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Ethnomusicology, Anthropology and Ethics: A practical, applied and philosophical perspective

This paper will explore how recent developments in the higher education sector in the UK have meant that researchers and institutions are required to become more rigorous in the ways in which they evidence ethical research conduct and how this may or may not conflict with the ethical dilemmas with which researchers are faced whilst conducting research.

I will explore this topic from two angles simultaneously: that of an applied/ medical ethnomusicologist having conducted fieldwork with vulnerable population groups and that of an administrative University research development professional and co-opted member for University ethics committee. During my paper I will highlight some of the common points of contention that I have come across and how these might be constructively engaged with by both research ethics and integrity committees and ethnomusicologists alike.

Basing my arguments on the anthropology of law I will demonstrate that some of the legalistic aspects of research integrity and ethical clearance should to be context and culturally specific, but are often not within the HEI sector, which bases its compliance forms on scientific models of research and Western codes of conduct. I will posit that with the increased emphasis on interdisciplinarity HEIs would also do well to adjust their ethical codes of conduct to reflect this. Lastly, and controversially perhaps, I will suggest that the legalistic aspects of research integrity clearance are perhaps closer to the philosophy of ethics than some researchers might suspect.

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Approaches to ethical awareness and administration

Slobin in his 1992 paper writes about the now defunct SEM committee on ethics (1973-80). He complains about the handbook on ethics, which he demonstrates was specifically designed to cater to the needs of 'Western' scholars working in 'non-Western' situations. Historically it seems, ethics was considered to be an ethnocentric enterprise and at the time perhaps there may not have been non-Western ethnomusicologists or for that matter colleagues studying European traditions. Slobin dislikes this state of affairs in 1992. He feels that there is a lack of discussion surrounding the notion of whose ethics we abide by and that the ethical implications of contemporary research are not adequately covered. We are now living in the year 2015 and I am wondering whether things are any better frankly. Apart from interesting and provocative panels (2 no less) hosted at SEM last year which explored fieldwork specific ethical challenges and concerns in some detail, I have yet to see any *recent* activism and change in this area where the administration of our learned societies is concerned.

In terms of the production of theory around ethics; guidelines and training materials, anthropologists have a head start. As early as 1971, for example, Jorgensen 'attacks' the assertion that an ethical code for professional scientists should be based on scientific models and principles. He challenges the ontological status that some of his colleagues accorded science and the imperative to "advance" it. Whilst of course definitions of what a 'science' is vary across countries and

continents, his point of departure is clear: he will not approve of ethical assessment processes which enforce a system that only favours the use of scientific paradigms, the Gold Standard or a system which insists on replicability of results and the use of quantitative methods if these are inappropriate methods for the enquiry at hand. In 1971 his work also prophetically alludes to government and industry requesting access to large amounts of anthropological 'information' (read open access/ data) and he predicts an increase in covert research and surveillance work. This he argues, raises crucial questions on ethical approaches to dissemination. In 2005 anthropologists Harper and Corsin Jimenez acknowledge that anthropology as a discipline is entangled in 'complex institutional and political structures which extend beyond the dialogical relationships of fieldwork'. In their article, they argue for an 'ethics beyond legalism' which is less based on committees and paper work and more on assessing actual ethical concerns. This approach should not be, so they argue, legalistic, reactionary, restrictive and adjudicative. Neither should any solution seek to codify behaviour in anticipation of legal challenges.

Here we look towards the anthropologists, philosophers and historians of law. They have long since understood that laws are culture and context-specific. As early as 1748 Montesquieu in his *The Spirit of the Laws* writes: Laws should be so appropriate to the people for whom they are made that it is very unlikely that the laws of one nation can suit another.' It is however, quite recently that the term 'culture' has entered into legal debates. Its usage has shifted too. Cowan, Dembour and Wilson, 2001 express a concern 'with the implications of introducing 'culture' into legal rights talk. Although 'rights' and 'culture' have emerged as key words of the late twentieth century, their relationship to each other, both historically and in the present has been conceived in quite variable ways.' There has been a shift from 'political claims-making' emanating from social equality debates to claims of group difference, and defining this as a feature of the 'post-socialist condition'. The shift draws on forms of activism and critique developed within the past 5 ½ decades, particularly Northern America and Europe. Therefore, one could argue that these debates on legalism in relation to cultural difference are in themselves rather ethnocentric, let alone the Western legal system that perpetuates them. They are a product of Western scholarship. It therefore behoves us to be careful when making ethical judgements based on the 'rights' and 'culture' narrative as well.

As an applied researcher I am also interested in the practical implications of such theoretical thinking in Western higher education institution. Many argue that the law and especially its implementation, have very little to do with ethics. This I do not think is entirely correct. The law exists in order to ensure that those who have committed a misdemeanour are appropriately tried, judged and if found guilty either provided with guidance on how to improve their behaviour or punished. This to some extent requires some form of consensus as to what counts as a misdemeanour in relation to a culture and a person's rights and position within it. In other words decisions have to be made as to what is "right" and what is "wrong" and why this is the case. This decision and what counts as appropriate behaviour, under what circumstance and by whom is then encoded in some agreed form. Consequently the law may, but does not always, essentialize categories, fix identities or have preferred modes of working to the detriment of one party or another. This practice of law, in many European countries, is paper-based, relies on testimony as well as good record keeping.

The upshot of the ***implementation of the legal system*** and the scrutiny challenges that it brings about are the problem, not necessarily the making of legal judgements. Having attended seminars by barristers I have learnt that very often a fair amount of judgements are made based on moral decisions and cultural preferences, not the letter of the law or the concomitant paper work.

Due to the need to implement legal frameworks though, forms, policies and guidelines are designed based on the actual or perceived needs of researchers. Historically ethical clearance pertained more to the biomedical sciences than the social ones, so it should come as no surprise that the prevailing models of ethical scrutiny and training, for better or worse, are medicalised. Now that the social sciences, arts and humanities are being reviewed more rigorously in terms of their practice, new ways of working need to be developed. From a University's administrative perspective this, I can tell you, *is an absolute nightmare*. No administrative form will ever cover all normative, day-to-day ethical challenges across all disciplines working within one institution. Any meta-ethical guidance, providing overarching approaches is forever being criticised for being either too vague or inappropriate. Similarly, no ethical policy would be able to cover everything. This policy would otherwise be in constant need of revision and never-ending. Yet, funding bodies and government require ethical clearance and misconduct still occurs, so naively abolishing ethics committees altogether would not be a workable solution either in today's context. Maybe discipline-specific solutions might be found?

This is where those in senior positions of authority within disciplines and on ethics committees can provide advice or examples for workable, acceptable alternatives for administrators and science colleagues. Like Harper and Corsín Jiménez suggested in 2005, I believe researchers should be less defensive and engage with others outside the academic profession or their discipline to facilitate change. This collaborative approach I wholly endorse. As a research development professional myself, I can assure you not all of us are as ill-informed as you might think. We are very keen on change ourselves, especially if we are also active researchers!

As for the creation position statements and training by our very own learned societies, the situation is patchy, as far as I know. [CHANGE SLIDE]

Presently, it is my understanding that:

The BFE are developing an ethics statement but there have been some problems having it ratified by the BFE committee.

The ICTM have no statement or guidance for ethical issues which I could identify. The question is: can and should there be one for an organisation affiliated to UNESCO, which already has its own overarching ethical protocols or is there a more discipline-specific one that might be developed to complement existing memoranda and guidelines?

The SEM have an ethics statement available which is somewhat on the geriatric side, dating from 1998. It is complemented by a 'position statement on IRBs' from 2008. This in itself is a step in the right direction in that SEM is prepared to make such a statement and recommendations on behalf of its membership as to how IRBs might wish to consider approaching ethical assessments of ethnomusicological work. Is this enough though, to bring about long-lasting and beneficial change

which will benefit ethnomusicologists (inter) nationally and should it, given the various ways in which ethical approval is handled administratively internationally?

The American Anthropological Association is much better here: it manages an ethics statement, provides blogs, gives examples for classroom exercises and training and maintains lists of literature and other resources. The Association for Social Anthropology even goes so far, or has done in the past, to act as an independent advisory body where appropriate and necessary. I am not suggesting that ICTM , SEM and BFE goes as far as that as it can compromise the neutrality of a learned society and brings with it the potential for time-consuming and costly legal wrangles for which there is not necessarily the appropriate expertise, funding or time. However, at least the AAA and ASA are actively engaged in lively debate and pro-active training for and with their membership. I believe we ethnomusicologists ought to follow suit.

I believe this because in ethnomusicological circles, existing ethical statements no longer cover the diversity of research activity undertaken. In an excellent paper I attended at last year's SEM, doctoral student Stephen Millar lamented that his covert research methodology was never problematized in ethnomusicological discussions on ethics, let alone acknowledged in ethical statements. He suggested we consider reviewing Fine's 1993 article on the 'Ten lies of Ethnography' where Fine questions the morality of ethnography and ethnographers extensively. Similarly, Irish colleagues (then students) worried they had not received adequate support in how to deal with difficult situations in which their musical activities became inadvertently and unintentionally intertwined with Irish political divides and violence. Clearly researchers, especially interdisciplinary, early career and post graduate colleagues are in need of advice, training and guidance. Our discipline has evolved in response to an increased emphasis on interdisciplinarity and impact which have stimulated our discipline's applied and practice-based research portfolios. Therefore, we need to prioritise finding an approach to professional ethics through advocacy and praxis with our own communities. Perhaps we should begin looking at other social sciences for guidance on how they address these issues?

Awareness of ethical issues is in evidence in our publications and is more often than not, context-specific and related to particular research enquiries and relationships between the researcher and his/ her fieldwork partners and collaborators. This evidence is what Jorgensen labels as *'normative ethics'*: it adjudges day-to-day actions and decisions as being "good" or "bad" or both depending on points of view. Literature in our field abounds in such materials and yet we seem unable to compile readings lists and to unpick case studies to help provide training materials for students or examples for 'meta-ethical' debates.

'Meta-ethics' instead, according to Jorgensen is concerned with the meaning, function or nature of normative judgements and the means by which they are justified. Ethnomusicological discussions on IP and copyright tend to feature here quite a bit. In order for ethnomusicologists to address some of the concerns they have with RECs they need produce more meta-ethical theory for it to be usefully implemented. We should engage administrators and science researchers with these debates by raising awareness of our needs through, for example, the UK Research Integrity Office, Departmental ethics form design and so forth.

As scholars ethnomusicologists appear to be disinclined to act as advocates for our discipline by raising awareness of ethical concerns in more systematic, sustained manner at (inter) national level through our learned societies. This is troubling me, because in order to effect change, we need critical mass, which is what learned societies provide. This conference is about praxis through activism and community engagement. As a discipline, we are very good at being reflexive about the communities we work with and our engagement with them. We are less able and willing to address through patient praxis, advocacy and engagement the ethical review processes which may challenge our productivity. Instead, by and large, we complain about review processes to each other, call our often well-meaning scientist and administrative colleagues positivists and ethnocentric ignoramuses and lament our lot at conferences such as this one. Enough of that. I am here to offer some broad, constructive suggestions on how to move things forward.

Common contentious issues at ethical review in arts, humanities, social sciences

So why am I bothering? As a researcher cum research development professional I well know that in administrative terms, if the carrot of altruism and cries for 'ubiquitous trust for the common good' fail there's always the stick of compliance. Research misconduct happens more frequently than is often appreciated, and takes on a variety of forms, unfortunately. Denying this would be naïve. Ideally, however bodies like ethical review boards and the UK Research Integrity Office are there in an advisory capacity to assist with improving research methods and dissemination activities. They exist to ensure that the equality, diversity and academic rigour of research enquiries is upheld and that if things do not go as well as they should all parties concerned receive a fair trial or hearing. So what then goes wrong? Why is it that at the UK Integrity Office's annual conference Economic and Social Research Council panellist Prof Linda Woodhead, a sociologist of religion, publicly asserted that social science research was being 'strangled' through ethical review processes? Are we not, to some extent ourselves to blame, for our relative lack of engagement with the powers that be? Why have we not, using our critical mass, helped to educate our own University administration using our joint efforts on some of the following challenges? [CHANGE SLIDE].

I think the answer lies in the previously mentioned historical relationship between implementation of legal systems, the relative historical absence of ethical clearance for arts, humanities and social sciences and the current lack of adequate awareness amongst staff and students alike as to how to influence institutional policy-making appropriately. So, herewith some suggestions from someone who knows and needs your help [CHANGE SLIDES].

Muriel's 5-point action plan:

1. Generate more theory on meta-ethics and compile reading lists of good examples in normative ethics.

2. Prioritise the creation and maintenance of ethics statements, training materials and dialogues. Update these regularly. Share these internationally.

3. Create a critical mass of sustained and sustainable activity to help get the message across to those *outside ethnomusicology*.

4. Train students in how to deal with discipline-specific ethical challenges, including newer trends in medical ethnomusicology/ covert research etc.

5. Actively and positively engage with professionals outside the academe + other social scientists to effect change

How you do this will be context specific of course, but if you ever need any ideas, I am, for one, at your service. Good luck!