Relating to Carpenter's virtuous research ethics committee

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Abstract

The chapter reflects on the strengths and limitations of David Carpenter's proposal to support the work of research ethics committees through consideration of the virtues their members require. Carpenter's approach has many strengths, responsibilising researchers and ethics committees, and increasing the scope for robust and active theoretical engagement with ethical issues. I bring two alternative perspectives on research ethics to bear on this discussion. Firstly, I discuss work in care ethics and relational ethics, approaches to ethics that have some similarities with virtue ethics, but also distinct differences. Bruce Macfarlane's text, on which Carpenter draws, notes care ethics briefly. I offer a more detailed consideration of what this perspective can offer, both for research ethics and for the virtuous research ethics committee. This helps to identify the relationships that are missing from a virtue ethics focus. Further, a context sensitive relational approach suggests ways in which we can strengthen Carpenter's proposals, to help research ethics committees select between competing principles or virtues. Second, my research ethics expertise is in undergraduate teaching for a multidisciplinary course, and an enquiry-based learning programme, which allows students in mixed discipline groups to plan, conduct, report and present their own original social research. The research skills training provided includes an interactive introduction to research ethics, what they are for and why they matter. Since we aim to offer practical guidance to research ethics committees when they consider what they should do and how this should be done, such a first principles approach may be useful.

Introduction

David Carpenter argues that while much practical guidance about research ethics is provided to researchers, little practical advice is available for research ethics committees and their members. The guidance that is available exists in the form of codes of practice and ethics checklists, however these tools are intended for, and prepared from the perspective of, researchers. Tools specifically designed to support research ethics committees are vanishingly hard to find.

For the researchers whom these research ethics tools are intended to provide support, it seems that these tools are too often experienced as hurdles to be overcome and put aside; rather than as a continuous support, facilitating good, strong, valid and valuable, and above all ethical research. These tools for researchers may be well-intentioned, aiming to provide clarity around what researchers in a given field need to demonstrate in order to evidence that they are thinking ethically about their research practice. But any tool is of limited use if it cannot be easily employed in the environment in which it is most often required. Anecdotally, at least some professional researchers appear to be made uneasy by checklists, seeing them more as a set of hyper-sensitive, risk-driven barriers to research. Checklists and codes may have limited usefulness for researchers as supportive structures, intended to facilitate ethical decision-making in practice. However, particularly for those complex, sensitive issues where social research is most needed, such checklists and codes may be too simplistic to be of any great use. Finally, checklists and codes do not directly support the work of research ethics committees.

The trouble with research ethics committees

Carpenter raises further concerns about the codes and checklists, which aim to provide practical guidance to researchers to support ethical research. Firstly, the plurality of guidance aimed at researchers is easily confusing. Researchers must often satisfy the separate ethical requirements of their research institutions, professional bodies, funding providers, research partners, and key stakeholders. The diversity of requirements may help researchers to ensure the risks affecting their particular research are sufficiently covered from a variety of perspectives. However, this diversity may be confusing for researchers and research ethics committee members alike. Just because one party's set of ethical requirements does not explicitly cover a particular issue pertinent to the proposed research project does not necessarily mean that the committee should not consider these issues, or ask the researchers to do so. However doing so may cause confusion. This potentially produces a duplication of effort for committees, or conflicting requirements for researchers, or both. How should ethics committee's oversight be guided? Carpenter considers the following resolutions: by conformity to an agreed code, by adherence to an agreed normative ethical position; by following systematic checklists; or by reflecting on the committee members' individual emotional reactions and personal moral code.

Carpenter first notes that adherence to codes does not guarantee that ethical issues arising in a research plan are sufficiently acknowledged and addressed. This resonates with another criticism, first raised by Bernard Gert (1997) in relation to Beauchamp and Childress (2013), and which Carpenter picks up in his chapter (this volume): it is erroneously and dangerously assumed that, by simply linking a concern with a principle, a research ethics committee has successfully theoretically and critically engaged with the potential ethical problem. When research ethics committees use guidance framed for researchers in their critical ethical oversight work, this provides a shared lexicon. Potentially, linking ethical concerns with tools designed to help researchers may facilitate the communication of problems to researchers, by identifying and categorising ethical difficulties. Yet, Carpenter argues that nothing of substance is helpfully added to the original intuitions of the research ethics committee members. He raises further concerns that checklists and codes of practice are in fact used by ethics committees to explain and justify concerns retroactively, and to give expression to committee members' intuitions.

Reflexive ethical engagement & teaching research ethics

Research ethics tools, like codes of practice and checklists, can be useful pedagogical devices. Students, at least, like codes of practice, checklists and structured sets of principles. Lists and conceptually related ideas are easier to remember, they can provide a necessary first step in beginning to understand the underlying ethical concerns which might apply to research practice. Understanding is, in turn, a necessary precursor for applying ethical thought to research practice. Checklists are then helpful for introducing new ideas to novice researchers and, when they work well, they help students to begin to understand the ethical issues surrounding research. However, precisely because codes and checklists are easy to remember, there is a danger that these approaches can be uncritically learned by rote.

For the more experienced researcher, practical tools and theories, such as Principlism, allow us to group intuitions and concerns under headings for closer examination. In the case of Principlism, these are autonomy, beneficence, non-maleficence and justice. To be clear, as

Bruce Macfarlane notes, these principles can and do conflict (2009 27-32). And as Gert (1997) notes and Carpenter (this volume) echoes, simply linking an intuition of concern with a principle is not sufficient for critical engagement. Yet, organising our ideas through the conceptual lenses offered by codes, checklists and theories such as Principlism, may be a helpful first step. This approach can facilitate researchers' critical analysis of our research practice, to identify where and how the ethical issues around research fit together, come apart, and where and how they *conflict*. This critical practice allows researchers to engage reflexively with the ethical issues generated by research, at all stages of the research process. Such an approach could be a useful investigatory tool for research ethics committees and could facilitate communication. Yet, Principlism alone may overly emphasise the labelling and grouping of concerns, as Gert and Carpenter identify. The ethical oversight provided by research ethics committees further requires critical engagement with these intuitions.

Students and, one might add, more experienced researchers, can sometime struggle to see the relevance of *all* of the points on a standardised checklist for their particular research projects. This is certainly true of student research projects, which are small-scale, low budget, and short duration. Carpenter notes that it is not easy to identify generalisable principles, particularly those that could be usefully shared in common across the learned societies in the Academy of Social Sciences. While some level of universal ethical code could be desirable for high level shared discussions, they are more difficult to handle in practice. A universal code would have had to be prepared in very abstract terms to command overlapping agreement. However, as an abstract overlapping agreement necessarily has several ways of fleshing out the details then, by definition, such an overlapping approach could not provide clear, practical, actionable guidance to help us to pin down *how* we should decide *what* we should do, in any particular case. The shorthand of codes and checklists might be a good starting point to facilitate communication about general ethical concerns, but each project will raise unique ethical issues.

Complex abstract positions on potential ethical problems can be made accessible and clear to non-specialists (either lay ethics committee members, or researchers who are not ethics specialists themselves) through the use of concrete illustrative examples. Carpenter worries that this may draw the attention of both ethics committee members and researchers to focus on the case study guidance examples, rather than the ethical problems underlying the sample cases, which we then seek to negotiate. So how should research ethics committee members, make a decision in any particular case? Which interpretation of which abstract principles should we choose? Which is the relevant exemplar case? How should we make these choices? Potentially, abstract principles that may conflict, such as those of Beauchamp & Childress, could obscure as much as they are intended to elucidate about the core ethical issue of concern.

Macfarlane's virtuous researcher

In *Researching with Integrity*, Macfarlane (2009) draws on virtue ethics to consider the virtues which researchers need to employ and, ideally, to inhabit and embody, if they are to plan, conduct, analyse, store and report their research and finding ethically. This approach shifts the focus from *what must be shown to others* - in order to evidence that the researcher has undertaken appropriate ethical reflection and action (the focus of checklists) - to *how researchers ought to conduct themselves*. The virtues an ethical researcher ought to embody inform both *what* they should do and *how* this should be done. Checklists, codes and, to an extent, the presence of external oversight itself, allows researchers to outsource final decision-making responsibility - about the ethical appropriateness of their proposals and

research decisions in practice - to the research ethics committee. Macfarlane's notion of the virtuous researcher, who acts with ethical integrity, who will take responsibility for the ethical impacts of her research on individual participants, interested parties and stakeholders, and who is cognisant of her responsibilities towards wider communities, can do no such thing.

The virtuous research ethics committee

Carpenter proposes that we can support research ethics committees in facilitating ethically sound research by identifying the virtues the research ethics committee and its individual members ought to display. We should expect to see these virtues in the consideration of and response to research proposals, and in the individual and collective actions of good research ethics committees and their members. In his chapter, Carpenter lays solid foundations for such an approach, beginning the work by cataloguing the virtues of research ethics committees and their members: *intelligence* in understanding, *sensitivity* in empathising, *discernment* in focus, *perspicacity* in clarification, *co-operation* in deliberation, *reasonableness* in concluding and *reflexivity* in broader reflections.

Carpenter's virtue ethics approach is broadly successful in remedying the problems he identifies with Principlism. Considering the virtues that are practically important for research ethics committee members helps to address some of Carpenter's core concerns. First, Carpenter's approach makes available research ethics tools designed specifically for research ethics committees, allowing committees to set aside reliance on the confusingly diverse range of research ethics tools primarily designed for researchers. Second, virtue ethics guidance aimed specifically at research ethics committee members has potential to address Carpenter's further concerns about the lack of theoretical ethical critical engagement. This offers scope to both replace and reduce the retroactive use of research ethics guidance as ex-post rationalisations as well as providing more ex-ante action guidance for appropriate engagement practices on the other. However, there remains a difficulty with this approach. How can we identify which principle, or more correctly in this mode of thinking, which *virtue* we should apply or prioritise in which case. Furthermore, how can we defend our selection if and when the underlying principles conflict? If we can resolve this problem, then Carpenter's virtue ethics approach has much to recommend it. Drawing on some underdeveloped points from Macfarlane's earlier work, I aim to strengthen the case for thinking about research ethics committee virtues as practicable action guidance. I illustrate what Carpenter's approach might achieve and consider some of its limits.

Virtue ethics, research ethics and care ethics

Macfarlane briefly notes the ethics of care in his *Researching with Integrity* (2009). Parallels have been drawn by some between virtue ethics and care ethics, so, while Macfarlane's work focuses on virtue ethics, his gesture towards care ethics remains relevant. Furthermore, Macfarlane's analysis of care ethics is somewhat limited. Referencing Carol Gilligan's work, *In A Different Voice* (1982), Macfarlane primarily introduces care ethics is to illustrate that differences between researchers mean that different researchers may perceive the same ethical problems differently, taking gender differences as an example. Macfarlane does not engage with care ethics, merely using it to suggest that we should take into consideration the gender of the researcher when evaluating the researcher's ethical decision making and actions (2009, p.43).

It must be stressed that the empirical correlation tentatively hypothesised between gender and approach to moral reasoning in Gilligan's early work has not been borne out by later research. It may be true to suggest that women and girls are socialised in different ways to men and boys, and that this then informs their attitudes towards rules, relationships, and emotions.[1] However, while this difference in socialisation may explain why many women and girls appear better equipped for care ethics reasoning, and why many men and boys appear to appeal apparently more intuitively to rule-based reasoning, both approaches are available to us. Nor is gender the only source of such salient contextual differences between researchers. When we are considering differences between researchers to evaluate ethical decision-making we might, as Macfarlane suggests, consider the role accorded to individual autonomy in 'Western' culture, and contrast this with collectivism in Asian and Japanese cultures (2009, p.31). These might result in differing interpretations of the same principle, such as that of respect for persons, for example.

The connection between care ethics and virtue ethics has been widely noted - Virginia Held, for example, argues that care ethics has precursors in virtue theorists from Aristotle to Hume and the moral sentimentalists. Yet there is also a strong resistance to the idea that care ethics can be subsumed by, or merely modifies virtue ethics. This is because the notion that care is a virtue fails to grasp the relationality that lies at the heart of care ethics and its perspective on ethical issues. Virtues concern the perfection of the individual (or collective). They do not consider human persons as necessarily vulnerable and interdependent, as always in relation to and with others, or the practices required for maintaining relationships and meeting needs for living well (Tronto 2013, p.36). While virtue ethics has contributed to the development of the ethics of care perspective, care ethics is nevertheless distinct from virtue based approaches. Held ultimately argues that care and relational concerns should be understood as the 'wider network' or moral framework, encompassing justice, utility and the virtues (2006, p.77).

Carpenter's consideration of the virtues which might be used to inform his notion of the virtuous research ethics committee has great potential to provide exemplary guidance to support a research ethics committee's work, without prescriptively and restrictively telling the committee exactly what to think, or how to do its job. Just as for the virtuous researchers described in Macfarlane's *Researching with Integrity*, the virtue-based approach has potential to shift the focus from the underlying values to how we should act, by thinking about action guiding virtues. Carpenter's virtue ethics approach begins to responsibilise both researchers and research ethics committees for their own part in good ethical conduct and good supportive ethical guidance respectively. The virtues described are complementary and holistic in nature, which resonates with care ethics. For care ethics, taking *responsibility* for a *competent* display of virtues and practices is considered central to the *integrity* of care (Tronto 1993, p.136). Similarly, Macfarlane recognises integrity as necessary for meshing the values and practices of virtuous research with the researcher's identity (2009, p.45). Nevertheless, what appears missing in Carpenter's consideration of the virtues of the research ethics committee, and in Macfarlane's consideration of the virtuous researcher, is relationships.

Research ethics and research relationships

[1] Macfarlane separately acknowledges emotions as an important factor in moral decision making. While Macfarlane describes Principlism's perception of emotions as 'negative', he argues that emotions cannot be disentangled and set aside easily from ethical evaluations, and that it is 'dangerous' to make moral decisions without emotional reactions (2009, p.30).

Research ethics are of particular importance in biomedical and social studies, since research processes and research findings often significantly impacts on natural persons, real human beings, whether direct research participants or not. These impacts are often more than passive external effects and, even when they are collateral consequences of the researcher's actions, they should still be considered in an assessment of the ethical impact of the research. Relationships are the loci of the research decisions and actions that we seek to ensure are ethical. These relationships include relations between researchers within the research team; between research ethics committee members; between the research team and the ethics committee; and between researchers and research institutions, funders, professional bodies, participants, gatekeepers, stakeholders and other interested or affected parties. We can recognise these relationships as sources of research and ethical obligations, interdependence, and potentially, ethical tensions.

Acting ethically requires more than careful reasoning and following rules. The virtues that Carpenter takes to underpin good ethical review includes 'intelligence', which committee members will show by trying to understand research design and its method/ology in a sympathetic or open minded manner. Further, the committee is expected to be sensitive to and alert to any problems that might arise from members' limited knowledge of a topic, field or discipline. Promoting co-operation in deliberation emphasises the internal relationships of the research ethics committee, and suggests taking and sharing responsibility for competent collaborative deliberations and actions. Reflexivity suggests a continuous review of research ethics committee practice, looking for opportunities for learning and improvement, pointing towards the integrity of these virtues.

These virtues, together with the virtue of sensitivity (and empathy), towards researchers as well as potential participants, suggest an engaged, open and responsive approach. Openness to the social and relational contexts in which the research occurs, enables the research ethics committee to contextualise and understand the salience of the ethical issues which might arise. In order to understand a research design intelligently, and to empathise sensitively, we need a context informed approach. Viewing research in context allows us to intelligently discern focal factors that are relevant for appropriately understanding the situation and any arising ethical issues.

These virtues echo those described in the practices of caring. Care ethicists write about achieving good care, by: taking account of various needs; the available resources; and the wishes of those receiving care. Offering a now influential set of virtues, Tronto identifies attentiveness, responsibility, competence and responsiveness as essential components of good caring (1993, pp.127–37), which must be practiced cohesively, or with *integrity* (1993, p.136). Daniel Engster suggests care is characterised by 'an attentive, responsive and respectful manner' (2007, pp.30–1). There is a further point of similarity between research and caring relationships: both necessarily entail imbalances of power. In caring relationships, this is most obvious when one party is dependent on the provision of assistance and support by another. This interpretation of caring is, however, too simplistic. Whilst any particular instance of care involves one party providing and another receiving care, we should be aware of the on going nature of these exchanges. Relationships of care persist over time and involve both direct and indirect reciprocity, allowing both parties to give and receive care between themselves and others. Caring relationships are sometimes described as 'nested', where care is 'paid forwards' through indirect reciprocity, rather than directly paid back (Kittay 1999, p.68). Likewise, research relationships have 'nested' dependencies. In research relationships, researchers rely on participant's co-operation and funder's willingness, but the research findings and the ways in which these are reported have significant consequences for participants, stakeholders and other interested parties.

It is not enough for Carpenter's virtuous research ethics committee to display one or some of these virtues. For virtuousness, the committee and its individual members must display them all. The virtues Carpenter emphasises for research ethics committees - sensitivity, reasonableness and co-operation – implicitly recognise the interdependence with ethics committees between members, and between ethics committees and research teams. This approach leaves space for the situatedness of relationships between researchers and a variety of interested parties, and echoes the concerns of relational ethics (Austin 2008) and care ethics (Held 2006, p.20). Taking a more relational approach emphasises the relational interdependence and situatedness of social research and recognises the relationships within which research takes place.

Practicing virtue when principles conflict

Carpenter's virtue ethics approach to research ethics committee guidance has much to recommend it. However, in addition to recognising the salience of relationships, there is a further benefit to drawing on the similarities between virtue ethics and situated ethical approaches like care and relational ethics. Relational approaches can help us to decide which features of a given situation, and which corresponding virtues, should be given priority. As Macfarlane acknowledges, the four principles offered by Beauchamp and Childress's have the potential to conflict with one another. There are, however, no rules for resolving such conflicts. Ethical decision making therefore requires researchers to decide which principle to prioritise (for example, respect for persons), what prioritising a principle normatively requires (for example, respect for individual autonomy or collective concerns), and how this priority should put into in practice (for example, what, if any, limits are appropriate to individual choices in this particular context) (Macfarlane 2009, p.29). Similarly, Carpenter's virtue based approach may also require researchers to decide which virtue will take priority in a given situation.

While the ethics of care and relational ethical approaches are not usually characterised as rule-based systems of moral reasoning, they can, Grace Clement argues, help us to choose between competing principles. Particular contextual information about our relationships and circumstances can help us identify which principles are important and to spot the ethically salient variables, which can help to explain and defend our decisions. By way of an example, Clement considers the provision of free school meals to underprivileged children. In this case the important issue is not just that the basic need is met, and the children are fed, it is also important that the children are not stigmatised by the way in which our actions are carried out. Context and situation informs *how* we should act, not just what we should do. It provides an action guiding reason for, in this case, choosing less stigmatising practices for delivering free school meals (1996, p.105). A relational approach does not provide all of the answers, it helps us to offer a defensible but defeasible account of our decisions and actions. There is scope for disagreement, but this encourages us to think critically about our choices, and offers more scope for guidance than principles alone.

Likewise, thinking about the relevant relationships, and the particular concrete contexts in which research is being, or will be, carried out, can help both the virtuous researcher and the virtuous research ethics committee to reason through the ethical implications of a particular context, and provide a principled reason for defending our choice. This encourages researchers, and research ethics committees alike, to actively take responsibility in making research ethics decisions; about which principles or virtues should be applied, and how the virtues should be practiced to minimise ethical risks, rather than passively or retroactively applying a label.

Conclusion

Carpenter's use of virtue ethics to provide practical, actionable guidance to research ethics committees is an encouraging step. The virtues he proposes provides a clear way for committees in particular to consider what their conduct ought to be and how they should perform their ethical oversight. This shift, from what needs to be demonstrated to what needs to be done and how, helps to responsibilise both researchers and research ethics committees, for their own parts in the joint enterprise of facilitating valid ethical research. The self-direction the virtuous research ethics committee is enabled to employ offers scope to address each of the problems Carpenter identifies with the use of checklists and codes, as used by research ethics committees:

1. that there is a confusing array of guidance;
2. that the guidance available is directed to the researcher; and
3. that the guidance is applied retroactively when used by research ethics committees, suggesting a lack of critical engagement.

Carpenter's research ethics committee virtues approach provides scope to address the core concern of reactively attaching a label after the ethics committee deliberation. Virtue ethics offers space to encouraging proactive critical engagement and reflection about what needs to be done, and how to go about it, guided by one set of virtues, as applied to research in a particular context. I have also suggested that considering the context and situatedness of various kinds of research relationships offers some scope for identifying and defending the use of one principle rather than another, reducing the problem of using a theoretical framework without apparent critical engagement. There are of course no guarantees of successfully ethically engaging research ethics committees and their members, but the opportunities for doing so will be enhanced, if we take Carpenter's virtues approach and attend to relationships and context. It is however important to remember that the purpose of engaging in reflection on research ethics is not, simply, to identify and apply ethically perfect research practices. Eliminating all risk is not possible. Rather, our purpose is to acknowledge the potential for ethical conflict and to plan ahead and identify ways in which we can devise the best available response, in terms of how researchers will deal with problems as and when they arise. Research ethics committees can support and facilitate this by similar reflexive consideration at the planning stage, but ethical reflection must continue by researchers at all stages of the project. Research ethics committee members can encourage this by taking and pursuing a virtue informed approach towards researchers, and towards their own role. Broader reflection on the context and situation of research practices may also contribute to clearer consciousness of the nuances of the issues at hand, helping researchers, and research ethics committees to provide better guidance that is tailored for practice.

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