



## "You Still Takin' Notes?" Fieldwork and Problems of Informed Consent

Barrie Thorne

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**“YOU STILL TAKIN’ NOTES?”  
FIELDWORK AND PROBLEMS OF INFORMED CONSENT\***

**BARRIE THORNE**

Michigan State University

It has long been acknowledged that the openings of field research—gaining access, entree and rapport, and developing a workable relationship with those one wants to study—involve serious ethical questions. Such questions enter into recurring debate over the ethics of disguised research (e.g., Davis, 1960; Roth, 1962; Erikson, 1967; Humphreys, 1970; von Hoffman *et al.* 1970) and over initial promises of confidentiality and eventual decisions about what to publish (e.g., Fichter and Kolb, 1953; Becker, 1971; Colvard, 1967; Rainwater and Pittman, 1967). Old debates have assumed new, more urgent form, and the question of *who* should make ethical determinations has become a heated topic in response to new federal regulations governing social research.<sup>1</sup>

Implemented by granting agencies and university review boards as a condition for funding or sponsoring research, HEW regulations for “Protection of Human Subjects” have begun to affect research practices and the terms of ethical discussions. According to the guidelines, review boards are initially to examine proposed research projects to decide if human subjects are at risk:

If it is decided that risk is involved, the review must further determine whether the risks are outweighed by any benefit that might come to the subject or by the importance of the knowledge to be gained, that the rights and welfare of the subjects will be adequately protected, that legally effective informed consent will be obtained, and that research will be reviewed at timely intervals (Bond, 1978: 149)

This paper is focused on only one part of the regulations, the requirement that researchers must obtain “legally effective informed consent” from those they study. The federal regulations have highlighted the notion of informed consent and placed it in the center of ethical discussions about the opening phases of research and ongoing relationships of researchers and subjects. Using the federal regulations as a starting point, I will explore some of the practical difficulties involved in implementing informed consent within the contexts of participant-observation. I will then return to assumptions involved in the doctrine of informed consent—especially the premise of abstract individualism and the neglect of social stratification and the uses of knowledge—and I will argue that discussions of ethics and fieldwork should involve a critique, as well as serious consideration, of informed consent.

**THE “PROTECTION OF HUMAN SUBJECTS” REGULATIONS  
AND THEIR APPLICABILITY TO FIELDWORK**

The notion of informed consent, as spelled out in the federal regulations, was originally designed to protect patients from abuses by medical researchers. The language of the regulations re-

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1. The traditional autonomy which fieldworkers have claimed to study what they want in the ways they choose and to make their own judgments about ethics has also been challenged by groups of subjects who—like patients disenchanted with the medical profession—are less acquiescent than in the past to the conditions set by researchers. Groups of blacks, Native Americans, and other minorities, and members of protest movements have begun to claim the right to review research proposals and to negotiate conditions; sometimes they have refused to be studied at all. Another challenge to the right fieldworkers claim to define the terms of their research has come from within the ranks of social scientists. Advocates of “action anthropology” (Lurie, 1973), “advocacy anthropology” (Schensul and Schensul, 1978), and “participatory research” (Cain, 1977) seek to develop more cooperative arrangements between researchers and the communities or groups to which they are attached, to work “with” or “for” rather than “on” a particular group (Jacobs, 1974). These movements have all emerged in research settings where the subjects are economically, socially and politically disadvantaged.

flects this context. According to the regulations, informed consent means “the knowing consent of an individual or his legally authorized representative, so situated as to be able to exercise free power of choice without undue inducement or any element of force, fraud, deceit, duress, or other forms of constraint or coercion” (Annas *et al.*, 1977: 291). The regulations specify basic elements of information necessary to such consent: “fair explanation” of the purpose of the research and the procedures to be followed; a description of risks and benefits which might reasonably be expected; an offer to answer any inquiries concerning the procedures; and instruction that the person is free to withdraw consent and discontinue participation in the project at any time.

As Wax (1977) and Cassell (1978) have argued, the federal regulations are based on a biomedical, experimental model of research, and there is some question about their suitability as guidelines for ethnographic research. In fieldwork the risks are less dramatic than, say, in medical intervention; the benefits, too, are less striking than they might be in biomedical research—and both risks and benefits (especially long-term ones) are often difficult to assess, especially at the beginning of a field study. Fieldworkers have less control over the research setting than do experimentalists; in the immediate research situation, the gap of power between researcher and subject is less than in experiments, and the flow of interaction is broader and more reciprocal and open-ended. Finally, the new federal regulations, especially when they are translated into highly standardized activities, such as asking each member of a setting to sign a consent form before one even begins observing, seem overly legalistic, formalized, and intrusive in the more fluid context of field research.

Beyond the fact that the new government regulations are cut from a pattern which doesn't quite fit the practices of fieldwork, there are serious questions, which I will not pursue here, concerning the government's intrusion into the processes of social research.<sup>2</sup> The requirement that one obtain signed consent forms from everyone one studies may violate anonymity and actually create risks for some groups of subjects. In the end, the procedures may result in meaningless rituals rather than improving the ethics of field research.

However, the notion of informed consent *is* relevant to the ethics of fieldwork. Although it has important limitations, as I will later argue, the ethical perspective embodied in the notion of informed consent can help illuminate the array of research “bargains”—as Everett Hughes (1974) describes the often shifting connections between the observer and the observed—which have been struck in the course of field research.

### THE COMPONENTS OF INFORMED CONSENT

The notion of informed consent helps put into focus specific strands in the relationships between fieldworkers and those they study. According to the regulations, informed consent is consent which is *knowledgeable*, exercised in a situation of *voluntary* choice, made by individuals who are *competent* or able to choose freely. As Freedman (1975) suggests, the legal requirement of informed consent embodies a “substantial requirement of morality,” anchored in the Kantian categorical imperative, the belief that all individuals have a right to be treated as persons rather than objects, and to have their autonomy and dignity respected (also see Cassell, 1980).

The federal regulations mix both utilitarian and Kantian lines of reasoning. A utilitarian calculation of risks and benefits is required when review boards determine whether the regulations are applicable to a proposed research project, and when they determine if the subjects' rights seem adequately protected. Once granted approval, the researcher is required to inform the sub-

2. This paper deals only tangentially with emerging legal control of the relationship of researchers and subjects of research. It should be emphasized that many matters which used to be handled as more or less private ethical decisions are increasingly subject to official, including legal, sanctions and controls.

jects of both risks and benefits entailed in the research. The principle of informed consent—based on Kantian assumptions—is included to protect individual rights against researchers' claims of broad social need or benefit (e.g., "the public's right to know"; "the development of science") which are often included in utilitarian calculations (Soble, 1978). (I will later return to the balancing of individual rights and broader social and moral claims.)

The three dimensions of informed consent—knowledgeability, voluntary and competent choice—are merely starting points, since it is unclear just how much information needs to be imparted or present for consent to be knowledgeable, or how to know exactly when a given choice is sufficiently voluntary and responsible (Kelman, 1972: 1002). Furthermore, as the guidelines suggest, as risks increase, so does the importance of informed consent, because the actions taken by the researcher thereby become more fateful and the abrogation of rights more serious.

As many have noted, to understand the meaning of informed consent in the context of fieldwork requires going beyond abstract formulations to explore particular situations—and the fieldwork literature contains a large array. I will discuss two of the components of informed consent—knowledgeable and voluntary choice<sup>3</sup>—with reference to some of the specific situations and vicissitudes which fieldworkers have encountered.

#### WHEN IS CONSENT INFORMED? HOW MUCH INFORMATION SHOULD BE GIVEN?

The new regulations imply that uninformed consent is "tantamount to no consent at all" (Freedman, 1975), that researchers are obligated to disclose whatever information potential subjects would need to make an intelligent decision about participating in a study. Such an obligation, even in minimal form, has by no means been acknowledged by all fieldworkers, as evidenced by the flurries of debate following the appearance of field studies based on total deception (e.g., Lofland and Lejeune, 1960; Davis, 1960; Humphreys, 1970; von Hoffman *et al.*, 1970).

Erikson (1967) and Kelman (1972) have summarized the ethical objections to studies which involve deliberate misrepresentation of identities: such deception is intentionally dishonest, violating the trust basic to all social relationships; it invades privacy, denying subjects a chance to weigh possible risks and to determine what they want to reveal; special harms (e.g., stress if the fraud is uncovered or even suspected) may follow from acts of total deception, which also diminish the general public climate of trust toward sociology. Erikson concludes with a rough set of guidelines:

. . . it is unethical for a sociologist to deliberately misrepresent his (sic) identity for the purpose of entering a private domain to which he is not otherwise eligible; and . . . it is unethical for a sociologist to deliberately misrepresent the character of the research in which he is engaged (1967:373).

Erikson has identified a domain which many fieldworkers agree constitutes unethical conduct. As I will later elaborate, some kinds of disguised research may be defended on other ethical grounds, but from the Kantian perspective of informed consent, deliberate deception is unethical—and rests at a polar extreme from fully informed consent.

3. I will not deal with the third component of informed consent—the requirement that the consenting individual be competent, able to comprehend the information and to make a reasonable decision—partly because it has practical bearing only in fieldwork among children and the mentally ill. (Although, as John Kitsuse has pointed out to me, the more general question of how much subjects understand, of how they interpret and make sense of the researcher's presence, also bears on questions of whether consent is "competent.") It should be noted that for research involving children and institutionalized mental patients, government regulations specify that permission of parents or guardians must be obtained, as well as the assent of the child or the mental patient. In the case of children, such assent is required after the age of 7, although at any age the child's objection to nontherapeutic research is binding. In the case of mental patients, the individual's assent to participation must be secured if the consent committee judges that "he or she has sufficient mental capacity to understand what is proposed and to express an opinion as to his or her participation" (Annas *et al.*, 1977: 322).

Although one can identify extremes, the actual dividing line between informed and uninformed remains unclear. Roth (1962: 283) has argued that “all social research is secret in some ways and to some degree—we never tell the subjects everything.” One major reason for this, which Wax (1977) has emphasized, is that fieldworkers usually enter the field with an open-ended sense of purpose; they tend to work inductively and may shift interests and outlooks as the research proceeds; practical exigencies may force extensive change of plans. The very flexibility which is often cited as a major strength of field research poses obstacles for implementing a tight notion of informed consent, especially at the start of a research project.

And yet, do fieldworkers generally even *try* to fully share what they do know of their research goals, frameworks, methods, patterns of sponsorship, and expected reporting? I believe the answer is no; fieldworkers are rarely as honest and forthcoming with information as they could be. Barnes (1963) has noted that when they explain research to informants, ethnographers often stress the most innocuous aspects of their studies; for example, anthropologists say they are collecting legends or information on technology, rather than admit that their focus is on more controversial topics like land tenure and social control. Self-introductions are bound up with efforts to gain access, and that practical motive, weighted heavily by investments of time, money and career, tends to squeeze honesty to the side.

Reviewing ethnographies to examine modes of self-introduction (when they are mentioned at all), I have been struck by the widespread use of partial truths. Gathering data for *Asylums*, Goffman spent a year doing fieldwork in a large mental hospital. According to the book’s preface he told the hospital administrators something of his purpose, but with the patients—whose daily experiences were the focus of his study—Goffman assumed the role of an assistant to the athletic director, “when pressed, avowing to be a student of recreation and community life” (1971:ix).

When he was a participant-observer in the West End of Boston, Gans (1962) told community residents that he was “doing a recent history of the area,” mainly surveying the institutions, organizations and the redevelopment process in the neighborhood. Gans mentioned, but did not emphasize, his interest in observing the everyday life of residents, and he did not tell them that he attended social gatherings “in the dual role of guest and observer” (1962:344). Gans writes that with hindsight and additional fieldwork experience in another community, he came to believe he could have been more open about his research role. Lofland (1966) introduced himself to leaders of a religious cult as “a sociologist interested in social and religious movements”—true as far as it went, but the cult leader translated that role into “chronicler of the beginning of the New Age in America,” an understanding which Lofland didn’t try to correct. Gusfield (1955: 29, 32) told WCTU leaders that he was a “disinterested investigator of American social movements,” but he acknowledges that “their conception of a sociological study was rather naive and at a highly formal level”; he felt, in the end, that he had used them.

The practical problem of gaining access to the groups they want to study has led investigators to provide vague and even misleading initial statements of identity and purpose. Another part of the problem—less within the control of fieldworkers—is that identities are a negotiated matter and even the most forthright observers cannot fully determine what they will be taken to be. When she studied the Thrashing Buffalo Indians, R. Wax (1971: 369) discovered that she was “variously taken for a teacher, an FBI investigator, a social worker, a professional cowgirl, a Wave recruiter and a communist agitator.” This list is by no means unusual in the annals of ethnography, and since one may discover such misconceptions long after they have circulated, they may be difficult to correct. When I was a participant-observer in the draft resistance movement, I discovered (partly by piecing together silences and some conversations I heard about but never directly witnessed) that some movement members suspected I was a federal agent. Such a charge is difficult, if not impossible, to shake, especially if one’s activities—in my case, taking notes, asking questions which extended beyond daily movement concerns, and trying to move freely

among movement groups—are not so distant as one might hope from the other kind of special witnessing engaged in by political spies (see Thorne, 1979).<sup>4</sup>

When I did fieldwork among 4th and 5th grade school children, they sometimes took me to be a teacher's aide or a "yard duty" (playground supervisor). I tried to clarify that I had no formal role of authority in the school, partly because I wanted to get close to the children's world as it emerges when unconfined by adults. When I tried to explain to the children what I was up to with my constant roaming and busy scribbling, I often felt frustrated. For a while I explained that I was interested in "understanding the way children behave," until a boy said defensively "I didn't do nuthin'," and I realized the disciplinary connotations of the word "behavior." Sometimes I tried to explain what sociologists do, our interest in groups and in patterns of relationship, but when I finished my long-winded explanation, almost inevitably the child would utter a short and bored, "Oh," and run off. Gaps in understanding due to different experiential worlds may hamper a researcher's ability to provide informed consent.

### *A More Complete Telling?*

In developing relations in the field, how open can and should participant-observers be? The answer, of course, depends in large part upon context. One's ability to provide an informative and accurate form of self-identification varies with the group one is studying. As will later be argued (a line of argument not suggested by the notion of informed consent), the type of knowledge sought, and the nature of the group being studied (e.g., powerful, publicly accountable groups, vs. more vulnerable private ones) may also have ethical bearing on choices about how to identify oneself.

There is another consideration: what sorts of information will individuals need in order to make a meaningful decision about participating? The federal regulations offer a listing suited for experiments: a description of risks and benefits, an offer to answer questions about the procedure, and instruction that the person is free to discontinue participation at any time. The list seems less pertinent in the looser and lengthier "research designs" of ethnography.

Subjects may, with good reason, want to know one's analytic framework since starting assumptions may pose long-term risks for a group. As Cassell (1978) has suggested, frameworks which reaffirm a "blaming the victim" or a "deficiency" approach to oppressed segments of society may affect public policy and reinforce existing inequalities. When I proposed to study the draft resistance movement, one of the leaders questioned me to see if I regarded resisters as "deviants"; he considered sociological conceptualizations of deviance to be politically and intellectually objectionable and wanted (understandably, in my view) to protect the movement from that sort of definition.

Patterns of sponsorship are also of no small import when one has a larger political understanding of the locations and potential uses of knowledge; Stephenson (1978) provides frightening documentation of secret CIA sponsorship of his study of Hungarian refugees, who, he notes, would probably "not have been so candid in the interviews," had they known the funding source. In some situations, researchers' naivete is small defense against the risk to which they may be putting the subjects. Especially in studying vulnerable groups, we have an obligation to try to understand, and to share with those we study, the political and social contexts of our projects.

These types of information bear on the long-range harms and benefits of social research. The

4. Fieldworkers are often taken to be spies of one kind or another, an equation which Gans observes has some psychological truth. Even if the information isn't conveyed to enemies or potential exploiters and does no injury to those studied, the activity is "still, psychologically a form of espionage" (1968: 314) because the observer deceives people about her/his feelings and observes them when they don't know it. Gans argues that this has two personal consequences: "a pervasive feeling of guilt and, partly in compensation, a tendency to over-identify with the people being studied."

day-to-day process of doing fieldwork may also entail felt harms. People aware of a fieldworker's general purpose and presence often do not realize what the methodology entails: making daily and detailed written records of ongoing behavior. I realize more fully now than I did at the time that my cumulative fieldnotes on the draft resistance movement were a potential source of jeopardy for participants who acted on the margins of the law and were the target of government surveillance. My fieldnotes could easily have been stolen and used to document group and individual activities (although I changed names in my notes, the contexts would have facilitated identification). The notes, of course, were subject to subpoena, and although I vowed to burn them, were I subpoenaed, that intent didn't vitiate the fact that my daily research acts created risks for others—and risks not under *their* control. (Trend, in this volume, addresses related issues.)

In some settings the special kind of witnessing which is the essence of most fieldwork—the detached and analytic perspective, the gathering and recording of concrete detail to be sifted into analytic reports which will circulate to outsiders—may feel like a particular violation (Hughes, 1971: 505). Groups demanding extreme commitment and partisanship may not want the presence of an avowed neutral; parties and other sociable occasions presume expressiveness, unseriousness, and suspension of consequentiality—tacit rules which conflict with the instrumental attitudes and tasks involved in doing a field study. Those wishing to do research in such settings are probably less likely to reveal their purposes and methods than, for example, fieldworkers in a school or a hospital.<sup>5</sup> The opportunity to exercise informed consent seems to vary by *setting*, which may not be defensible on any ethical grounds. (Although disguised research may be more justifiable in fleeting encounters and public settings—where the stakes are low and people are already on guard—than in intensive, private sorts of settings.)

#### *How and When Should One Inform?*

The new HEW regulations have the effect of standardizing the initial phases of social research; getting a signed consent form has become an opening ritual. Some institutional review committees require ethnographers as well as experimentalists to obtain signed consent forms as a condition for obtaining funds or using the university's name.<sup>6</sup> Bortner (1979) documents such a case in a field study of a juvenile court. The review committee in her university stipulated that she had to obtain written informed consent from all those she observed. She asked court officials to sign consent forms, and then asked the presiding officer to read a statement as each juvenile came for a hearing. The statement identified her as a researcher, promised that she would not record or disclose individual identities, requested permission for her to remain, and appraised them of their right to order her departure at any point in the proceedings. Bortner not only experienced this procedure as a great nuisance (as, she reports, did the court officials), but also had doubts about whether the resulting consent was fully informed and voluntary.

The setting Bortner studied—a courtroom—is more in the spirit of the HEW legalistic opening ritual than are most fieldwork situations. Mann's (1976) description of how she gained access to observe in a bar is at another extreme. She was already a waitress before she decided to study the setting; the mode of interaction between bartenders and waitresses was one of joking and constant banter, with a tacit rule to avoid serious discourse. Mann informed the other employees (but

5. Riesman and Watson (1967) and Mann (1976) describe the difficulties they encountered when subjects in sociable settings (parties and a bar) learned they were being studied. Festinger *et al.* (1956) resorted to totally disguised research, and Lofland (1966) to vague self-description to gain access to millenarian cults.

6. According to Cassell (1978), citing information from William C. Sturtevant of the American Anthropological Association, institutional review boards interpret the federal regulations in varying ways: prestigious private universities tend to exempt ethnographic research from institutional review, with some routinely finding that ethnography constitutes no risk (so informed consent is not made an issue). Smaller, less prestigious institutions tend to apply the regulations with great literalness to fieldwork.

not, apparently, bar patrons) of her research identity after she had been gathering data for some time; and she did so not by speaking to each person individually, providing them detailed information and a chance to refuse to participate (which is another dimension involved in the new regulations about informing), but by letting word about her activities get through the grapevine. She used a more direct explanation only near the end of her research, when she had developed good rapport with the other employees in the bar, and even then, she found her low status as a female prevented serious discussion of the topic. A great deal—the nature of the setting, the sequence of her research involvement, the way she was regarded—sets this fieldwork endeavor apart from the model for informing and asking consent which is embodied in the federal regulations. It may be worthwhile to ask if she *could* have come closer to the ideal of informed consent.

Mann's approach to gaining access is more typical of field studies than is Bortner's. Ethnographers do not tend to give extensive information to each person they observe, nor do they usually offer them an explicit moment of choice, telling them they have a right to decline participation or to withdraw from being studied at any time. Fieldworkers tend to assume that if their presence is tolerated, if they aren't told to leave, consent has been granted. I will return to this practice when I discuss the question of whether the consent is voluntary, but I want to call attention to the gap—partly anchored in the practical exigencies of research in natural settings—between customary fieldwork practice and the model embodied in the federal regulations.

#### *Should Informed Consent Be Renewed?*

Experiments and interviews are bounded events of short duration. Fieldwork, however, is a longer-term venture, sometimes extending to several years. Ethnographers try to become a part of ongoing daily worlds, and their lives intertwine with the lives of those they study much more fully and complexly than is the case with other types of research. Relationships between observer and observed emerge and change over time, and there may also be changes in the setting, organization or group being studied. Such changes may warrant a new, explicit effort to communicate one's purpose and one's methods as a researcher, and to ask for a renewed granting of consent. Cohen (1976) was sensitive to this situation when she did fieldwork with the American Indian Movement. As the movement shifted from a local to a national context and as its participants changed, she reassessed her relationship to the group, believing (although the leaders apparently didn't feel this way) that the consent the original group had given extended only to that original situation. She assessed the risks and dangers at the new stage of movement activity, and decided not to continue her research, partly for ethical reasons.

To meet the ethical requirement that consent should be informed, researchers may need to reassess their activity and provide fresh communications along the way. Informed consent may need renewing through another kind of effort: reminding those one is studying about the research purpose, if it seems to have slipped from awareness. This problem is not as acute in experiments or formal interviews, where the relationship of researcher and subject is highly segmentalized and limited, and where the situation—presence in a laboratory, or a short-term encounter defined as an interview—provides a steady reminder that research is in progress.

In contrast, fieldworkers often have what Chrisman (1976) calls "multiple identities." In addition to being observers, they may have a work role (Mann was a waitress; Goffman, a recreation director); they may be a committed member of a group (as I was in the draft resistance movement); they may share ethnic identity where that is a salient quality of participants (as Chrisman did with the Danish Americans he observed); they may—to return to an earlier point—*be taken to be* any number of things. And—most complicated and painful of all—fieldworkers may become good friends with those they are observing. Having other connections and modes of relating can be a source of access, acceptance and trust, and may provide ways of giving something

back to those one has studied (e.g., my doing draft counseling and other movement work was a form of reciprocity, and of tacit warrant for their putting up with my research role).

But many-stranded relationships also pose ambiguities. They make it easier for one's subjects to forget they are subjects, to think of the researcher *only* as a friend, movement member or co-worker. This is especially true if one's social categories—age, sex, culture, ethnicity—don't visibly mark one as an outsider, as open note-taking or tape-recording tend to do. Fieldworkers often do not try to prevent this forgetting of the research purpose; the trust and acceptance feel good; information is more readily forthcoming. It is not a case of total deception because they indeed may be what they are taken to be—but they are also more. If the observed forget about the research activity—for example, if they give information with the understanding they are talking *only* to a friend or co-worker and the information then goes into fieldnotes—is that ethical behavior? Many fieldworkers apparently feel it is not. Davis (1960) calls this problem the “sociologist's original sin”; fieldworkers often report experiencing guilt when they deliberately befriended someone, or manipulated a preexisting friendship in order to get data (e.g., Harrell-Bond, 1976; Glazer, 1972: 88–95).

Part of the difficulty in these many-stranded relationships is that pressure against informed consent may come from subjects as well as from the fieldworker. Millman (1975: 619) has observed that it may be easier for everyone concerned if the researcher acts like part of the group; flaunting “mental outsidership” is interpersonally disruptive.

The Kantian idea that people should not be treated as objects suggests they should know they are being studied, and should be able to withhold information they don't want made into grist for the researcher's mill. A utilitarian calculus of harms and benefits also suggests people should be told when they are being studied, for the research role changes the horizon of consequences for the information conveyed. The information would not otherwise be systematically recorded, nor find its way to outside audiences.

### IS THE CONSENT VOLUNTARY?

The notion of informed consent contains an image of a moment of individual, free choice—an occasion when a potential subject decides if she or he wishes to participate, understanding what participation would entail (especially possible risks), and without “intervention of any overt or indirect element of force, fraud, deceit, duress, overreaching, or other ulterior form of constraint or coercion” (Annas *et al.*, 1971: 291). This is the ideal, but given the complex conditions of the real world, we are left with the usual sort of sticky question: at what point is the consent sufficiently voluntary?

If one is recruiting subjects for an experiment, a survey or an interview, one must ask them to do something special: to come to one's lab and follow instructions, to fill out a questionnaire, to answer questions. The methods themselves provide points of choice, and asking subjects to sign a consent form can be fitted fairly easily into the opening phases of research. In contrast, participant-observers don't recruit individual subjects. They go to natural settings and tend to work their way in slowly, developing contacts, building trust, carving out a workable social position. The beginnings, as R. Wax (1971) has beautifully illustrated, are often fraught with false starts and difficulties, especially if the fieldwork is in a different culture. Participant-observers hope their subjects will continue their usual activities as if the observer weren't there; nothing special is typically required of the subjects except putting up with the observer's presence and perhaps answering questions that wouldn't arise in the course of normal interaction. Hence, the method of participant-observation does not in itself lead to moments of announcement and choice, unless one must formally request access to a setting, is asked to justify one's presence, or asks subjects for interviews.

In some situations there is such rapid turnover of participants (as in the draft resistance office, where new people continually came in for information) that it would be impossible to gain consent from every individual one might observe. In addition, the nature of the situation may be at odds with the action of providing formal choice points, as in the bar setting which Mann (1976) describes.

There is an added obstacle to realizing the ideal of informed consent (that each individual should have adequate information about the research and a chance to voluntarily choose to participate). Ethnographers seek access to natural groupings—communities, institutions, work groups, associations, social movements—and the organization of these groupings may have a strong and unavoidable effect on how much information each individual receives about the study, on whether or not consent is specifically requested, and on how truly voluntary an individual's consent might be.

Gatekeepers or potential sponsors are more likely to be told about the research project and to realize they have a right to say no, than are group members not in these positions. To gain access to a prison, one must get formal consent from prison authorities, but not necessarily from prisoners; to study a hospital, the administrators, but not every patient, must officially agree. To be sure, gaining acceptance from captive populations (prisoners, patients, students) requires additional effort, and fieldworkers often take great care to try to separate themselves from the official lines of authority, especially if they want to study the subordinated groups (Becker, 1970). But there is still stratification of ability and opportunity to extract information about the study, to negotiate conditions, and to formally deny consent.

When I wanted to observe in an elementary school, I first approached the principal who asked knowledgeable questions about my background, purpose and method, and who set conditions: I was not to disrupt the classroom activities and take up their time, and I was to share my findings. I had similar entry discussions with the classroom teacher. The teacher introduced me to the children simply by name, and—I confess a bit ruefully now that I've been persuaded of the ethical importance of a fuller sense of informed consent, especially when one is studying relatively powerless groups—it never occurred to me to provide an initial explanation of my presence to the children, nor to ask them if they would consent to being observed. As the fieldwork proceeded, I often tried to explain my research to the children. These moments of explaining often followed inquiries related to my continual note-taking (“What are you writing?” “You still takin’ notes?” “Are you gonna be a writer?”). But my explanations did not include a reminder that they could decline being part of my study. Were they told they had such a right, I think a few of them might have exercised it. One child, in particular, tended to avoid me, ceased conversing when I came near, and occasionally warned others, “She’s writing a book on us.” Other children were full of questions and eager to participate, volunteering information, and demonstrating routines on the jungle gym when I said I was interested in children’s play and games. Still others seemed uninterested in the fact of my research.

Patterns of sponsorship and introduction affect the voluntary quality of individual choices to participate in field research. A powerful sponsor who vouches for a fieldworker may, in effect, abrogate the rights of other individuals in a setting to decide if the research should go on. Whyte (1955) gained access to a streetcorner gang through the sponsorship of Doc, who turned out to be the gang leader. If the gang members’ bowling scores tended to be lower than Doc’s (with game performance following social status—one of Whyte’s findings), isn’t it also possible that the other gang members felt constrained to accept Whyte’s presence because Doc had agreed to it? Liebow describes the slow and often unpredictable route he took towards acceptance in a male streetcorner world in an urban black community. After he had hung out for four months, accepted and vouched for by a number of the men, he reports that “at least two men did not trust me or like me, but by then I was too strongly entrenched for them to challenge successfully my

right to be there, even had they chosen to do so" (1967: 269). Did the situation deny those two men the right of voluntary consent? And what if some members of the gang wanted to be studied, while others did not—whose choice should prevail?

Even when consent forms are used, the organization of the immediate situation can diminish subjects' sense of choice. The juveniles and parents whom Bortner (1979) observed in a courtroom were each asked to sign a consent form, and told they had rights to refuse her presence, but their acceptance (in all but 2 of 250 hearings) was influenced, she believed, by their knowledge that court officials had already granted permission for her to observe. Situational rules—e.g., constraints to be polite and not to make the sort of scene which expelling a researcher might require<sup>7</sup>—may hamper the voluntary quality of a subject's participation. Furthermore, if a field-worker was already present in the setting, as an employee, a group member or a resident, *before* undertaking the study (or at least revealing the research role), those observed may also feel less choice about letting the researcher stay on and observe.

#### **THE ASSUMPTIONS OF INFORMED CONSENT: WHAT ETHICAL ISSUES ARE NEGLECTED?**

Thus far I have described the obstacles to informed consent as *practical* difficulties. The last general point—that the contours of the natural groups and settings of field research run against the individual model of informed consent—leads to broader ethical questions. I have emphasized (as I believe the doctrine of informed consent tends to do) the right of individuals to say, "No," to being researched. But is there also a right to say, "Yes?"<sup>8</sup> What if a group of prisoners or mental patients want their situation studied and made public, but the wardens or the hospital administrators, fearful of exposure, refuse a researcher's request for access to the institution? If it made unjust conditions known so they might be remedied, such a study could be justified on ethical grounds, but if researchers had to disguise their purpose to conduct the study, they would violate the ethical principle of informed consent. The abstract, universal and individualistic assumptions of informed consent limit its ability to help resolve this sort of ethical dilemma. The doctrine of informed consent does not take account of ethical dimensions of the knowledge a researcher may seek. Informed consent applies to individuals, each of whom is to be treated the same, and ignores social structure and deep-seated differences of power.

#### *Is Everyone Equally Deserving of Informed Consent?*

Informed consent is asserted as a universal right, and the federal regulations apply to all potential subjects. But the regulations were instituted because some groups of subjects lack power relative to researchers and hence have less capacity to freely choose to participate. (Note that movements for advocacy research, and the organizing of groups to demand a say in the research process are also efforts to empower disadvantaged subjects *vis-à-vis* researchers.) As Kelman persuasively argues, ethical problems arise "because of the fact that, and to the extent that, the individuals, groups, and communities that provide data for social research are deficient in power relative to the other participants in the research process" (1972: 989) Patients, who are dependent upon doctors, may not feel able to say, "No," to medical research; other vulnerable groups, like children and mental patients, and subordinated populations (deviants, ethnic minorities, prisoners, students) may need special protection against possible exploitation by researchers. The requirement of informed consent is most easily justified with reference to relatively powerless

7. See an anonymous note in *The American Sociologist* (vol. 13, Aug., 1978) from a sociologist who describes the situational constraints s/he felt to continue as a respondent in an interview which s/he found offensive.

8. I am grateful to Howard Becker for drawing this question to my attention.

groups, as a way of giving them a sense of countervailing power in research situations where they may feel coerced.

In itself, the universal principle of informed consent does not distinguish between the powerful and the powerless, but it offers some protection to the powerless simply by extending a right to be left alone which the powerful have always claimed for themselves.<sup>9</sup> It has often been observed that to be powerful is to be able to guard one's interests, to protect one's self from unwanted intrusions. The literature of the social sciences bears out this fact: the bulk of research has been on the less powerful, to whom researchers have greater access; only recently have ethnographers begun to urge the importance of studying up.

Elite groups are less in need of the protection granted by the principle of informed consent. They may also *warrant* less protection. In a much cited essay, Rainwater and Pittman argue that when the powerful are publicly accountable figures—government officials, police officers, physicians, college teachers—the public has a right to know what they are up to. Social scientists, they argue, have an obligation to generate information which will help further public accountability “in a society whose complexity makes it easier for people to avoid responsibilities” (1967: 365). In a similar vein, Nader (1967) reasons that to be effective in a democracy, citizens need (and presumably may even have a right) to know something about the major institutions which affect their lives.

In trying to further public accountability, Rainwater and Pittman argue that researchers may need to avoid promising confidentiality. They do not discuss whether disguised research is ethical in such circumstances, but others (e.g., Galliher, 1973, and in this volume; and Christie, 1976) have argued that it might be. Galliher argues that ethical principles like informed consent ostensibly protect individuals, but also serve to protect powerful groups; they neglect the organization as a unit of analysis, and fail “to hold actors accountable in their organizational and occupational roles (1973: 96). He calls for discussion of “whether only people in their roles as private citizens are to be protected, or if this protection also extends to actors filling roles in government and business.”

The ethical dimensions of knowledge may qualify the principle of informed consent not only in situations of public accountability, but also in situations where behavior is so reprehensible or immoral that it warrants exposing. Fichter and Kolb suggest that if those studied have, in effect, renounced membership in a moral community by “choosing modes of action which violate . . . basic values of dignity and worth (1953:549), rights to privacy may not apply. They offer the example of individuals like Hitler or Stalin, and groups like “Murder Incorporated” and the Ku Klux Klan, whose activities deserve to be reported in full detail. Fichter and Kolb also emphasize the great responsibility entailed in judging people or groups to be outside the moral community, and they warn against making the decision lightly, especially when “unpopular” groups are involved.

This warning points to difficult ethical judgments. But the element of judgment, in a concrete situation, is always crucial to considerations of ethics. While the principle of informed consent in some ways seems appealing because it is absolute and hence apparently an ideal for all circumstances, that is precisely one of its limitations. In its abstract individualism, the vision is narrow; it ignores historical and social contexts and questions about the purposes of knowledge. By itself, the doctrine of informed consent does not do full justice to the complexity of the ethical judgments fieldworkers confront.

There is danger that contemporary discussions of the ethics of social research will follow

9. As Richard Colvard (1967: 341) has suggested, informed consent is closely tied to the right to privacy, a broad right to be let alone and free from intrusion in one's personal life. Legal conflicts between the rights to privacy and free speech are pertinent to the ethical dilemmas bound up with informed consent.

primarily along the lines set forth in the new federal regulations. While the doctrine of informed consent is central, it is not exhaustive, and we should not let it blind us to important questions about the responsibilities of social scientists and the ethical uses of knowledge in contemporary society.

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