

Reframing Research Ethics: Towards a Professional Ethics for the Social Sciences

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Abstract

This article is premised on the idea that were we able to articulate a positive vision of the social scientist's professional ethics, this would enable us to reframe social science research ethics as something internal to the profession. As such, rather than suffering under the imperialism of a research ethics constructed for the purposes of governing biomedical research, social scientists might argue for ethical self-regulation with greater force. I seek to provide the requisite basis for such an 'ethics' by, first, suggesting that the conditions which gave rise to biomedical research ethics are not replicated within the social sciences. Second, I argue that social science research can be considered as the moral equivalent of the 'true professions.' Not only does it have an ultimate end, but it is one that is – or, at least, *should be* – shared by the state and society as a whole. I then present a reading of confidentiality as a methodological – and not simply ethical – aspect of research, one that offers further support for the view that social scientists should attend to their professional ethics and the internal standards of their disciplines, rather than the contemporary discourse of research ethics that is rooted in the bioethical literature. Finally, and by way of a conclusion, I consider the consequences of the idea that social scientists should adopt a professional ethics and propose that the Clinical Ethics Committee might provide an alternative model for the governance of social science research.

Keywords: *Research Ethics, Professional Ethics, Social Science, Democracy, Bioethics*

Introduction

- 1.1** This article is premised on the idea that were we able to articulate a positive vision of the social scientist's professional ethics, this would go some way towards enabling us to reframe the notion of research ethics in the social sciences as something that is internal or, at least, more fully embedded within its constitutive disciplines, these fields of enquiry or, as I will have it, profession.^[1] This perspective runs counter to the currently dominant view, one that is tied to perspectives on ethics that are external to social science as a professional form of enquiry, and where the discourse of research ethics is seen as offering an unbiased, non-partisan and, as a result, more objective form of normative analysis. This is something that is carried over into those aspects of institutionalized research governance that, through audit driven processes, purport to ensure research is conducted ethically. However, this conception of research ethics was originally developed in relation to biomedical research and has subsequently been applied to social science research (Schrag 2010). In seeking to question the utility of this conception of research ethics in relation to the social sciences my intent is, albeit at some remove, to mitigate the negative impact that the contemporary discourse of research ethics has had on social scientific research (Dingwall 2012; Hammersley 2010; Van Den Hoonaard 2011).
- 1.2** This essay proceeds as follows. First I suggest that, not only does contemporary research ethics have its roots in the governance of biomedical research, but the initial impetus for its emergence was the ethical challenges raised by the development of a disciplined program of biomedical research. These concerns included: the conduct of medical professionals; the potential for conflicts of interest to arise between the professional's clinical responsibilities and the demands of research; and the scope of professional medical ethics. Whilst research ethics – or, rather, the implementation of a procedural solution to the concerns of ethical research in the

biomedical sciences – provided some resolution to these issues, we might ask if the same questions arise in other contexts, such as in social scientific research and, thus, if the same resolution is required. Whilst recognizing that some social scientific research is, today, conducted by those who have other professional responsibilities I suggest that, for the most part, social scientists do not labor under the same or even similar ethical conditions similar to those that initially gave rise to research ethics. As a result we are in a position to reconsider the ethics of social scientific research is whether or not they might be encompassed by the professional ethics of social science researchers.

- 1.3 In this light I suggest that whilst neither academia nor academics underwent a classical process of professionalization they – we – can be collectively considered as a profession in the moral sense of the term. This is what we might call a 'true profession,' the practice of which aims at some kind of higher good. Furthermore the nature of this good, and the practical requirements of its pursuit, gives rise to and shapes the distinctive ethics (or, more broadly, ethos) of a profession. As such, the ethical perspectives that have been developed without a full and proper recognition of this ethos, such as those that have been produced in relation to biomedical research, may be problematic when transferred to this domain.
- 1.4 Having presented some reasons for thinking that the social sciences, or 'research' more generally, might be construed as a professional activity I consider why, even as the discourse of research ethics has advanced, the idea of a professional ethics has not previously been given serious consideration. I first note that the professoriate pre-dates the emergence of the (true) professions and that one of the major benefits of such institutionalization, professional autonomy, was already granted to universities and those situated within them. Thus, there was no historical imperative for academics to collectively lay claim to professional status and, therefore, no impetus towards further professionalization. However, we might still consider what, if anything, the higher good of academia as a 'profession' might be.
- 1.5 In the first instance we can draw on the pedagogic and scholastic ends of the university. The dissemination of knowledge is obviously a social good embraced by the state. However, our concern is less with the educational mission of university professors than it is with the more recently developed notion of 'research.' The idea of the research university emerged in late 18th century Germany and was accompanied by a reorganization of knowledge into the disciplinary formation we currently take for granted and, on occasion, unreflectively naturalize (Wellmon 2015). In this context we might consider if research can be considered a professional activity, the pursuit of which involves some sort of socially sanctioned higher good. Whilst one might consider 'knowledge' as the required social value and end, it does not offer any normative guidance. Whilst it might bind together academics of all disciplinary backgrounds the pursuit of knowledge contributes little of substantive or practical value when we consider the ethical conduct of research. Rather, following Schrag, we should recognize that 'research' is not a singular activity (Schrag 2012), something that would mean that all researchers are members of one profession. We should instead consider the nature, motivation and ends of specific disciplines or disciplinary groupings and the endeavors, methods and methodologies associated with them. In this context, I argue that the social sciences can lay claim to a democratic ideal as its 'higher good' and, therefore, its guiding ethos or end.^[2]
- 1.6 Given this end – democracy – social science research is persuaded not for its own sake or for the sake of knowledge in itself. Rather, its pursuit is rooted in the (admittedly diverse) socio-political needs of 'democracy,' understood as an ethos or normative as an end in itself. As with any form of government democracy is predicated on the exercise of power and control but, nevertheless, it is also distinctive; modes of government that embody the democratic ethos are normatively invested in the creation and promotion of a society that is able to understand itself. This is consistent with Shils' suggestion that "[t]he true calling of sociology is to contribute to the self-understanding of society" (Shils 1980: 76).^[3] Of course we might also note that such social self-understanding will not be possessed by all citizens and, furthermore, its pursuit "is not likely to ever be a wholly consensual affair" (Shils 1980: 36). It seems, then, that social self-understanding is at least as difficult as self-understanding. More than this, it also seems that this task is "far more likely to be an act performed by only a few persons in that society" (Shils 1980: 36). According to Shils, sociologists are some of these few and, furthermore, this end – social self-understanding – is constitutive of the calling or vocation of the sociologist. What sociologists have to is a distinctive form of critical engagement, a 'social maieutics' (Bourdieu and Wacquant 1992: 201-202) that has no other source. Thus sociologists do not merely produce knowledge about the societies they are a part of, they inhabit them. As such they are socio-political actors, embedded in a democratic context, and accountable to the normative landscape, structure and ends of that context – social researchers are accountable to what Bernstein (1998) calls the democratic ethos.^[4]

1.7 Although, pace Dewey, Bernstein considers democracy to be a way of life, his discussion of the democratic ethos is focused on Habermas' "discourse theory of law and democracy" (1998: 289). Thus he presents the democratic ethos as something "that conditions and affects how discussion, debate, and argumentation are practiced" (1998: 290). This is an important aspect of what I have in mind. However, properly understood, the notion of a democratic ethos can be expanded beyond the constitutive norms that underpin (but do not determine) the political exchanges we find in Habermas' public square i.e. the discussions, debates, and arguments that concern questions of ethico-political significance. In this broader view, the democratic ethos is a set of values, norms and, perhaps, even principles that are constitute of a particular kind or sort of socio-political arrangement term 'democratic'. Given Habermas' concerns, it is understandable that Bernstein focuses on political debate. Nevertheless, understood as a way of life, the idea of democracy and the democratic ethos is something that conditions and affects more than debate. It should be understood as underpinning the broader social, cultural and institutional contexts within which such debates take place. Furthermore, it should be seen as shaping all contributions to such discussions, including the knowledge generated by (social) scientists. Thus the view presented here positions the social sciences as part of that broader context and, therefore, as normatively informed by the democratic ethos.^[5]

1.8 Whilst the notion of a democratic ethos might be seen as a somewhat tenuous basis or foundation for a profession and its ethics, it is consistent with the complexity we find in the ideals of the classic professions. For example, health is a similarly amorphous ideal that, nevertheless, serves as the end of medical practice. Furthermore, properly understood, the nature of confidentiality is consistent across the true professions of law, medicine, the clergy and, I will suggest, the social sciences. Whilst the discourse of research ethics has reconstructed it as a function of respect of autonomy, the professional commitment to maintain the confidence of patients, clients, parishioners (especially the penitents of the Catholic faith) and, I suggest, research subjects is, in fact, primarily adopted for methodological, and therefore instrumental, ends. Certainly, once it has been promised confidentiality takes on an ethical dimension. Nevertheless, it essentially functions as a methodological commitment. As such, the promise of confidentiality is *collective* commitment; one that is not only made by the relevant profession but by the society or, better, the state that that recognizes it. Following Luban (2007) I suggest that this, and not simply the fiduciary relationship between professional and client, is indicative of a true profession.

1.9 In the final section of the paper I consider what, if anything, might follow if we consider social science from the perspective of a professional, rather than research, ethics. Building on the idea that the social sciences are guided by a commitment to democracy I suggest the Clinical Ethics Committee (CEC) might provide a better model for considering the ethics of social science research than the Research Ethics Committee (REC).^[6] The reason for this is that RECs are organized and constituted in such a manner that they can be considered representative of our contemporary culture of audit. As Strathern has pointed out ethics is "frequently enrolled to justify auditing practices" whilst also being vulnerable to being "betrayed by or in resistance to them" (Strathern 2000: 5). Conducting research in a manner that is ethical does not imply that research must be auditable as much as it implies researchers should be accountable (Emmerich 2013).

1.10 Thus, when considering how best to understand the ethics of social science research we should consider how we might structure and institutionalize research in such a way as to promote such accountability among and on the part of researchers. Taking the CEC as a model would mean researchers engage in a more discursive and dialogical debate about the ethics of their research rather than merely 'getting ethics' (Chadwick 2015) or seeking to ensure their proposals 'pass' ethical review. Similarly committee members would be able to more fully engage with researchers and the ethical dimension of their research rather than merely applying (ir)relevant 'local precedents,' complicating information sheets, or spotting minor grammatical errors (Stark 2013; Stark 2011). Whilst CECs are certainly engaged with bioethical thinking, they are not colonized by it. The constitution of CECs is such that they maintain and promote ethics and ethical reflection in practice. Thus, engaging with this approach does not represent another reiteration of 'bioethical imperialism'; it is not a case of just another 'biomedical approach' being applied to the ethics of social science research. Rather, it represents an opportunity for the social science community (or profession) to exercise a greater degree of control over the ethics and ethical governance of social research whilst also being open to the input of others. This can include scholarly analysis from non-social scientists, such as (bio)ethicists, as well as the perspectives of research participants and organizations that purport to represent them.

The Historical Roots of Research Ethics

2.1 Whilst research ethics came of age with the advent of bioethics and, more specifically, the publication of the Belmont Report and Beauchamp and Childress' Principles of Biomedical Ethics (2009), its roots can be found

in the early history of the National Institutes of Health, Bethesda, Maryland circa 1950-1960. In presenting an account of these origins I draw on the work of Stark (2011) and Schrag (2010) who convincingly claim that the origins of ethical review of research should be located as this time and place. Their work uncovers something of the particular concerns that motivated these developments that, for the most part, are not replicated within the social sciences.

2.2 Whilst the origins of medicine as a specialized and scientific endeavour can be located in the early 18th century, and its subsequent trajectory can be traced through the 19th century,, the mid-twentieth century saw two significant developments. First, biomedical researchers were beginning to make use of placebo-controlled trials and, second, they were beginning to study healthy human beings as a *sui generis* phenomenon, not least when they were used as controls for the aforementioned trials. Both of these endeavors raised particular and relatively novel ethical questions. In the first instance, there was a realization that the interests of biomedical researchers may substantially differ from those of patients. In the second instance, conducting research on healthy individuals meant that the therapeutic basis of the doctor-patient relationship, the foundation of medical ethics, did not obtain. The divergent ends of research and patient care produced the distinct potential for a conflict of professional interests.

2.3 In *Behind Closed Doors* (2011), Stark examines the research ethics that arose as part of the advent of research on healthy volunteers over the course of the 1950s at the Clinical Centre of the USA's National Institutes of Health (NIH). This institutional and geographical specificity leads her to term the focus of her research an 'ethics of place.' Conducting research on healthy volunteers not only brought into being a new class of patient – what Stark and the NIH researchers of the 1950's called the normal patient – but also created a new type of physician, the physician-researcher. However, unlike other categories of physician that of 'researcher' was not positioned as a specialty in its own right. Rather it is an endeavour that some medical professionals pursue and do so in relation to their own field, an activity undertaken within the confines of one's clinical specialty. This remains the case even when they are conducting research in relation to 'normal patients.' For example, nutritionists based at the NIH studied the short and medium term effects of different diets on healthy individuals. As Stark puts it rather than being defined by some malaise, malfunction or illness the normal patient was defined as such in virtue of being the site of medical examination and intervention; by their status as an *object* of medical inquiry.

2.4 Given this context there was no impetus to formally *codify* a new professional ethics and, given the potential for conflicting perspectives between those from differing medical specialties, every reason not to do so. Instead, the NIH responded with a procedural approach to the ethics of research titled 'expert review' or 'group consideration.' As an essentially bureaucratic endeavour this approach to ethics could be layered on top of existing doctor-patient relationships without disturbing them. The ethical relationship that obtained between medical professionals and those they cared for was left untouched by an ethics that did little more than review research protocols. Similarly, such an approach positions both 'researchers' and 'research subjects' as objects, abstract placeholders that 'stand-in' for concrete, actual or 'real' individuals. This was an appealing strategy not only because no professional therapeutic relationship obtained between normal patients and researchers but because it was consistent with the epistemology of scientific research. Taken collectively, these points suggest why it was that, once it has been institutionalized with regard to research on normal patients, group consideration came to be applied to biomedical research more generally.

2.5 In the context of biomedical research the therapeutic nature of the doctor-patient relationship comes to be seen as a source of bias. Thus, researchers adopt a variety of methodological strategies that introduce a degree of distance between the researcher and the research subject. For example, notions regarding the need for research to be blind or double blind, as well as the randomization of participants and the need for placebo controls, are all suggestive of the way research enacts the objectification of research subjects. It is, therefore, unsurprising to find that that the process of ethical review institutionalized at the NIH is not only consistent with the way distance between the researcher and research subjects was being produced but that it is symbolically reproduced and reiterated in this new context. Thus 'group consideration' – the initial practice of which could include *interested researchers* i.e. those involved with the research being reviewed – gave way to the *disinterest* of 'expert review.' Whilst the methodology of review remained essentially the same, it was now conducted by those uninvolved with the research at hand. Those involved with particular research projects were now positioned as sources of bias, and a threat to their ethical integrity. This, what we might call a quasi-objectivist perspective on ethics, is the opposite of what we find in professional medical ethics. In this latter context, where the therapeutic relationship is seen as the foundation of ethical responsibility and, whether majority or minority, the CECs opinion is merely something for those involved with the case to consider.

2.6 The formal development of biomedical research as a programmatic form of enquiry furthered the emerging separation of biomedical research from the clinical practice of medicine. However, this objectification runs counter to the intimacy of the doctor-patient relationship and, therefore, to the professional ethics founded upon it. As such both biomedical research and its associated ethics exhibits significant potential to conflict with the accepted norms and ethics of professional medical practice. One way to resolve this conundrum would be to position research as an 'extra-professional' activity. However, beginning with Beauchamp and Childress' *Principles of Biomedical Ethics* (Beauchamp 2009),^[7] it seems clear that the substantive, and not just procedural, content of research ethics has become highly influential in the sphere of professional medical ethics. The contemporary discourses of professional medical ethics and biomedical research ethics are clearly intertwined. Thus insisting that clinical practice and research differ insofar as one is an activity undertaken by medical professionals *as such*, whilst the other is something undertaken by biomedical scientists, resolves little. The conundrum merely reappears elsewhere; if they differ, why is it that there is an evident relationship between the substantive ethics both medical professionals and biomedical researchers adhere to?

2.7 An alternative resolution would be to accept that biomedical research was, or has become, a professional activity in its own right. In this view the notion of an ethics of research was developed in order to manage the potential conflicts of interest and actual ethical tensions that arise in the planning and pursuit of research. This, it seems to me, has the virtue of being both historically accurate and consistent with our common sense of the field; biomedical research is an activity undertaken by medical professionals who are acting as such. The conclusion we should draw is that whilst it is commonly presented that way, the substantive ethics of biomedical research are not fully distinct from professional medical ethics. Furthermore, the particular administrative format(s) with which it is associated, first group consideration and subsequently expert review, acts to disperse or distribute the ethical responsibility that accrues to both the individual researcher and the profession as a whole. The objectification of research, researchers, research subjects and their relationships facilitates such collective and procedural decision-making and, therefore, the management of potential and actual ethical conflicts and tensions. This has obvious value in regards the elimination of bias and claims regarding the objectivity of the ethical perspective that results. Nevertheless, it contrasts with the ethics required when acting in particular social contexts; situations which cannot be subject to the same level of objectification and where such procedural approaches to ethics may themselves be sources of ethical concern.

2.8 Whilst the specific ethics of research has been the subject of further development it has not altered the focus that biomedical research provided. Nevertheless, the remit of research ethics has gradually expanded beyond biomedicine and now covers all 'human subjects research' broadly defined. However relatively little consideration has been paid to the differences between biomedicine and the social sciences. Furthermore, whilst one might think of the social sciences as taking the equivalent of healthy individuals or 'normal patients' as their research subjects, on fuller reflection this cannot be maintained. The normal patient is constituted by and through the fact that they are collectively distinct from those usually subject to medical interventions: patients. There is no such contrast to be found in the social sciences. Thus social scientific research does not present the same inherent potential for ethical conflicts. The responsibilities of social scientists are generated through relationships that, for the most part, are produced by the conduct of research alone. There are no other professional commitments with which they are in tension and with which they might conflict. Nonetheless, despite having significant potential to be conducted on the basis of epistemological paradigms (or moral economies) different to that of the biomedical research, social science remains subject to the same procedural approach to ethical review. One way to challenge this 'ethical imperialism' (Schrag 2010) is to consider if the social sciences are in need of a specific ethics of research or if a viable professional ethics might have sufficient scope to address the issues and concerns found in the contemporary literature. If we are to do so we must first consider if social scientists can be considered professionals in the required sense.

Professionals and the Professoriate

3.1 As Wilensky (1964) foresaw, we live in an era when everything, and everyone, has become subject to the discourse of professionalism. It is, one could say, the guiding ethic or moral norm of modern life, at least 'in public.' In this context the council does not employ Bin Men but Waste Disposal Professionals and the criteria for a good tradesman is not just their ability to do the job and to do it on time, but their professionalism; the way in which they conduct themselves as they perform the tasks they are employed to do.^[8] Such notions are, however, insufficient to formally ground a professional ethics; neither Waste Disposal Professionals nor the world's best plumber has any such thing. Thus, we should distinguish between the classic or true professions, the variety of auxiliary professions or 'occupations' and the contemporary moral norm of 'professionalism.' Whilst these

relatively simply divisions stand up to scrutiny the picture is undeniably more complex than they imply. For example, it is indisputable that medicine is a classic or true profession. Nevertheless, the notion of professionalism is clearly a central concern of the contemporary literature on medical ethics, particularly the more 'internal' literature focused on practice and education (Cruess, Cruess, and Steinert 2008). However, this is not the place to explore the current dialogue between professionalism and professional ethics, whether it be those of medicine or any other true profession.^[9] Rather, our present purpose intimate that we distinguish between the classic or true professions and those that are merely auxiliary.

3.2 In formal discussions of the classic professions the focus is generally on medicine and law however, in reflecting on the nature of the classic or true professions, we should also include the clergy and the military. In discussions of the ethical dimension of professions it is common to find the suggestion that it is, in some essential manner, predicated on the existence of a fiduciary relationship between professionals and their patients or clients (McCullough 1998; 2004). The nature of such relationships is that they are supposed to give rise to the particular ethical duties bourn by professionals and, therefore the professional ethics of medicine and law as a whole. However, in the case of the clergy or the military, it is not clear that such relationships exist. Whilst one might suppose that a priest has fiduciary duties with respect to his parishioners, it is less a matter of individual relationships than it is with respect to the parish, and the congregation, as a whole.^[10] Similarly, unless one construes the head of state as an 'individual' rather than the embodiment of a nation, the military cannot be positioned as having any fiduciary relationships comparable to those of doctors and lawyers. Clearly, unless we are to eliminate or otherwise ignore the military and the clergy from the list of the true professions, there must be some alternative to 'fiduciary relationships' that acts as the foundation for their status.

3.3 In his essay 'Professional Ethics' Luban (2007) gives some sense of what this foundation might be. He argues that we ought to restructure our conception of professional ethics from one that has two-levels to one that has four. A two-level conception presents professionals as acting in the interest of their clients. However, professionals do not pursue such ends without constraint; they do so according to the broader norms, principles and rules that guide their practice. This picture accounts for – but does not necessitate, explain or justify – the existence of a fiduciary relationship between professionals and their clients as individuals. Luban presents an expanded account via the introduction of two additional levels. He suggests we should move our focus beyond that of individual profession-client relationships, and the values, norms and principles that are positioned as guiding professional practice at the coalface. Instead we should consider the way that the role of the professional, and professions as social institutions, is collectively specified at what we might consider a socio-political level. Here, the existence of professions and professionals are justified because 'society,' and not just individual clients, values the ends of a profession. The social institutionalization of the professions facilitates their ends. In the case of medicine and law the ends can be considered as 'health' and 'justice,' whilst those of the clergy and the military are, respectively, 'the glory of god' and the (existential) security of the nation state. Such ends are shared, which is to say valued, by society more generally.^[11] Given that the values and goals of true professions are shared by society as a whole, society formally accommodates such professions so that, at least ideally, they can pursue these ends with the greatest possibility of success.

3.4 At this point it is worth turning away from trying to specify the nature of a true profession and consider if there is a *prima facie* case that academics in general, and social scientists in particular might be considered professions and professionals of this kind. It will surprise no one if I point out that the terms profession and professional are related to the term professor. All are connected to the idea of someone who not only *has* knowledge but also *professes* it. Whilst the clergy and the military can be thought of as pursuing the ends of their professions in the good of their parish and the state respectively, legal and medical professionals place their specialized and technical knowledge in the service of discrete individuals. In so doing they put the interests of their clients, or their patients, above their own. The sense in which academics 'profess' differs slightly; they do not profess knowledge in the service of others, but in order that others might learn what they know. The notion is connected to the medieval idea of the university, when universities were repositories of knowledge, and those who inhabited them were its stewards (Wellmon 2015). Their function was to hold knowledge in trust for the good of society, humanity and, we might add, the glory of god. Whilst we might think of the pedagogic endeavours of the early university as a professional activity, such claims would be unavoidable anachronistic. As used here, the notion of a profession and a professional cannot really be thought of as having currency until the 19th century. Furthermore, given that we are not primarily interested in the educational activities of academics, but the disciplined practice of social science research, there would be little value to the claim that we are professionals on this basis; we must do so on the basis that academic social scientists engage in 'research.'

3.5 In the contemporary sense of the term 'research' did not become a formally identifiable activity

undertaken by scholars with university positions until the late 19th century (Wellmon 2015). Furthermore when they, and the idea of a research university emerged, there remained a good deal of 'amateur' scholars. These were often Victorian gentleman, such as Charles Darwin, someone who stands as an exemplar of such individuals. However we must, again, be wary of apply the contemporary terms to the past. Whilst, today, the professional is considered superior to the amateur this was not the case in the 19th century.^[12] As they were remunerated for their endeavours it was the professional's motivation that was called into question, whilst the amateur's motivation was understood to be pure, and connected to the activity as an end in itself. As such it was the professional who could be called into (moral) question. In contrast, our contemporary conception of the amateur suggests an enthusiast or hobbyist – an individual who is motivated by some kind of personal or subjective interest(s) rather than the objective reasons of professional practitioners. Whilst there may be no moral question about the character of amateurs it is clear that, today, the social status of professionals is the greater.

3.6 Properly, which is to say sociologically, speaking the contemporary professional is a member of an institutionalized and disciplined community who practices with direction and purpose. Certainly personal interests can initially motivate an individual to become a professional researcher, and certainly such interest persist once an individual becomes a professional, however such interest become sublimated to, or disciplined by, the social structures and collective ends of a community of academic researchers. Whilst we need not think that the amateur is incapable of making any significant contributions to knowledge, they nevertheless exist on the periphery of the disciplinary field, the norms of which stand as the ultimate test of any contribution they might make.

3.7 As indicated in the previous paragraph the foundation of the research university – something that is vital to the idea of research as a professional activity – is associated with scholarly ideas about epistemologically defined subjects, disciplines and, therefore, the emergences of distinct disciplinary communities. Not coincidentally, this approach to the social organization of knowledge and knowledge creation was consecrated around the same time and place as the advent of the social sciences. The emergence of the disciplines and disciplinarity began a process of dividing academics and reconstructing their identities. However, whilst the institutional community as a whole began to fracture – think of the two cultures written several decades after this process began – it meant the emergence of coherent academic communities organized around disciplines. Such formations are not defined by their subject matter alone, but by their approach to such matters; by the ways in which they generate knowledge and, indeed, know. Or, to put it another way, disciplines are identified by the epistemologies and methodologies they bring to bear on their subject matter(s). As such they are collectively constituted by and structured around a set of shared practices regarding the creation and development of knowledge. Disciplinary practices are therefore predicated upon on a shared body of technical and specialized knowledge, something that they have in common with other professions. Whilst, today, many such disciplinary communities contain a number of sub-disciplinary groupings, even to the extent that some sub-groups may rarely encounter one another, this does not pose a challenge to the idea that they might be considered as shared professional identities. After all, one could say the same about certain specialisms in both law and medicine.

3.8 Whilst we can take the emergence of disciplines and disciplinary sub-specialisms as an indication that academic research communities might be thought of as social groups of a professional disposition, more is needed if we are to think of them as true professions. One could, again, lay claim to the pedagogical activities of modern universities and their central importance to the knowledge society. But, again, this does not provide sufficient foundation for the claim that research itself is a professional activity. In order to make this claim we must, I think, focus on the social sciences in more detail.

3.9 The methods of the social science are not unique, at least not in the sense that they are without historical antecedents. Nor are they used by those we would call 'social scientists' alone. Rather, the methods of the social science originated in the methods of the bureaucratic state. In turn these methods can be found in the social organization of post-feudal societies; in the administration of the realm of kings, and the tasks undertaken by their emissaries. Furthermore, particularly in the case of revolutionary France, the advent of the bureaucratic state is synonymous with the advent of modern secular democracies or, at least, the conditions that gave rise to them (Kafka 2012; Rosanvallon 2007). Thus, in the first instance, the social sciences draw on the information made available by the bureaucratic state – indeed, brought into existence by the bureaucratic state, – and used it to produce further insights. The classic example of this is Durkheim's suicide (2002), a founding text of sociology as a disciplinary formation. In the second instance, social scientists make increasing use of these methods created by the bureaucratic state. However, when they do so they not only also pursue a greater degree of methodological rigor but have also developed conceptual and theoretical tools that allow for critical insight and

engagement.

- 3.10** Thus, whilst it not only remains a matter of degree but varies across both academic and non-academic domains, the social sciences are distinctive insofar as they exhibit a high(er) level of reflexivity (Bourdieu and Wacquant 1992: 183-184). Whilst the bureaucratic state is concerned with the practical accomplishment of the everyday life of the state, with the administrative tasks themselves, the social sciences are concerned with something a little deeper; with the accumulation and development of not only knowledge, insight and meaning but ways of producing knowledge, insight and meaning both with the discipline itself and, more broadly, as an object of research and a concern of researchers. Furthermore, without leaving ourselves committed to the view that that the concerns, values or ends of the social sciences are immediately meliorist we might think that such concerns, values and ends express a commitment to society, to self-understanding, self-comprehension and, therefore, to our own betterment, even if that commitment sometimes, perhaps even oftentimes, means we might learn uncomfortable truths.
- 3.11** Such a perspective suggests that there is a connection between the social sciences and the modern, secular, liberal democratic states. Obviously this connection is not a matter of necessity, Bauman's (1991) study of the Holocaust stands as a convincing demonstration that it is all too easy to turn the basic methods of the social sciences into instruments of genocide. However, whilst I have only gestured towards the connection between the social sciences and democracy, there is further support within the literature (Van Bouwel 2009; Bourdieu 2004). Furthermore, many see social research as having a fundamentally ethical character (Bellah 1983). This connection is not, of course, simple. The social sciences are not any one thing. However, they are, we might say, predicated on the democratic ideal of pluralism, on remaining open to alternative perspectives and being responsive to criticism. In short, the social sciences are not wedded to any one instantiation or particular iteration of the bureaucratic state, but to the democratic ideals that provide the foundation of some bureaucratic states – the social sciences are consistent with the ethos of democracy.
- 3.12** Pace Shils (1980) the social sciences might be considered the critical conscience of a society, something Sieghart (1985) has argued in regards the (true) professions in general. In this view the state and the social sciences share a commitment to the same concerns, values and ends. One might, with some justification, consider this point as appealing to a rather undefined ideal, one that lacks the sort of specificity that would provide concrete direction to social scientific researchers. However, if one considers the guiding principles of law, medicine, the clergy and the military as well as other, less well-institutionalized, true professions such as education, journalism and social work, we find similar ideals with similar ambiguity. For example, the pursuit of the guiding good of medicine, health, has become the subject of concern not only insofar as medicalisation has both positive and negative consequences but insofar as health itself has the potential to dominate human life (Downing 2011; Metzl and Kirkland 2010). Similarly whilst law might involve the pursuit of justice the practicalities of how this is to be accomplished are not only complex but require a host of compromises. Furthermore, whilst we might think further education is always a good thing it cannot be endlessly prioritized over other pursuits. Finally, and with regard to both individuals and society, education is a transformative endeavour, the effects of which are never entirely clear. We might conclude then that whilst we value our highest ideals as ends in themselves, this does not imply that their pursuit will always have welcome consequences.
- 3.13** Further confirmation of the suggestion that social science can be considered a true profession something that is lead by an ideal and subject to a concordat between it and its host society – can be found by comparing the function of confidentiality in the professional practice of law, medicine and, I would suggest, social science research. If they are to pursue their professional ends, which is to say serve the interests of their clients/ patients with regard to the broader pursuit of justice / health, both lawyers and doctors provide clients/ patients with assurances of confidentiality. The principle is, certainly, an ethical one and it is present in the Hippocratic Oath. However, it is an ethical principle *because* it has been promised and, furthermore, it is promised because the ends of justice and health are served by doing so. The ability of such professionals to make these promises, and to do so in good faith, is quite possibly the primary requirement and consequences of the mutual beneficial arrangement that exists between society or the state and the true professions. As such confidentiality is first and foremost, a methodological principle, adopted in the interests of good practice and end served by the professional practice at hand. The discourse of research ethics rarely considers confidentiality as anything other than an ethical principle stemming from the duty of researchers to respect the autonomy of their research subjects. This is misguided. We must recognize that the confidentiality we promise in practice is only tenable insofar as it can be collectively guaranteed.
- 3.14** Before continuing it is important to note that such collective agreement does not necessarily imply it has

any formal existence in the sense of being recognized in law. Thus, in the UK for example, the idea of doctor-patient confidentiality is not the subject of any legal protection. Rather it is an aspect of the quasi-legal framework for Good Medical Practice set out by the General Medical Council (GMC). Given the institutional existence of the medical profession medical doctors are in a better position to maintain the confidentiality of their patients than social scientists. Or, to put it another way, the socio-political life of the medical profession is such that both officials (and the public) are more likely to respect the duty of confidentiality when medical professionals appeal to it than they are were social scientists to make similar claims. Nevertheless, it remains the case that a judge can order a doctor to testify in the same way as they can compel the testimony of any other individual, say a social scientist who has gathered data on a criminal enterprise during the course of their research.

3.15 Of course, that the state has provided no formal assurances with regard to the confidentiality of participants in social science research, means we could attribute the current difficulties regarding social research, state intrusion and the assurances of confidentiality given to research participants to this fact. No socio-political agreement has been reached, implemented or institutionalized and, despite recent events surrounding the Boston College Tapes, the issue has barely been broached.^[13] As such, rather than reject the notion that social science is a profession one might take the view that social scientists are best understood as members of an un- or insufficiently recognized profession. Of course, even though there have been cases where social scientists have come under pressure to break confidentiality, we should recognize that this could have happened many more times in the past that has in fact occurred. Researchers are not acting in bad faith when making promises to research participants about confidentiality. Nevertheless, pace Lowman and Palys (2013) analysis of British sociology, pressure on confidentiality in social science research seems to be increasing. Indeed, what Lowman and Palys show is that confidentiality is only as strong as the degree to which we, both individually and collectively, are prepared to commit to it.

3.16 Confidentiality is a methodologically vital part of social science research and, if it is to be promised in good faith, it must be provided for through some kind of collective socio-political agreement between 'the profession' and its host society or state, as is the case in other professional domains. Properly speaking, only once it has been subject to such agreement can it be considered as a valid ethical commitment, one that can be offered in practice. Nevertheless, researchers have little choice but to continue to promise confidentiality to participants in their research, and attempt to ensure it through anonymization and other techniques of deidentification, as doing so contributes to the veracity of the data that can be collected, and thereby acts to secure the ends of research. Regardless of such practices it is clear that the tendency of RECs to perceive the anonymity and confidentiality of research participants as an ethical shibboleth is, at best, misguided. Not only should it be seen as a methodological principle and its presence or absence should, therefore, be subject to methodological – rather than ethical – justification. It is unethical of RECs to insist that research participants should be provided with the kind of assurances as to the confidentiality of their participation, as is currently the case. In the present climate such assurances cannot be maintained and, therefore, many such promises are invalid. As a matter of methodology and ethics both researchers and RECs need to more clearly think through when, where, and to what degree confidentiality can be offered and maintained. Only then can research participants be considered fully cognizant of the potential consequences of participating in research. Furthermore, social scientists should engage in a collective deliberation about the need for (and limits of) confidentiality in research, both internally and externally. In short, they should lay claim to research ethics as a matter of professional ethics and, on this basis, and whether in the person research participants, the public or the state, they should engage others in a broader discussion of the ethics of social science research and how they can be secured.

What Difference would a Professional Ethics make?

4.1 Whether as a whole or as more focused disciplinary formations, social scientists may not wish pursue a full-scale project of professionalization and, indeed, may be well advised to avoid doing so (Timmons 2011). Nevertheless, there would seem to be value in the collective analysis and articulation of a professional ethics. Whilst this is not the place to pursue such a project we might legitimately consider what the effect of doing so might be. After all, despite being largely neglected by those we might consider to be 'research ethicists' and the burgeoning 'research ethics' literature, there is a longstanding tradition of discourse and debate on the ethics of research by social scientists (Barnes 1977; Nash 1974; Rapoport et al. 1974; Sieber 1982; Kimmel 1988; Rynkiewicz and Spradley 1976; Cassell 1987). In my view we might take such work as the collective expression of professional responsibilities of social science researchers by social science researchers and, therefore, as a 'first take' on the professional ethics of social science researchers. Laying claim to such work in this way, and to the discourse of professional ethics more generally, will mean that others – be they ethicists or, more importantly, stakeholders such as those working in research governance, university administration, funders bodies (especially

research councils), gatekeepers and the public or relevant publics – will be more inclined to listen to and respect the claims being made.

- 4.2** The notion of a professional ethics also has implications for the ethical governance in social science research. As such, whilst the previous discussion can be construed as a somewhat 'post hoc' justification for the suggestions made below it can, nevertheless, be seen as adding a reasoned motivation for pursuing these same suggestions. If we predicate the validity of professional ethics on the notion that the social sciences share a commitment to the ends of democracy then support can be found in a variety of scholarly discussions about the relationship between democracy and the social sciences (Van Bouwel 2009) as well as the UK's recent Campaign for the Social Science.^[14] Furthermore, we might note that that the first principle set out in a working paper produced by recent project aimed at developing generic ethical principles for social science research conducted under the aegis of the UK's Academy of Social Sciences (Dingwall et al 2014) is explicit about the notion of 'a free social science' being 'fundamental to the UK as a democratic society.'^[15] The nature of this principle is such that it lays claim to a number of factors considered signifiers of a profession. In the first instance a free social science is, it would appear, a relatively autonomous social science. Whilst funding for research is not without conditions, and whilst the overall direction or topics of some research projects are dictated externally, this need not be taken to undermine the professional autonomy of social science researchers. A good deal of funding is distributed on the basis of proposals made by researchers and, when pursuing research proposed by others, social scientists should ensure that their professional or disciplinary standards are maintained. Similar commitments can be found in recent discussions of 'integrity' in the natural, biomedical, and social sciences.
- 4.3** Given the disciplinary and methodological diversity of the social sciences one might think that any professional ethics needs to reflect the diversity of professional practices. This is, for example, what we see in the case of the UK medical profession. Whilst the overarching professional body, the General Medical Council's (GMC), sets the profession-wide standards of professional ethics and 'Good Medical Practice' there is a range of associations, societies, and, in particular, Royal Colleges that also articulate standards appropriate to particular areas, specialisms and sub-specialisms. It would, I think, be misguided to position statements pertaining to more focused domains of medical practice as, simply, reiterations – or even mere 'contextualizations' – of the more general perspective set out by the GMC in its publications. The ethics of professional practice can, indeed should, be such that it is able to accommodate the need for a practical or pragmatic diversity in the ethical standards that guide practice. This is not, of course, a claim that 'anything goes' or indeed a justification for the existence of outright contradictions in ethical guidance. Rather it is, simply, to recognize that the ethical requirements of a profession as a whole need not be an entirely aligned, and that there may be a justification for the adoption of alternative perspectives in professional sub-domains.
- 4.4** This kind of view has been adopted by the Academy working group that produced the common principles working paper (Emmerich 2017). The aim is not for the various Learned Societies that are members of the Academy to simply adopt the statement or its principles. Given the range of interests represented by the Learned Society Members of the Academy there is clearly a need for a broader engagement with the principles generated by the Academy project and for individual or overlapping Learned Societies to reiterate them in such a way as is appropriate to their disciplinary or sub-disciplinary practices, interests and requirements.^[16]
- 4.5** The medical profession can provide further instruction on how we might approach the ethics of research as a matter of professional ethics. Whilst the social contexts in which medical professionals' work includes ethical codes and formal guidance they remain the locus of practical moral responsibility. When medical professionals encounter ethical difficulties they must make, and be able to justify, their own decisions. This remains the case when they consult CECs. In so far as they contain expert and lay members such committees can be considered as parallels to RECs. However, rather than receiving formal proposals CECs generally engage with clinicians directly and on the basis of an oral presentation of their concerns. CECs then discuss the case and do so *with* the individual concerned and, in certain cases, discussion might also include other individuals who are directly involved. Furthermore, whilst CECs might offer substantive comment or even make a recommendation, it remains the clinicians responsibility to act upon them or, indeed, not to do so.
- 4.6** It seems to me that, given social science researchers do not have to manage the same kinds of conflicts of interest that arise in the conduct of biomedical research and that the social sciences often operate according to an epistemology that differs from that which operates in the natural sciences, that the CEC model might provide a better model for engaging with the ethical dimension of social scientific research. Whilst the majority of social science researchers have substantial proposals for particular research projects this does not, in itself, justify a bureaucratic approach where researchers complete formal applications to RECs. There is no *ethical* reason why

a researcher could not present their research proposal to a REC in person and do so in such a way as to promote a dialogical focus on the ethical dimension of the proposed research. This could be taken as an opportunity for, in the first instance, researchers to justify the ethical aspects of their proposal with reference to the specific disciplinary norms that guide their work as professionals. The subsequent discussion would, of course, offer critique or raise additional issues as necessary. Such committees could, if they saw fit or if it were considered helpful to do so, produce a written comments or recommendations but, in so far as they are justified in doing so, the individual researcher could proceed within the boundaries of their own professional ethics.

4.7 One might counter that the demands of good governance are such that this approach to research ethics cannot be supported. However, we should discriminate between 'ethics' and its administration or 'governance' or, to put it another way, between what I have previously called the accountable and the auditable (Emmerich 2013). Having done so we might reflect on both the positive and negative consequences of an institutionalized bureaucratic approach to the ethical governance of social science research (Van Den Hoonaard 2011; Emmerich 2017). In so doing we can consider the ethics of this particular facet of our audit culture and, furthermore, do so in relation to the social value of social scientific research. If we wish to see social science researchers conducting themselves ethically and we think that ethical governance ought itself be conducted ethically then, to my mind, a less bureaucratic approach – one that does not audit research proposals but engages with researchers dynamically – has much to recommend it. Given that CECs are consistent with the good governance of medical practice, such an approach should be considered and, perhaps, trialled in social science research.

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Report

Dingwall, R. *et al.* Towards Common Principles for Social Science Research Ethics: A Discussion Document for the Academy of Social Sciences. June 2014 (version 2): p.3 http://acss.org.uk/wp-content/uploads/2014/06/Ethics-Final-Principles_16_06_2014.pdf.

This report will shortly appear as: Dingwall, R. et al, (2017). Towards Common Principles for Social Science Research Ethics: A Discussion Document for the Academy of Social Sciences. In *Finding Common Ground: Consensus in Research Ethics across the Social Sciences*, edited by R. Iphofen. p.111-123. Emerald.

Notes

1 The notion of a profession is useful insofar as it allows one to talk of the social sciences in a unitary manner whilst still allowing for there to be a relatively diverse range of sub-fields or disciplines as, for example, in the case of medicine.

2 Tanchuk, Scramstad and Kruse (2016) argue that "all moral agents, and thus professionals, share a fundamental and constitutive normative interest in correctly conceiving of their ends" (2016: 5). Read in this light, this essay can be seen as an attempt to correctly conceive of the fundamental, constitutive and normative end of social scientific enquiry or, at least, its point of departure: the democratic ethos.

3 It is worth noting that Shils considered sociology or, at least, social theory to be "a discipline [that is] fundamentally alien to technological application; it is not capable of becoming a technological science" (Shils 1980: 36). Sociologists are not technicians, they do not seek to improve society through its manipulation but, instead, to promote the critical engagement of society with itself – not least through example. Such engagement should be seen as an essential facet of sociology and one that is fundamentally informed by the democratic ethos.

4 This is an important point. The institutional particulars of specific democracies vary significantly. However, what they share – the reason they can all be categorized by the same term or concept – is that they are underpinned by comparable values, norms and principles. It is this, the idea that their normative basis or ethos is in some way shared, overlapping or sufficiently comparable as to be considered *democratic*, that connects them. My argument is that social research is – or ought to be – underpinned by values, norms and principles that are similarly democratic. It is this ethos that sociologists are accountable to, not the institutional particulars of specific democracies (although, of course, such organizations might place further normative demands on the social sciences).

5 This view takes us beyond the proceduralist view of democracy and into one that connects with Rosanvallon's (2011) notion of reflexive democracy. This is consistent with my subsequent discussion.

6 For a succinct introduction to CECs see (Slowther and Hope 2000). Briefly they are forums healthcare professionals can attend in order to discuss any ethical issues they encounter. Committee members are usually healthcare professionals but may also include lawyers, theologians, (bio)ethicists, and patient representatives or lay persons. Debates are relatively informal and if a committee offers a collective opinion – which is not always the case – decisions regarding any action remain the responsibility of those professionals directly involved in the case. CECs therefore provide a forum for debate and, as such, a means to improve the quality of ethical reflection in practice.

7 After all, despite being written in the light of Beauchamp's contribution to the Belmont Report, it is not called the Principles of Biomedical *Research* Ethics.

8 As such professionalism can be considered in Foucauldian terms, as being concerned with the conduct of conduct.

9 On this topic see Ruitenbergh (2016).

10 One exception might be the relationship between catholic priests and the penitent in the context of confession. However, this is not entirely relevant as, in considering the clergy as a classic or true 'profession' we are speaking of the Church of England, a denomination that does not formally practice confession.

11 Of course, the social value these ends are perceived to have is historically variable and the present moment clearly differs from the past in its evaluation of medicine, law, the clergy and the military.

12 The use of the terms amateur and professional in sport is a most instructive case of the respective meanings, ideals and moral contradictions embedded in these terms.

13 For an outline of The Boston College Tapes see: <http://www.bbc.co.uk/news/uk-northern-ireland-27238797> [accessed Sept 2016].

14 See: <https://campaignforsocialscience.org.uk/> [accessed June 2016]

15 "A free social science, based on a plurality of interests, funding, methods and perspectives, is fundamental to the UK as a democratic society" Dingwall *et al.* Towards Common Principles for Social Science Research Ethics a Discussion Document for the Academy of Social Sciences. June 2014 (version 2): p.3 http://acss.org.uk/wp-content/uploads/2014/06/Ethics-Final-Principles_16_06_2014.pdf I should also note that I was involved in this work, see: Emmerich (2017).

16 As an indication of the diversity of Learned Society members of the Academy one might note that it includes the British Psychological Society (BPS), The Royal Geographic Society (RGS), the Housing Studies Association (HSA), the Government Economic and Social Research Team (GESR), the UK Evaluation Society

(UKES). Individual members of these groups include academics, civil servants, and researchers who offer their services professionally or pursue their own academic or scientific interests independently. For further details see: <http://acss.org.uk/membership/>.

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