

Chapter 1

Introduction: The Variety of Ethical Dilemmas

Dina Siegel and Roos de Wildt

Ethical issues have become an integral part of the process of preparing, conducting and publishing empirical research in the social sciences. These days, students are being trained in all kinds of skills and techniques for doing ‘ethical research’. The research protocols include detailed instructions and warnings about potential risks and harms and the dangers of manipulation and concealment. Such concerns about the ethical aspects of social research are typical of our ‘risk society’ (Beck 1992) and our ‘culture of control’ (Garland 2001). While the medical sciences in particular are rightfully considered to be the most risk-producing disciplines, the social sciences are also strongly affected by research ethics protocols (Haggerty 2004, p. 392). However, risk management, regulation and overregulation of research ethics pose dangers to our ability to conduct research and produce knowledge. In the words of Adler and Adler (2002, p. 42): ‘If you fundamentally shut down research there is no risk to subjects because researchers will not know anything’. In order to avoid such an extreme situation and to be able to continue doing research in criminology and anthropology, especially where qualitative methods are involved, scientists need to be alert to any obstacles, exaggerations or new regulations that could hinder their fieldwork activities.

One of the purposes of this book is to discuss such risks and developments and to analyse their effect on empirical research on human trafficking. Much research is dependent on the researcher’s perception of the field situation at a specific point in a specific context and on the relationship he or she has established with informants. We will see a wide range of different attitudes towards the ethical questions in

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fieldwork and the level of compliance with, and acceptance of, existing rules drawn up by academic institutions. While some consider these ethical codes as taken for granted and highly needed, others view them as abusive and as casting doubt on the integrity, academic honesty and common sense of researchers, as if they are ‘bringing turbulence to the field, fostering personal traumas (for researchers and researched), and even causing damage to the discipline’ (Punch 1994, p. 83).

The term ethics is derived from Greek words *ethikos* (ἠθικός) and *ethos* (ἦθος), meaning habit or common belief. Questions asked centuries ago by philosophers such as Aristotle, Hobbes, Locke, Kant and Nietzsche are still relevant today, especially with regard to our moral obligations, values and morality, as well as our choices and freedom. Following Immanuel Kant, each act ‘involves an ethical thought—namely that there are respects in which the choice is desirable, or worth choosing’ (Danwall 1998, p. 4). Whatever choice is made, it seems that it has to be in conformity with the prevailing ethical views in one’s community which refers to the philosophical idea of normativity. Our ethical convictions are always related to the attitudes, norms and values of the moral culture of the society in which we act, in our case the academic community.

However, we find as much disagreement about normativity and ethical obligations among ancient philosophers as among modern scientists. The questions that arise in this regard are: obligations to whom—to those who provide us with the data, or to the people who approve our research proposals? What about the rights of the respondents on the one hand and those of the academic researcher on the other? Even more importantly: who decides what is ethical and what is not, and who has the right to force their decisions on the entire research community?

The issues that always come up in the context of social research are harm, consent and confidentiality. All three elements are usually present in research on human trafficking.

The most discussed principle in this book is ‘First, Do No Harm’, *primum non nocere*. The phrase is attributed to Hippocrates and considered to be part of the Hippocratic Oath, although there are doubts about the correct translation from Greek to Latin. In medical research real harm can be inflicted (Brandt 1978). ‘... in a sense, we are still suffering for the sins of Milgram’ (Punch 1994, p. 89).¹ Questions such as ‘when is the researcher actually doing harm?’ and ‘do one’s research purposes justify all scientific means?’ came from the medical sciences and have led to all sorts of regulations as a result of so-called ethics creep, ‘which involves a dual process whereby the regulatory structure of the ethics bureaucracy is expanding outward, colonizing new groups, practices and institutions...’ (Haggerty 2004, p. 394). This ‘ethics creep’ has also reached the social sciences, where the term ‘ethics’ today refers to the ‘set of principles governing conduct’ (Wolfgang 1981, p. 345). In fact, having contact with criminals, including interviews or participant observation, has often been questioned by social scientists because of the potential personal risk to the researcher (Sluka 1990; Ferrell and Hamm 1998) or the danger of being considered ‘one of them’ (Sutherland and Cressey 1960, p. 69). In research

¹ Yale University psychologist Stanley Milgram (1963) conducted a series of controversial experiments on obedience to authority figures.

on human trafficking, contact with pimps or traffickers and even more so with ‘vulnerable victims’ is often viewed as unethical, regardless of the willingness of the victims themselves to participate in the research.

As soon as informants show themselves willing to provide information, the researcher faces the challenge of obtaining ‘informed consent’. Informed consent is a delicate issue, especially in ethnographic research. In some situations it can become unworkable, as consent often reduces participation (Punch 1994, p. 90). In many cases researchers decide on the basis of their own interpretation of the situation and their relationship with their informants (Adler & Adler 2002).

Privacy and confidentiality are equally worthy of ethical consideration. Being dependent on informants who are willing to provide sensitive information about human trafficking, many researchers feel the need to protect their informants from criminal justice actors. The Canadian researchers Lowman and Palys (2001), for example, provided full confidentiality to their informants in the sex industry, were prepared to go to jail to protect their sources and even put pressure on their university and national research councils on this matter (Israel 2004, p. 731). Researchers in many countries can be legally required to disclose their information, especially in regard to criminal activities. The extent to which they can offer confidentiality to their respondents depends on the local legal context and on the balance they strike between promises to guarantee privacy and the legal ability to do so.

As we will see in the upcoming chapters, ethics protocols should not be equated with absolute, watertight measures. Social research is first of all human research: It is conducted by human beings and its subject matter are also human beings. To understand the phenomenon of human trafficking we need to interact with victims, offenders and other (allegedly) involved actors. Like medical practitioners who cannot diagnose and treat patients from a distance, anthropologists and criminologists need to communicate with the persons involved in order to gain insight into criminal acts. Ethical research can only be based on the researcher’s interpretation of correct and honest behaviour and ethical regulations should not be allowed to restrict scientific research. There is no room for taboos in the social sciences and researchers should not be made to feel threatened or intimidated by the moral decisions of others with a different interpretation of ethics.

In this book which is based around the theme of human trafficking (i.e. trafficking for sexual services, human organs or labour exploitation), the reader will find a wide range of perspectives on ethics in qualitative research. The contributors have all conducted research on one or another aspect of this area and have had long-term interaction with informants (either in the form of interviews or participant observation). The authors were asked to analyse their experiences with an emphasis on the ethical dilemmas they faced in the course of their research. Some of these dilemmas had to do with research methods such as gaining access to the field, finding gatekeepers or introducing the research topic; other authors faced problems in obtaining permission to enter the field at an even earlier stage because of bureaucratic restrictions imposed by their universities or other institutions. The institutional background, personality, reputation and expectations of the researcher—all these aspects play an important role in regard to ethics. Each contribution to this volume focuses on a personal description and analysis of the issues at hand. The result is a rich col-

lection of different approaches and views on various ethical dilemmas and creative individual solutions. This brings us to the core question of this project: What does it mean to do ethical research among vulnerable or criminalized people in general and on human trafficking in particular?

About This Book

The first part explores ethical dilemmas in research on sex trafficking and the sex industry at large. Roger Matthews and Helen Easton discuss the way in which research on those who have been trafficked for the purposes of sexual exploitation can become a balancing act between gathering and presenting robust evidence about individual women's experiences and ensuring the physical and emotional safety of the research subjects. A further balancing act involves progressing fieldwork and analysis at a reasonable pace, while also being reflexive and taking care of one's personal responses to the subject matter. Drawing on their own research on the sex industry in the UK, Liz Kelly and Maddy Coy approach ethics as a process. They stress that ethical issues are continuously raised and explored both in the field and when working with data. Kelly and Coy furthermore explore the potentials of the 'positive empowerment' approach developed for doing research on violence and abuse to problematize notions of 'sensitive topics' and 'vulnerable groups' in relation to the sex industry and human trafficking.

Roos de Wildt argues that guiding principles such as 'do no harm', informed consent, anonymity, confidentiality and clarity about the role and responsibility of the researcher can advise researchers on the sex industry on how to deal with certain situations. Yet, following the general guidelines is no guarantee to successful research and imposing these guidelines on researchers can hamper research progress. The ambivalence in their practical applicability is discussed through concrete examples from ethnographic fieldwork on prostitution and human trafficking in Kosovo and Italy. Dina Siegel discusses one of the greatest taboos in criminological research: Ethnicity. She focuses on obstacles to doing research on prostitution among specific ethnic groups and the response of various moral entrepreneurs to unwelcome findings. Instead of avoiding the topic of ethnicity, Siegel argues for affirming the freedom of academic inquiry, the independence of criminological research from political agendas and the basic assumption that real science does not shy away from the ethnicity taboo. Based on his personal experience in research on human trafficking, Sheldon Zhang questions current institutional efforts ubiquitous in American academia to police and censor mundane and ordinary research activities. Zhang suggests that a fundamental lack of confidence in human agency and the personal integrity of researchers have given rise to unfettered concerns over possible violations of ethics in field research.

Ethical concerns in research on labour trafficking are explored in the second part of this volume. Hannah Lewis considers the methodological challenges and

ethical implications of undertaking a qualitative study of experiences of forced labour among refugees and asylum seekers in the UK. She discusses negotiating access and the ways in which illegality affects research. Forced labour is a term circumscribed by understandings of involuntariness, lack of choice and coercion. However, as Lewis contends, it is important to avoid dehumanizing people as needy while recognizing their needs. Sam Scott and Alistair Geddes argue that the dominance of standardized ethics frameworks is problematic since qualitative and quantitative research involves individuals making flexible and context-specific ethical judgements which do not always align with standardized ethics frameworks. Scott and Geddes interrogate the distinction between achieving ethical research on paper (institutional ethics) and actually defining and ensuring ethical research in practice (individual ethics). Rebecca Surtees and Anette Brunovskis argue in favour of providing referral information when conducting research with trafficking victims as a means of preventing and mitigating harm. At the same time, they highlight the obstacles in identifying assistance options and offering referral information to respondents, both in terms of the actual existence of services and their appropriateness and desirability for respondents. In outlining a feminist methodology for research with populations of trafficked persons, Sallie Yea reflects on a study with South Asian male migrant labourers in Singapore, drawing on considerations that have the potential to achieve more in-depth and ethically appropriate research outcomes. These considerations directly address the notions of trust and rapport which Yea recognizes pivotal for successful in-depth research with people who have been trafficked.

Part three discusses ethics in child trafficking research. Zhaleh Boyd and Kevin Bales explore the process of conducting interviews with trafficking victims that identify as transient minor sex workers. They state that human trafficking research is important but no more important than protecting victims of trafficking. An honest and in-depth exploration of all possibilities for harming a participant in the course of the research process is, therefore, the key to maintaining an ethical study. They specifically argue in favour of allowing people who can be legally labelled as slaves or enslavers to determine the terminology that is used to describe them and to use that terminology as a starting point for discussing how it is similar to and different from the letter of the law. Anthony Marcus and Ric Curtis conducted empirical research on the lives of minor sex workers in New York City and Atlantic City, New Jersey. They describe their struggles to adhere to contemporary laws and research protocols governing child sex trafficking that dictate reticence, aloofness and avoidance by adults who are not licensed authorities or trained professionals. In contrast to this regime of fear and avoidance, Marcus and Curtis argue for the 'personhood' of mature minors and the need for a science that is ethically engaged with that personhood, rather than built around protecting their childhood and instantiating their victimhood. Amber Horning and Amalia Paladino further explore the role of researchers conducting ethnographic fieldwork with young sex workers and pimps in New York City and Atlantic City with the view of a 'world turned upside down'. They generate a discussion on researchers' ethical dilemmas and

moral obligations, especially in sex marketplaces where official world rules may not make sense, and explore ethical conundrums related to themes of constrained agency and coercion.

The final part is on ethical dilemmas in researching organ trafficking. Monir Moniruzzaman discusses his ethnographic research on living organ trafficking in Bangladesh and on the sellers who sell their body parts to get out of poverty and pay back their multiple microcredit loans. Moniruzzaman faced tremendous difficulties in gaining access to this extremely 'hidden population'. When all his avenues were exhausted, he employed an organ broker to locate organ sellers which raised major ethical challenges. Nancy Scheper-Hughes closes the book with a discussion of the 'heretical methods' she uses to get to the bottom of the puzzle of medical crimes in known hospitals and clandestine clinics alike. She examines what is required to 'make public' a hitherto invisible social and political issue. One way is to surrender ethnographic data, ownership and authorship in collaborations with journalists who can put the issue and one's research findings on the front page in ways that anthropologists can rarely do. Scheper-Hughes leaves the reader to consider ethical dilemmas that transcend ethics protocols.

References

- Adler, P., & Adler, P. (2002). Do university lawyers and the police define research values? In Van den W. Hoonaard (Ed.), *Walking the tightrope. Ethical issues for qualitative researchers*. Toronto: Toronto University Press.
- Beck, U. (1992). *Risk society: Towards a new modernity*. London: Sage.
- Brandt, A. (1978). *Racism, research and the Tuskegee syphilis study (Report no. 8)*. New York: Hastings Center.
- Danwall, S. (1998). *Philosophical ethics*. Boulder: Westview Press.
- Ferrell, J., & Hamm, M. (1998). *Ethnography at the edge: Crime, deviance and field research*. Boston: Northeastern University Press.
- Garland, D. (2001). *The culture of control*. Oxford: Oxford University Press.
- Haggerty, K. (2004). Ethics creep: Governing social science research in the name of ethics. *Qualitative Sociology*, 27(4), 391–414.
- Israel, M. (2004). Strictly confidential? Integrity and the disclosure of criminological and socio-legal research. *British Journal of Criminology*, 44, 715–740.
- Lowman, J., & Palys, T. (2001). Limited confidentiality, academic freedom and matters of conscience: Where does CPA stand? *Canadian Journal of Criminology*, 43(4), 497–508.
- Milgram, S. (1963). Behavioral study of obedience. *The Journal of abnormal and social psychology*, 67(4), 371–378.
- Punch, M. (1994). Politics and ethics in qualitative research. In N. K. Denzin & Y. S. Lincoln (Eds.), *Handbook of qualitative research* (pp. 83–97). Thousand Oaks: Sage.
- Sluka, J. (1990). Participant observation in violent social contexts. *Human Organizations*, 49(2), 114–126.
- Sutherland, E., & Cressey, D. (1960). *Principles of criminology*. Philadelphia: J.B. Lippincott.
- Wolfgang, M. E. (1981). Confidentiality in criminological research and other ethical issues. *Journal of Criminal Law and Criminology*, 72(1 Spring), 345–361.

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