



## ETHICAL GUIDELINES -A Summary and Guideline Explanations

### Summary of Ethical Guidelines

This summary is explained in more detail with examples in the document Ethical Guidelines for Research at KUC.

#### Fundamental Principles

The basic idea is that we should treat everyone involved in research as a person not merely as a means to furthering research or other goals. One way of thinking of this is through two general principles of Justice or Fairness. Research may give rise to social and economic inequalities. In simplified form, the ideals researchers should aim at, from this perspective, are these:

The Liberty Principle Maximize and equalize liberty.

The Difference Principle Promote equal opportunity and maximize the advantages of those who have the fewest advantages.

The first principle encourages us to make sure that nobody involved in the research is placed under restrictions we ourselves would not want to endure, while the second principle moderates the arguments one often hears about the benefits of research outweighing the harm. The second principle asks us to consider who gets the benefits. It requires us to make sure that any benefits to those who are well situated must also be matched by benefits that bring those at the bottom up. Those who are economically, socially, intellectually, or in other ways underprivileged must, therefore, be given special consideration when they are research subjects.

Some more specific principles that help us to follow these very general liberty and difference principles are these:

Unless conflicting duties outweigh this, researchers have a duty to

1. respect the anonymity, privacy and confidentiality of subjects and others affected by research
2. get informed consent prior to conducting experiments on competent adults
3. prevent harm to all affected by the research giving special attention to the vulnerable
4. attempt to benefit all affected
5. keep promises
6. be honest as distinct from merely telling the truth (Deception may be part of the experimental design, but participants must be properly debriefed.)
7. make reparation for harms done, even if they are unintentional harms
8. be just
9. advance knowledge
10. give credit where it is due
11. anticipate the uses to which the research will be put

We weigh these duties one against the others in the light of the liberty and difference principles. To do this, it is usefully to put oneself imaginatively in the place of each kind of person who might be affected by the research: researchers, participants, those close to them, anyone who might benefit from the research, and anyone who might bear a burden because of the research. If, from any of these vantage points, the research is something one would accept, then it probably can be justified by the principles above.

## Fundamental Principles

Some fundamental principles that may help guide thinking about research are principles of Justice or Fairness. Research may give rise to social and economic inequalities. In simplified form, the ideals researchers should aim at, from this perspective, are these:

1. The Liberty Principle Maximize and equalize liberty.
2. The Difference Principle

Promote equal opportunity and maximize the advantages of those who have the fewest advantages. In their more precise form, as Rawls puts them in *A Theory of Justice* (p. 60, p. 83) these principles read as follows: Each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others. Social and economic inequalities are to be arranged so that they are both (a) to the greatest benefit of the least advantaged and (b) attached to offices and positions open to all under conditions of fair equality of opportunity.

These principles tell us how to be fair or how to do our duty of Justice; however, they are not intended as mere abstractions that could be used by an impartial and detached judge. The idea is that we must apply these principles so as to recognize the strong relationships between people and the primacy of human sympathy in our moral dealings with one another. There is a debate raging about whether to be caring or just, involved or detached that is seen as a false dichotomy from this standpoint. Principles like these are not for detached, perfect, ethical decision-makers, but for people acquainted with the coarse exigencies of life in the muck of the mundane. To be caring is to be fair, though not necessarily in a detached way. Still there is no doubt that looking at research from this Social Contract perspective tends to emphasize the broad social concerns more than the one-on-one personal dealings emphasized by, for example, Care Ethics. In fact, these principles are offered to deal mainly with institutional justice as fairness.

## Examples of the application of these principles

Suppose an anthropologist at Kwantlen Polytechnic University wants to do research on people in a country suffering under a dictatorship. Anthropologists have, on occasion, unintentionally abetted repressive regimes. The Liberty Principle would require a researcher gathering information about a group to be sure that this information could not be used by governments or other groups to oppress the group being researched. As long as the freedoms of the research subjects or participants are respected, the liberty principle would also promote the academic freedom of researchers.

Now consider a faculty member doing Marketing Research through the college and in conjunction with a commercial partner. The knowledge and experience gained by the researchers may be very valuable. The Difference Principle would ensure, for instance, that students, who are unequal in power to faculty in the college, would have a fair share of the benefits and burdens of research in which they are involved whether as participants or researchers.

One practical way of thinking about the application of these principles to research is to imagine what that research would look like from outside the researcher's situation. If we did not know whether we were to be subjects, researchers, members of funding agencies, members of the Research Ethics Board, members of the public indirectly affected or others affected by the research, how would we view the research project then? The Liberty and Difference Principles are one kind of suggestion about how we could step back from our own view and see the research from multiple perspectives. These principles are intended to guide us to making the research fair for all affected. We ought to preserve the freedoms of others as well as our own. We ought not to take advantage of those who are already at a disadvantage and to distribute the benefits of research to those who need them most.

The Tri-Council Policy <http://www.sshrc.ca/english/programinfo/policies> puts forward some guiding principles that may be interpreted through the Liberty and Difference principles:

- 1) Respect human dignity.
- 2) Ensure free and informed consent.
- 3) Protect the vulnerable persons affected by your research.
- 4) Preserve privacy and confidentiality.
- 5) Respect justice and inclusiveness.
  - a) Use a fair ethics review process.
  - b) Fairly distribute the benefits and burdens of research.
- 6) Balance harms and benefits.
- 7) Minimize harm.
- 8) Maximize benefit.

Justice as fairness is defined by the Liberty and Difference principles. They tell us how we may rightly balance harms and benefits. A mere cost/benefit analysis is not enough. Distributions that maximize benefits over all may be very unfair to a particular group, and our principles place limits on the way in which we let consequences of our research justify research. We must use morally good means to bring about morally good ends. By honoring human dignity and protecting the vulnerable, we help those who are at a disadvantage in social and economic relations. We preserve their freedoms as well by ensuring autonomy through free and informed consent and respecting their privacy. The principles espoused by the Tri-Council can be understood as elaborating the Principles of Liberty and Difference, but they are also limited by those principles on this interpretation of that document.

For example, the Liberty and Difference principles explain why not all subjects of research should be accorded the same protections. Vulnerable minorities would have to be strongly protected from culturally insensitive investigations and revelations that might limit their liberty. An investigation of public figures, on the other hand, would not be an investigation of a disadvantaged group. They could not shelter behind our principles to avoid the spotlight that research may throw on them. After all, they have intentionally sought the spotlight. In fact, maximizing liberty for all sometimes depends on research that has unfavorable consequences for research subjects in positions of power or prestige. They must be treated fairly but that is not to be treated as if they were vulnerable or disadvantaged.

The duties of researchers espoused by the steering committee at Kwantlen Polytechnic University may like the Tri-Council's principles be gathered under the umbrella of the Liberty and Difference Principle. These two principles can be used to better understand what these moral duties are and how to weigh and balance them one against the other. These duties sometimes conflict with one another. The Liberty and Difference principles may be used to resolve such conflicts.

Unless conflicting duties outweigh this, researchers have a duty to

1. respect the anonymity, privacy and confidentiality of subjects and others affected by research
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5. keep promises
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Clearly one cannot do all of these duties in all research projects. They are guides to action and must be weighed and balanced against one another when they conflict. In this balancing process, the duty of justice is elevated by the Liberty and Difference principles to a duty that illuminates the others.

Now let's see how we use our two main principles to weigh and balance these duties. Investigation of politicians, we have noted, may not be beneficial to them nor accord them privacy. It may even harm them. Nonetheless it may advance knowledge and serve justice in accord with the Liberty and Difference principles and would not incur a duty of reparation. The duty of reparation is outweighed in our earlier example. Public figures waive a right to privacy with respect to those parts of their lives that depend on public trust, like their management of public institutions. Liberty depends on publicity and gives researchers other duties than protection of privacy in such cases.

On the other hand, if relatively powerless members of the community are used as subjects and researchers reveal information that causes them harm (as in our example of the Anthropologist) this would be in conflict with the Difference Principle. In that case, the duty to respect privacy weighs heavily in our evaluation of the research. If that duty is ignored, and the vulnerable are harmed through publicity, then a duty of reparation would be incurred.

These duties may be thought of as default positions. Unless there is an overriding duty, we must assume that we have these listed duties in a particular project. Of course, duties must be done in a caring way rather than with litigious zeal. They are guidelines that need interpretation and humanizing in any particular case. Whether one uses the device of the Liberty and Difference principles to do this or not, these listed duties and the Tri-Council Principles serve as a starting place for taking a long hard look at what we propose to do when we study our fellow human beings.