showed little respect for persons and this resulted in the two gatekeepers using the information to seek retribution from the tenants Venkatesh named.

Venkatesh's triangulation breaching confidentiality was only one of many basic mistakes he made. Recording subjects' opinions usually involves the subjects' consent and this becomes exponentially problematic when the data recorded are illegal transactions--selling drugs, living off the proceeds of drugs, extortion, violence, prostitution--all of which invariably lead to tax evasion. These are all indictable events and the data respected, stored securely, not lackadaisically. On one occasion, Mrs. Bailey told Venkatesh that his field notes were [insecurely] stored in JT's mother's apartment. This was not a single lapse.

Venkatesh self-defines himself a rogue sociologist not under close supervision typical in a PhD. For example, his University of Chicago professors, including Professor Wilson, his supposed academic patron, was not informed about his nefarious research practices

I told [Professor] Wilson the barest details of the fieldwork (Venkatesh 2008, p. 38).

There were times I wanted to tell my professors the real reason I missed class now and then, but I never did (Venkatesh 2008, p. 38).

When Venkatesh went to the high-rise on the first occasion he had no ability to act either on Professor Wilson's behalf or on his own behalf.

In an odd moment of reflection Venkatesh reveals his error (Venkatesh 2008, p. 206) by retrospectively taking his informants perspectives.

It was embarrassing to think that I had been so wrapped up in my desire to obtain good data that I couldn't anticipate the consequences of my actions. After several years in the projects, I had become attuned to each and every opportunity to get information from the tenants. This obsession was primarily fueled by a desire to make a dissertation stand out and increase my stature in the eyes of my advisers.

Venkatesh experienced ethical problems at each stage of his study. Getting in the front door on day one he misrepresented his credentials. *Getting along* he failed to respect persons' confidentiality and practice the principle of do no harm and *getting out* created mixed feelings of success and guilt about the extractive nature of the research.

I still feel guilty about all those years that I let J.T. think I would write his biography. I hope that he at least reads these pages someday. While a lot of it is my story, it plainly could never have happened without him. He let me in to a new world with a level of trust I had no reason to expect; I can only hope that this book faithfully presents his life and his work (Venkatesh, 2008, p. 290).

There is poetic irony in the subject matter of this book – poverty. The most impoverished aspect of this book, notwithstanding that 96% of the people in that high rise apartment are on welfare,

are Venkatesh's ethics. There is honour, maybe even virtue, among thieves – more honour than Venkatesh has shown in the eight years he spent with these people.

He [JT] loved the idea that I might be writing his biography. But in general everyone respected my privacy and let me do my work (Venkatesh, 2008, p. 52).

Collectively Venkatesh's slum dwellers demonstrated more respect for persons than Venkatesh and his defective moral compass.

I simply relied on my own moral compass. This compass wasn't necessarily reliable (Venkatesh 2008, p. 119)

Venkatesh is not alone as Alice Goffman's *On the Run* also began her research of inner city residents without explicitly gaining their informed consent.

- ***Ethics on the run***

Alice Goffman's (2014), *On the Run*, provides a graphic account of her six years living in black Philadelphia neighborhoods collecting field notes on their lives, especially the young men who lived on Sixth Street. As her research evolved from an undergraduate senior thesis to a PhD the data collection targeted these men's lives and how the Philadelphia police department deal to inner city Black youth. Goffman describes the ongoing harassment with the men 24/7 dipping and dodging the police. Collectively these field notes provided the data for her PhD awarded at Princeton University. The resulting book was published by University of Chicago was later presented to a mass market by Picador.

Ethical issues do not feature either formally or informally in Goffman's book. There is no explicit mention that either her undergraduate thesis or her PhD dissertation was reviewed by an IRB. Writing in *the new inquiry* blog (<http://thenewinquiry.com/essays/black-life-annotated/>) Christina Sharpe records her concerns about Goffman's ethical dilemmas.

I am concerned about the risks Goffman's presence posed to her subjects – increased attention by the police, undue stress on personal lives etc. I am concerned that there is no IRB protocol on file for her undergraduate thesis at the University of Pennsylvania. And while the Princeton IRB protocol on file may be backdated to include the research Goffman did as an undergraduate, that's an exceptional procedure. I am concerned, but not surprised, that critics have overwhelmingly embraced this book as it abets fantasies of black pathology.

A feature of Goffman's ethnography is her candid reporting of others' lives and her difficulties getting along as a middle class white woman. She recalls how difficult she found following the African American Vernacular accent of the teenagers she tutored (Goffman 2014, p. 217).

Goffman's problematic grasp of the African American Vernacular continued when she hung out with the Sixth Street men.

Martin Tolich

I was struggling to overcome a language barrier. Mike and Chuck used what linguists call an African American Vernacular English, and unlike Aisha's mother and aunt, they didn't shift their speech much for my benefit. They also employed more slang than Aisha and her girlfriends did. I had to work hard to learn the grammar and vocabulary they were using....The confusion ran deeper than this language barrier: I didn't understand the significance of events as they occurred, misinterpreting people's gestures and actions (Goffman 2014, p. 217).

If African American Vernacular English was difficult to decipher how did inner city residents decipher Goffman's accent, especially the dialect known as academic research and the ethical nuances that underpin it. Unfortunately Goffman shares little discussion about getting in and getting along using the codes of ethics underpinning her sociological tradition. How did she explain to her participants what she was doing recording copious notes? What would her participants have made of terms drawn from the academic vernacular like confidentiality and informed consent? What should novice researcher make of Goffman's ethical considerations protecting the confidentiality of her informants. Using a photograph of Alice Goffman a reporter has asked locals to locate the house and the people Goffman research.

Alice Goffman provides no roadmap to follow for her ethical considerations. Instead she lists her father, Erving Goffman's methodological treatise *On Fieldwork* (Goffman & Lofland 1989) as a guidebook. This was unfortunate as although field work techniques have not changed in the ensuing years, ethical responsibilities have changed in the wake of the injustice shown to black men researched at Tuskegee and later codified in the 1978 Belmont Report. Ethical issues did not feature in Erving Goffman's work, he was of another time where covert research was condoned. Alice Goffman's father Erving Goffman's advice on getting in and getting along in *On Fieldwork* does not involve informed consent but he recommends telling participants a story, what he calls telling practices.

You have to anticipate being questioned by people whom you study so you engage in providing a story that will hold up should the facts be brought to their attention. So you engage in what are sometimes called 'telling practices'.....So you have to get some story that will be – I like a story such that if they find out what you are doing, the story you presented could not be an absolute lie. If they don't find out what you're doing, the story you presented doesn't get in your way (Goffman & Lofland 1989, p. 126-127).

In the post Tuskegee era where Alice Goffman researches social scientist are compelled to address basic ethical considerations. The new telling practices begin with informed consent when recruiting those that volunteer to take part in research. Informed consent serves to inform the potential subjects about the background of the research and invite them to volunteer to take part in the research usually with the right to withdraw at any time. Alice Goffman provides no evidence she did that.

## EVE'S STORY

The use of a scenario to examine this issue is practical. Expecting the sample of twenty five persons to read both books was unreasonable plus both books have generated chatter on blogs. Goffman's *On the Run* has 266,000 google hits as of May 9, 2016 and Venkatesh's *Gangleader for a Day* has 16,000,000 hits. The books have as many critics as admirers and it is difficult to discuss their retrospective ethics without getting embroiled in he said, she said of these two books. To avoid these minutiae Eve's story is a work of fiction. It raises multiple ethical issues – informed consent, research with vulnerable persons, trust/deception, confidentiality and retrospective consent. Eve's story fundamentally replicates Goffman and Venkatesh's research without highlighting illegal behaviour i.e. participation in drive by shootings (Goffman 2014, p. 262) or gang beatings (Venkatesh 2008, p. 133). Eve's story focuses on a PhD student beginning her dissertation with all of the data collected and without evidence of any ethical considerations. Ten respondents piloted the original story of 400 words and suggested refinements shortening it to its bare bones. Fifteen respondents returned opinions on the 130 word scenario. A research assistant communicated Eve's story to respondents.

Author has asked me to write to you inviting you to share your thoughts on a scenario he has created. He wants to know if ethics committee members and/or social scientists would approve the use of data collected without informed consent. If not, why not? If the data below could be used under what conditions could it be used?

*For the past four years Eve has volunteered at a Women's Refuge in a provincial New Zealand city. Eve's volunteering involved overnight stays and she listened to the women's stories and wrote up a case study of each person coming in. These cases also included Eve's observation of the persons delivering the victim to the centre. These were usually the police and in the 42 cases Eve collected she found that police women had little emotional time for these women. Eve's cases had depth as 24 of the women reappeared and 6 were triple visitors to the centre. In all, Eve has filled eleven A4 notebooks detailing what she calls the policing of domestic violence. At no time did Eve inform women's refuge, the police or the women she was recording these stories.*

*Eve is now enrolling in a PhD program and she wants to use this data set for her dissertation. What are your thoughts on this course of action? Should she be able to use the data? If not, could you share a few sentences explaining your decision? Or under what circumstances could the data be used?*

The responses, thematically divided into six big ethical moments inclusive of informed consent, the storage of data, confidentiality, trust/deception, beneficence and doing no harm when gaining retrospective consent were lengthy, complex and thoughtful.

- ***Informed Consent***

Without exception respondents were reluctant to accept the data set as it was; they were concerned at absence of the autonomy of the participants. The expectation was that the researcher should invite subjects/informants/participants to volunteer to participate in research.

I feel informed consent is a keystone of ALL research and the argument for proceeding without voluntary informed consent has to be strong and robust.

The twenty five (10 and 15) responses went beyond a unilateral prohibition on the use of the data set, modified their responses with disclaimers attempting to find ways for Eve to proceed in her studies salvaging something from the data, but at the same time protecting Eve, the vulnerable women whose stories she recorded and the two institutions, women's refuge and the police. In many cases, even though the disclaimers were thoughtful the eventual use of the data remains uncertain.

I do not think the research project could be approved at this point – not by me, but by *a host of other institutional actors* – the research mentor and ethics review board probably the most important (*my emphasis*).

The following response encapsulates the initial rejection of the data set followed by a fuller explanation of how to think through the issues. Even with these imaginations and what ifs, this respondent ends where they began with a no, abdicating the final say to *a host of other actors* including Women's Refuge and/or the forty two women.

My initial response to whether Eve could use this data is a resounding NO. I believe Eve has compromised the trust she has with Woman's Refuge and the women that use this service....Women's Refuge is a place where these woman can go for protection and by collecting and documenting a record without the specific women's permission, and with no way of contributing to their story, I believe, this is another form of abuse. ...The information Eve has collected it is most likely useful to both Woman's Refuge and the Police in regards to how domestic violence is managed. Therefore I wonder if there may be a way of including this information. ...If Eve fronts up to Women's Refuge, she hands over all the information she has collected regarding the 42 cases. She explains why she has collected this material (and being really clear about this), making them into case studies and how she has included her observations. She highlights some of the insights she believes she has gained and advises she wants woman's refuge to have the material, for them to do what they wish with. She also advises Women's Refuge she is enrolling in her PhD and she would like her topic to focus on the policing of domestic violence, explaining why she believes this would be a useful project for Women's Refuge. When she submits her Ethics application she advises them she would like to speak with both Women's Refuge staff and women about their experience of policing domestic violence. The reality is that Women's Refuge will make the final decision on whether they can support this. *Women's Refuge may shred all the material she has passed over, therefore it will no longer be available.* She should be required to seek permission of all the 42 woman to be allowed to include their case studies first. Women's Refuge may also refuse her access to their service at all due to the breach of trust that has already occurred. I believe it is probably unlikely Eve will be able to include this information into her project, I do believe she has a responsibility to stop recording case studies and advise Women's Refuge of what she has been collecting even if she doesn't plan ask to use this information already collected (*my emphasis*).

The respondent's prediction that women's refuge may shred the case studies mirrors concerns found with autoethnographic writing. Because autoethnographers tell the story, do they own it? These case studies may belong to Eve because she wrote them but not for formal use in academic research. Respondents distinguished between a data set collected for personal interest from that used for academic writing.

There is nothing inherently 'wrong' in collecting the notes in the first place - any individual can do that - writers and journalists do it all the time. The 'formal' problem arises when she attempts to use that data in a scholarly/research manner.

Martin Tolich

To that end respondents referenced ethical codes:

Most international human research ethics arrangements and institutional policies explicitly prohibit retrospective review...with serious ramifications for the researchers.

\* \* \*

It does not appear she had permission from either the Refuge or from the individual women to use their stories/experiences in this way. So before any approval of this project, she would have to return to the women and the organization to get rights to use this material in this way.

- ***Retrospective Consent***

Gaining approval from both women's refuge and these 42 women was essential but respondents noted this retrospective declaration opened up a can of worms likely to produce more harm than good.

What form of harm will beset these women if the data were to be used – indeed retrospectively gaining consent may cause a greater degree of harm.

\* \* \*

I realize that is not very practical to get back to the women to get their consent unless the Refuge was still in contact with them and would know if they were in a suitable space to be approached over consent. If it was possible to trace the women, it could create painful reminders of past traumatic experiences. It could aggravate their current situation depending on where they were at in terms of dealing with family violence.

\* \* \*

A not insignificant question is the possible impact of any research output on the work of the [women's refuge] centre.

\* \* \*

[she needs to] 'de-identify' the location and subjects as much as possible.

\* \* \*

I would suggest destroying the notebooks as I feel it was highly unethical collecting data in the first place. I can see no argument where it could be considered ethical to use the data Eve has collected.

\* \* \*

There are 3 sets of ethical breaches which cannot be retrospectively corrected in any way that I am aware of.

- ***Beneficence***

Respondents provided full accounts of the ethical consideration but they did see limitations in the scenarios as they both failed to provide a justification for collecting the notebooks in the first place.

Was it curiosity or was it to use the data for a future study? They also said the scenarios did not highlight what benefit Eve saw in the collected notebooks.

This proposal seems self-serving. I do not see any benefit indicated for the women, for the Refuge, or for the police. Instead I believe there is a risk of harm that outweighs any benefits Eve perceives: there is the harm to the women seeking support caused by a betrayal of trust from a support volunteer who uses their experiences for her own ends; there is the potential for harm caused by inadvertent details coming to light about the women/families seeking support; there is the potential for a harmful impact upon the reputation of Refuge and the Police which may make women less likely to seek help; and use of any data may also be seen by women as a betrayal of trust and confidence on the part of the Police and Refuge.

Few respondents were willing to give Eve the benefit of doubt.

If she can't get in touch with [the women] to get permission to use their stories in her research, then she probably couldn't write about those stories in the detail that she's recorded them – I can imagine a number of harms entailed in using the material without permission, e.g. the women or police or refuge employees might be able to identify themselves in her publication and would feel betrayed and she might inadvertently disclose sensitive or identifying information that they don't want disclosed.

- ***Trust / Deception***

Part of the doubt stems from the researcher's need to disclose to the Refuge, Police and to individuals that covert research had taken place. It was as if trust was eroded beyond repair. In essence this data set was corrupted.

She would also have to fess up to Women's refuge and put in a full ethics proposal to take it further.

\* \* \*

I can't see her getting approval for observing the police.

\* \* \*

A volunteer who had not sought fully informed consent to record information about vulnerable people, such as stressed women, would be likely to attract considerable anger and would additionally expose the Women's Refuge to legal action and breaches of the Privacy Act actions.

- ***Confidentiality / Storage of Data***

Notwithstanding retrospective attempts to shore up the ethical issues, respondents raised serious ethical issues based on Eve doing nothing about her data set. This data set was at risk; the storage of the detailed case studies in Eve's possession is subject subpoena of persons who did not know their actions were being recorded.

Are people identified or identifiable in the journals, and if so, are the journals securely held (I'm guessing not, from this scenario). So the immediate issue is the safe storage of the journals. Once they become research materials (rather than private observations), they are accessible by the police I suspect as well.

The scenario was too brief to establish the validity of the dataset and this created angst.

Where is the 'participant's' voice and how is it represented? Eve has made subjective evaluations of the police, and women seeking support, and without informed consent there is no opportunity for the participants (police, or women) to present their viewpoints on the situation, and no opportunity for them to choose and have a voice in how they are presented. To not allow them a voice in their story is to disempower them further. This implies a lack of respect for vulnerable women.

- ***Supervision***

If the dataset could be used respondents put enormous stock in supervision building integrity into the project.

The first step would be have a chat the supervisors and the student, as there are many safety and legal issues that the student would need to consider first (around the security of the data)

\* \* \*

Taking all of the above on board I would advise Eve to employ the data for her research but to be especially vigilant around the way this information is used and publicised.

Many respondents saw a way forward for Eve allowing her to use her experience at the refuge to build a research proposal for future research but not the data set itself.

I would really want to help her find some way to use this material, because it sounds like it's important data for understanding what domestic violence survivors' face.

\* \* \*

It may be that Eve could use these experiences to develop the sensitising concepts for her PhD where she will collect new information (possibly from the same shelter) that responds to the experiences/reflections/questions/concerns she had as a volunteer. But this writing and these experiences would not be data. Rather, these would be instructive to informing the study design and question of her PhD.

The consensus was the dataset was contaminated and retrospective consent both insincere and likely to induce harm.

Why did she not seek informed consent from the Refuge when taking up her volunteer role? If she felt it was not acceptable at the time, why would she feel it is now acceptable?

## **DISCUSSION**

The starting point for this article was a concern; what learning do postgraduate students take from these two books given that basic ethical considerations appeared non-essential in obtaining a PhD. If Alice Goffman read Erving Goffman's *On Fieldwork* and Venkatesh read nothing about ethics, how will subsequent generations of sociology students read and use these books? Venkatesh breached his informants' confidentiality when he triangulated his data. He also breached his informants internal confidentiality (Author 2004) as all informants could recognise each other in his book. He gained no

informed consent. Goffman also provided no evidence of gaining informed consent allowing reporters to expose the identity of those she studied. These concerns led me to question if social scientists are reflexive to ethical considerations and capable of censure. To that end I asked social scientists who were members of ethics committee how they would assess a similar scenario? Eve's story replicates Venkatesh and Goffman in terms of how she too failed to gain consent.

Respondents were unequivocal that they would not support Eve's similar research scenario. Moreover, they were wary if retrospective consent was possible given both the breach of trust and the likelihood of creating more harm than good. Responses sustained the article's hypothesis that data collected without informed consent was inadmissible, in legal terms, the fruit of the poisonous tree.

This analysis of Eve's story is situated in a larger body of writing about procedural ethics (Sieber & Author 2013) and ethics in practice (Author 2015). Rather than adopting a combative approach to ethics review boards--cast as another angry and frustrated social scientist--I systematically question the relationship between social scientists and ethics review boards. Further research is required to examine how social scientists reflexively relate to ethics in practice in their research and in the research conducted by their students with special attention focused on data collected prior to commencing postgraduate studies. These twenty five respondents expose an ethical disjuncture within the academy. Ethical considerations examined in ethical review seem more stringent at the start of the research process than at the end of the academic pedagogy.

## REFERENCES

- Author M 2003. Ethics inconsistencies between cognate organizations. *Australian Journal of Professional and Applied Ethics*, 2:11-24.
- Author M 2004. Internal confidentiality: when confidentiality assurances fail relational informants. *Qualitative Sociology*, 27:101-106.
- Author M 2010. A critique of current practice: Ten foundational guidelines for autoethnographers. *Qualitative Health Research*, 20(12):1599-1610.
- Author M, Fitzgerald M 2006. If ethics committees were designed for ethnography. *Journal of empirical research on human research ethics*, 1: 71-78.
- Clandinin DJ, Connelly F M 2000. *Narrative inquiry: Experience and story in qualitative research*. Jossey-Bass, San Francisco.
- Ellis C 1986. *Fisher Folk: Two communities on Chesapeake Bay*. University of Kentucky Press, Lexington.
- Ellis C 1995. *Final negotiations: a story of love, loss, and chronic illness*. Temple University Press, Philadelphia.

- Ellis C 1996. Maternal connections. In C Ellis, A Bochner (Eds.), *Composing ethnography: Alternative forms of qualitative writing*. AltaMira Press, Walnut Creek, CA. p. 240-243
- Ellis C 2007. Telling secrets, revealing lives: relational ethics in research with intimate others. *Qualitative Inquiry*, 13(1):3-29.
- Goffman A 2014. *On the run: Fugitive life in an American city*. Picador, New York.
- Goffman E, Lofland LH 1989. On fieldwork. *Journal of contemporary ethnography*, 18(2): p. 123.
- Goffman EA 1961. *Asylums*. Anchor Books, Garden City, NY.
- Guillemin M, Gillam L 2004. Ethics, reflexivity, and 'ethically important moments' in research. *Qualitative Inquiry*, 10(2): 261-280.
- Haggerty K 2004. Ethics creep: Governing social science research in the name of ethics. *Qualitative Sociology*, 27(4): 391-414.
- Iphofen R 2011. *Ethical Decision Making in Social Research: a Practical Guide*. Palgrave Macmillan, London.
- Israel M 2015. *Research Ethics and Integrity for Social Scientists*. 2.ed. Sage, London.
- Jago B 2002. Chronicling an academic depression. *Journal of Contemporary Ethnography*, 31: 729-756.
- Richardson L 2007. *Last writes: a daybook for a dying friend*. Left Coast Press, Walnut Creek, CA.
- Sieber J, Author M 2013. *Planning Ethically Responsible Research*. Sage, California.
- Tolich M. Fruit of the Poisonous Tree: Worrying Trends in Qualitative Research. *CLAIQ2016* [proceedings on the internet]. 2016 [cited 2016 Nov]; 5: 16-21. Available from: <http://proceedings.ciaiq.org/index.php/ciaiq2016/article/view/1049>
- Van Den Hoonaard W 2011. *The Seduction of Ethics: Transforming the Social Sciences*. University of Toronto Press, Canada.
- Venkatesh S 2008. *Gang Leader for a Day: A Rogue Sociologist Takes to the Streets*. Penguin, New York.
- Venkatesh SA 1997. The social organization of street gang activity in an urban ghetto. *American Journal of sociology*, 103(1): 82-111.

## Uma Tendência Preocupante. Considerações éticas sobre o uso de dados coletados sem informação de consentimento

### RESUMO

Existe uma tendência preocupante nas ciências sociais através do qual os pesquisadores ignoram a revisão ética. Autoetnógrafos muitas vezes se isentam dos Comitês de Revisão institucional (CRI)

alegando que as histórias que contam são de sua própria autoria; Mesmo quando outros escreveram em suas histórias podem não consentir. Uma situação semelhante surge na etnografia, onde os pesquisadores novatos geram dados antes de iniciar seus estudos de pós-graduação, esquivando-se da supervisão ética e também sem demonstrar considerações éticas básicas. Goffman transformou seu doutorado em “*On the Run*” baseado em seis anos de trabalho de campo em bairros negros no interior da cidade. “*Gangleader for a Day*” de Venkatesh, também com base em seu doutorado, descreve pesquisas no interior de uma cidade sem considerações éticas. Como os futuros estudantes de pós-graduação em ciências sociais lerão esses *best-sellers*? Author criou um pequeno cenário encapsulando esses dois livros e pedindo a academias e membros do CRI para revisá-los. Sob quais condições supervisionariam ou aprovariam os dados coletados antes da inscrição em um doutorado que não demonstrasse evidências de considerações éticas. Os entrevistados expressaram preocupação com os dados coletados sem considerações éticas, considerando essa prática inadmissível, semelhante ao termo legal da árvore venenosa. Eles reconhecem que são mais propensos a agravar do que aliviar o dano.

**Palavras-Chave:** Ética; Qualitativa; Venkatesh; Goffman; Etnografia; Tese.