Implementing Ethics in Educational Ethnography

Regulation and Practice

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Chapter 4

Ethics and access when consent must come first

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Consequences of formalised research ethics for ethnographic research in schools

Ingrid Smette

Introduction

Schools as fieldwork sites are tempting because they appear to provide easy access to a field. The researcher has permission to be in the place of study, and those studied are obliged to be there – teachers through their work contracts and children through compulsory school attendance. Yet the compulsory attendance of actors in schools is also a challenge, particularly because schools involve minors who may not themselves consent to participating in the research.

In this chapter, I discuss the ethical considerations and, embedded in these, the methodological challenges involved in doing participant observation in an institutional setting where not everyone has consented to participation in the research. More specifically, I focus on the implications of having to obtain consent first – before the onset of the study. I also discuss the ethical and methodological challenges encountered when doing research in schools and classrooms when not everyone participates – what I will define as partially participating collectives.

A main purpose of this discussion is to contribute to a now longstanding but still ongoing debate about the conditions for participant observation in a society with strong formal regulation of participation in research. Implicit in these debates is a distinction between Silverman's (2003) notion of everyday ethics and what Strathern (2000b) calls formalised ethics. Based on her own experiences as an ethnographic researcher, Silverman develops the notion of "everyday ethics", which she defines as the ethical considerations involved in building field relationships.

> Everyday ethics is about crafting a persona and identity that will mutually engage both the researcher and the people, without doing damage to either. Then, it is about the continual need for choices, each day. It is about ambiguity, conflicting interests, fine lines, judgement calls and, therefore, about awkward decisions. This means that every research site is different, as is the personal style which every anthropologist brings to the field.
>
> (Silverman 2003: 127–128)

Silverman (2003) describes the principles of everyday ethics as a chain of connected elements that start with access, thus illustrating how methodological and ethical issues are closely connected in ethnographic research methods. Access usually means achieving some kind of acceptance in the community being studied, which then facilitates inclusion in people's lives and thereby access to the practices and meanings of interest to the fieldworker. Such acceptance relies on continuous negotiations of trust. According to Silverman, trust grants the anthropologist at least *some* kind of membership in the community being studied and can be maintained only if the anthropologist acts towards community members in accordance with the community's expectations. As long as the anthropologist is open about his or her objectives, the research subjects' trust in the anthropologist is regarded as a practical demonstration of consent.

In regimes of formalised ethics, consent is expressed at a different stage of the research process; participants are asked to give their consent after receiving standardised information about the study but before the start of the research itself. The emphasis on institutional procedures, for instance, regarding collection and protecting personal data, suggests that building trust in research institutions and research institutions generally is at the forefront. This distinguishes formalised ethics from everyday ethics describes by Silverman, where participants' trust in the individual researcher is highlighted.

For consent to be valid, it must be informed – that is, knowledgeable, voluntary and exercised by persons competent to consent (Fluehr-Lobban 2003b). Whereas the logic of everyday ethics would imply that consent is demonstrated through people's continuous engagement in their relationship with the researcher, an important principle of formalised ethics is that researchers must be able to document that consent is informed. With the implementation of the new EU regulation on data protection (the General Data Protection Regulation, GDPR) put in place in the EU from 2018, the requirement on researchers to produce evidence of research participants' informed consent is strengthened, thus reinforcing the formalisation of consent procedures.

What are the consequences of these changes for ethnography and, more particularly, participant observation in institutional settings in the future? Anthropologists' position on these matters diverge; some argue that ethical guidelines and state regulations will renew and improve anthropological practice (Fluehr-Lobban 2003a); others oppose regulations that could limit academic freedom and contribute to defining the relationship between researcher and research subjects in ways that presuppose opposing rather than joint interests (Lederman 2006).

One focus in this debate has been on the practical hindrances that formalised ethics entail for the researchers. Ethnographers and other qualitative researchers working in healthcare settings have described how differences between biomedical and social scientific research ethics make such hindrances very tangible. One aspect is the notion of research subjects' vulnerability. Understanding that research subjects are inherently vulnerable, which is the convention in biomedical research

ethics, can lead ethics boards to estimate the level of risk of harm as higher and research participants as less-capable of providing consent than if vulnerability was understood differently (Øye, Bjelland & Skorpen 2007).

Another hindrance highlighted by researchers working in healthcare institutions is the requirement to obtain consent from everyone in the setting before the onset of the study. One argument is that this requirement reveals a lack of understanding of the process and social relationships of fieldwork and their importance for the production of knowledge (Mapedzahama & Dune 2017) and that it makes it impossible to conduct participant observation, at least as anthropologists know it in many institutional settings (Øye & Bjelland 2012). Pollock (2012) therefore argues that qualitative studies in healthcare settings need to be evaluated within a different set of criteria than biomedical standards and by reviewers who have a proper understanding of qualitative methodologies

Marilyn Strathern (2000a, 2000b) offers a more radical critique of formalised ethics in the sense that she addresses not so much the practical hindrances it causes, but the premises on which this ethics is based. More specifically, Strathern argues against the definition of anthropological research as "research on human subjects"; for ethnographers, Strathern argues, "Human subjects . . . are not necessarily the subject of the research: That subject is the manifold products of people's interactions" (Strathern 2000a: 294). It follows perhaps from Strathern's position that seeking predictive consent in institutional settings is superfluous, because the ethnographer is not studying individuals and is not interested in personal data about these individuals. However, is it possible to ignore some regulations aimed at protecting privacy under the auspices of studying social interaction, not individual human subjects? Or would this entail compromising the rights of the individuals within the schools *not* to participate in research?

In this chapter, I propose steps to move beyond the tendency to posit formalised ethics and everyday ethics as entirely separate and opposing approaches to ethics, and instead to regard them as connected dimensions of a research process. I also argue that anthropologists could make their engagement with formalised ethics an object of analysis, rather than briefly note this part of the research process as a nuisance in our writings. When researchers omit descriptions of the process of obtaining consent, they also miss out on the opportunity to reflect on how people's decision to participate, or not to participate, may reveal their relationships with institutions and different categories of people.

This chapter, therefore, begins with an unconventionally detailed description of the various steps I took to obtain formal access to schools and pupils during my own PhD research, an ethnographic study of community and boundary drawing among pupils and teachers in two secondary schools in Oslo, Norway (Smette 2015). I then continue with reflections on my approach to conducting participant observation in collectives in which not everyone participates. I also reflect on how parents' consent can be regarded as an expression of their relationship with the schools. Finally, in the discussion and conclusion, I discuss implications of formalised ethics for ethnographic research in schools and propose ways forward.

Reporting for privacy protection

In Norway, ethics reviews of research projects are not carried out at the level of the individual institution but handled by national institutions. The National Committee for Research Ethics in the Social Sciences and the Humanities (NESH) develops guidelines, offers advice to researchers and investigates cases of suspected misconduct in research projects. If a project involves health issues, approval must be obtained from the Regional Ethics Committee (REK). In practice, most ethnographic research projects are reviewed with regard to questions of obtaining and storing personal data. The Data Protection Official for Research (*Personvernombudet for forskning*), hereafter NSD, is appointed as a partner of the Norwegian Data Protection Authority for assessing whether a project is in accordance with statutory data privacy requirements. NSD, on behalf of the Data Protection Authority, either recommends the project or forwards it to the Data Protection Authority for final license (*konsesjon*) and approval or to the Regional Ethics Committee if the project involves health issues.

A few months before the school year was to start, I filed my project with NSD by filling out an electronic form. In this form, I described the "sample" and "process of recruitment" in brief and formal terms; I would select two lower-secondary schools and send requests for participation to the headmaster; the sample would be the tenth-grade pupils in these schools. The description of the sample is required in order for NSD to determine whether written consent from participants or from their parents or guardians is needed. In ethics guidelines for research in Norway, children and young people are regarded as capable of consenting to participation in research from the age of thirteen to fourteen years. The rationale is that children from this age on are "cognitively capable" of understanding the implications of the research and are therefore able to make decisions about participation (Backe-Hansen 2009).

The notion of informed consent triggers specific requirements regarding information that must be provided in information letters. In the notification to NSD, I indicated that I would give written information to parents and pupils in separate information letters. I drafted information letters that the case officer read and corrected. In my letter to the parents I had to explain that I would be talking to pupils about their family background and their parents' views on education. I also had to include information about anonymity and confidentiality, the institution responsible for the project, how the data would be stored and when the sound recordings would be destroyed.

From e-mail and telephone discussions with the NSD case officer, it soon became clear that I would need written consent from parents or guardians because some of the pupils would be younger than sixteen and the project would involve "sensitive personal data".[1] After a few exchanges with the case officer about the information letters, the process was completed and I received an official "recommendation" (*tilråding*) for the project on the condition that it was carried out in accordance with the guidelines.

Participant observation in partially participating collectives

Øye and Bjelland (2012) point to the twofold problem of the requirement to define beforehand the sample and recruitment procedures to be used in the research and the challenges this requirement poses for ethnographic fieldwork, which is unpredictable and emergent. As soon as I began the process of collecting consent forms from the pupils, this was the very concern I experienced: was it going to be possible for me to conduct participant observation in classrooms?

In both schools, the teachers helped me distribute and collect the consent forms. The practical reason was, of course, that they regularly distributed and collected such forms; they had routines for keeping track of who had not yet handed in their form, and they knew which pupils they would have to remind several times. Also, the question of who would make the initial contact with potential informants was on the form that I filled in when reporting the project to NSD. The rationale behind this question is to establish whether "undue pressure" can be put on individuals to participate. If someone other than the researcher takes care of recruiting participants, it is reasonable to presume that there will be no such pressure. Interesting to note here is that the traditional anthropological way of gaining access to and consent from research subjects, through convincing and demonstrating trustworthiness, would easily be regarded as undue pressure within this context. This is especially true in situations where the research subjects are minors or where an assumption of an asymmetric power relationship between the research subject and researcher exists.

At the first school, Woodside, I introduced the project and myself on the opening day of the school year, and the teachers distributed and began collecting the forms over the intervening two weeks before I actually began the fieldwork. When I returned to Woodside two weeks later, I liberated the teachers from the task of following up consent collection and reminded the pupils who had not yet returned the form to do so if they wanted to participate. When the process was completed, sixty-three of the school's seventy-three tenth-graders had consented to participation.

Whereas I did not consider the number of non-participating pupils at Woodside a problem for my fieldwork, the situation at the other school, Lakeside, gave rise to concern. Less than a week before I was to start at Lakeside, my contact person told me that of the sixty-two tenth-graders at the school, thirteen were not going to participate and ten had not yet responded. I found this news distressing. Confronting the prospect that more than a third of the pupils might not participate, I feared that participant observation in the classroom would be ethically and methodically problematic. My concern was reinforced when I met the team of tenth-grade teachers, which was around the time when participation numbers were most uncertain. One of the teachers raised the question of whether it would be right to observe classroom sessions when a large number of pupils had not agreed to participate. I responded that I felt very uncertain and would discuss the matter with my colleagues and supervisors.

When, in the end, forty-nine of the tenth-graders at Lakeside consented to participation, I decided that I could conduct fieldwork in a manner that would not compromise the non-participating pupils. I would, for instance, refrain from observation in groups that included many of the pupils who were not participating in my study. As I had done at Woodside, I began to approach those pupils who had not consented to confirm that I was aware of their non-participation. However, contrary to all but one non-consent decision at Woodside, most of the decisions to decline participation at Lakeside were made by the parents. Because I felt that some of these pupils, girls in particular, were embarrassed when I approached them about this, I simply stopped doing it.

My process of collecting consent forms from the pupils also revealed that in some situations decisions about participation were actually taken collectively, that is, by pupils who were taking others' decisions into consideration when making their own. An illustration of this occurred as I, during the first weeks of fieldwork, was trying to collect the final consent forms from pupils who had not yet returned them. I was moving quietly around one of the classrooms while the pupils were working individually, trying to locate those pupils who had already indicated that they did not wish to participate in my study or had not yet responded. I found one of the boys who had not yet responded and asked him if he had thought about participating or needed a new form. As I approached him, he seemed to decide, as if on impulse, that he did not want to participate. I was unaware that some of the boys around him were his friends. As they became aware of our exchange, three or four of them decided that they did not want to participate either, although I had already received consent forms from some of them. When I later learned that these boys were all low-achievers and were perceived as "problem kids" by the teachers, I realised that what had happened was probably partly a result of my project coming across as being part of school. The situation illustrates, of course, the general problem of gaining consent at the very beginning of the research, but also how the notion of individual, informed consent as necessarily an autonomous decision may be problematic.

Consent and family–school relationships

In research projects involving pupils but requiring parental consent, the family and the school are equally important contexts for research participants' decision to participate – or not. The process of obtaining consent can thus be revealing of pupils as well as parents' relationship with school in its own right. In the context of my study, this process also provided insights into how children could play very different roles in giving consent in different families.

At Woodside, most of the parents consented readily to their child's participation, and the collection of consent forms was completed quite quickly. In all but two cases of non-consent, it was the pupils themselves who decided that they did not want to participate. In addition to the group of boys who refused on grounds that I believe had to do with the project's association with school, as described in

the previous paragraph, two high-achieving boys also said no. I met the mother of one of these boys by coincidence, and she explained that her son had not wanted to participate because he believed it would take up too much time in his busy schedule. The mother apologised for her son's non-participation, emphasising that she had tried to convince him, but to no avail.

To my knowledge, in only two cases did parents at Woodside refuse consent. In one case, I learnt from the teachers that the parents, highly educated, did not approve of this kind of research. The other case involved a girl who had recently moved to Woodside from a reception class for immigrants and whose parents, again according to the teacher, did not speak Norwegian and were probably unsure of what the research entailed. The girl left Woodside soon after I began my fieldwork, and I therefore did nothing further to recruit her.

That Woodside parents stressed their child's ownership of the decision not to participate while Lakeside parents appeared to make that decision for their child may be related to different conceptions of young people's autonomy. In my conversation with the Woodside mother whose son was not participating, she demonstrated an understanding that the decision was really his. In respecting her son's refusal to participate, she was making visible her own respect for his autonomy, yet confirming her own positive relationship with the school (and research).

At Lakeside, most of the non-participating pupils were first-generation immigrants. The teachers informed me that the parents of these girls usually responded negatively to similar requests. The parents of the Lakeside girls seemed to have a different understanding of who was responsible for making decisions in such matters: the parents, rather than the young people themselves. They emphasised the autonomy of the family as the unit of decision-making in such matters.

A phone call from a Lakeside parent, however, suggested that perhaps more was behind parental decisions about participation than just a different understanding of autonomy. The father of a boy of minority background had received the information letter, which included my phone number and an encouragement to call if they had questions about the project. The conversation I had with the father was very short. He asked me whether the project would involve an educational benefit; would it, for instance, provide his child with any extra assistance or learning resources? I informed him that the project was not going to provide such resources, whereupon he thanked me for this information and said it confirmed his decision that he did not want his child to participate.

It is clear that making use of the school's established channels for communicating with parents is effective for obtaining consent from many parents. Part of the reason for the effectiveness is that some parents may respond positively to requests to research participation more or less out of habit, as they would with other requests coming from school. If parents feel obliged to participate in order to be regarded as "positive parents" by the teachers, this could undermine the principle of voluntary participation. Similarly, parents may fear that not participating in a research project that takes place at school can have negative consequences for their child – even when the information letter assures that this will not be the case.

Therefore, in order to secure voluntary and informed consent, researchers need to be aware of the possibility that parents may not be able to distinguish between the interests of the researcher and the interests of schools and teachers. In some cases, it would be better to approach parents and pupils through other channels than those made available by the school, both to secure voluntary participation, but also to be in a better position to negotiate the participation of pupils and parents with a troubled relationship with school.

Writing about partially participating collectives

Even after I decided to conduct the observations, despite that some pupils did not participate, many practical and ethical dilemmas remained. One challenge was how to represent my observations in writing. One suggested solution to the problem of non-participating pupils that I received from other researchers was to put down my pen and paper and leave these pupils out of the description. In many situations, however, this was not as easy as it first sounded. Of relevance here are arguments both that what anthropologists study is actually "the collective" rather than individuals (cf. Øye & Bjelland 2012) and that they study not individuals, but interactions and products of human interaction (Strathern 2000a). These arguments are of particular relevance to me, as I came to study pupils' notions of community and boundary drawing (Smette 2015).

It was easy for me to abstain from interviewing pupils who were not participating and to avoid being in the classroom if a majority of the pupils had not consented to participation. I found that the most difficult issue regarding the non-participating pupils had to do with the categories those pupils represented, and I faced this challenge in both schools. At Lakeside, the main problem was that some minority girls, defined by many pupils as belonging to the same collective, were not participating in the study because, according to the teachers, their parents had not consented. At Woodside, many of the non-participants were boys who were referred to as "problem kids" by teachers and some of the other pupils, part of the reason for their non-participation I explained above.

In both schools, the categories that these pupils represented were, in my experience, critically important for understanding the social dynamics among the pupils. If I left the categories they represented out of my analyses, I would not be able to represent the social dynamics of the respective schools accurately. Yet the dilemma was that if I included them in my analyses, would I be guilty of not respecting their (and their parents') decision not to participate?

My way of tackling this problem in the text was to describe and use the category labels assigned to these pupils by their peers, but to abstain from providing any information whatsoever about the individual pupils to whom the labels referred. While this way out of the dilemma may not be perfect, I regarded it as a compromise between representing the collectives accurately and respecting pupils' and parents' decisions not to participate in the research.

In the information letters that I distributed at the beginning of the school year, I promised that pupils, teachers and schools would be anonymous in the book I was going to write, and that the information I was collecting would be treated confidentially. I did not, however, specify anonymity at what level. As Walford (2008) points out, anonymity of schools in ethnographic school studies is extremely hard to achieve, particularly without leaving out so much contextual information about the school that one runs the risks of "spurious generalisability" (p. 35). Even more difficult is what we may call internal anonymity – in other words, whether people will be recognisable to others within the setting itself.

In a conversation with a data protection adviser regarding another research project that was going to take place in a school, I was told that if, say, only one person of Somali background were in a classroom, I could not describe that person as Somali, since the person would then not be anonymous. This is, of course, correct. However, in descriptions of classroom situations, it is not obvious what exact piece of information will lead to the identification of a person. Pupils' knowledge about each other is complex and includes the ability to recognise someone from the particular way an individual acts. A person is therefore likely to be recognisable from a description of his or her relationships and personal characteristics, even if what is technically identified as sensitive personal information is left out.

Anonymity is therefore very hard to achieve in ethnographic descriptions. In her ethnography of mental illness in Ireland, Scheper-Hughes experienced the difficulty of using conventional forms of anonymisation (Scheper-Hughes 1979). In hindsight, twenty-five years after the study was conducted, she offered the following reflections on how she would have proceeded differently.

> I would be inclined to avoid the "cute" and "conventional" use of pseudonyms. Nor would I attempt to scramble certain identifying features of the individuals portrayed on the naive assumption that these masks and disguises could not be rather easily de-coded by villagers themselves. I have come to see that the time-honored practice of bestowing anonymity on "our" communities and informants fools few and protects no one – save, perhaps, the anthropologist's own skin. And I fear that the practice makes rogues of us all – too free with our pens, with the government of our tongues, and with our loose translations and interpretations of village life.
> (Scheper-Hughes 2000: 128)

In my own study, I nonetheless decided to use pseudonyms, both for places and for people. However, I described people in ways whereby they may be recognisable to others who were present in that collective at that time. An alternative solution would have been to change certain characteristics of people to mask their identities from others. However, my conviction is that this would have led to a less truthful portrayal of the sites and the people and would likely have been less than satisfying for the people described.

With my solution to the problem of anonymity comes a critical concern: not to breach promises of confidentiality. In other words, information obtained in interviews and other confidential conversations must be linked to descriptions of a person in public settings in a very careful manner. In my analyses, therefore, I to a very limited extent drew on information I obtained in interviews when I deal with cases involving extensive descriptions of pupils in classroom situations. In the instances where I did combine such sources of information it was on the grounds that I considered the information I presented as not having the potential to inflict harm.

Also relevant here is a distinction between the kind of confidential information that is shared only by a few and "confidential" information that is shared by many. An example of the latter came up when a Lakeside teacher wanted me to confirm that I was aware of a particular girl's home situation before telling me about an interaction she had had with the girl. The girl's difficulties were well known among most of the pupils, and I interpreted the teacher's question of my familiarity with the girl's circumstances as an inquiry into whether I was already part of the community in which this information was collective knowledge. If I were, then the teacher's sharing of information with me would not be a breach of her professional ethics.

The fact that the pupil collectives described here no longer exist is relevant in terms of what may represent a risk of harm. The teachers in my two fieldwork schools and in other school studies may, in a sense, be more vulnerable than the young people; when school-based studies like mine are published, the teachers may still be working in the schools, whereas their pupils may have gone and scattered. This point ties in with Øye et al.'s (2007) critique of assumptions in formal research ethics about who counts as vulnerable groups within institutions.

Concluding remarks

After completing the study, and in the context of starting up another one, a data protection adviser told me that the rules had now become stricter regarding ethnographic research in classrooms where not all the pupils participated in research. Therefore, the general recommendation would be that the researcher provided alternative activities, in a different room, for pupils who were not part of the study. It goes without saying that with such requirements, I would not have been able to carry out my own research, and participant observation-based research in classrooms would most likely become impossible. This is a concern raised also with regard to other institutional contexts (Øye & Bjelland 2012).

In my view, it is important that the social practices taking place within central societal institutions, such as schools, can be researched, discussed and critiqued. The examples provided in this chapter illustrate possible solutions to how ethnographic research in classrooms can be carried out, also when everyone in those classrooms was not participating. A premise underlying my approach is that classrooms and school yards are semi-public settings and that the interest of an

individual not to be present in a context where research takes place can be subordinated to the public interest in transparent, open schools and classrooms.

The critical question is whether the presence and the practices of the researcher have the potential of inflicting harm on those who do not wish to participate but who are still present in the field of research. The main ethical and methodological challenge in the study described here was to find a way to do ethically sound ethnographic research in what I have chosen to call partially participating collectives. Based on the discussions here, I would propose the following ways forward for ethnographic research in schools.

> First, I suggest making the process of obtaining consent an object of analysis. If researchers omit description and analysis of this process, they may miss the opportunity to reflect on how people's decision to participate, or not to participate, may be revealing of the relationships between the institutions and different categories of people.

> Second, people's initial non-consent to participation can be renegotiated, also when doing research on minors in schools. This renegotiation may take place in an ethically sound way if the researcher inspires trust and confidence in the field.

> Third, I suggest that ethnographers should be careful to make distinctions between internal and external anonymity, and between confidentiality and anonymity. Even if ethics boards and other relevant bodies may warn researchers against promising participants anonymity, the concept is difficult to escape because it is so central to most people's understanding of what protecting identities mean. A possible solution is to explain to research participants what internal and external anonymity entails and how the researcher deals with it. Linked to this, in the process of writing, the researcher must consider carefully when internal anonymity is necessary and when it is not. The litmus test should be the notion of harm, and the question: when is there a risk of inflicting harm if people who were present in a situation recognise each other, and when is there no such risk? Researchers also need to reflect on the consequences of her methods to secure both internal and external anonymity; e.g., through altering pieces of information: at what point does it compromise the trustworthiness of the analysis?

This chapter has illustrated how concerns stemming from formal and everyday ethics are interwoven in intricate ways. Ethnographers need to continue the discussion of how to conduct participant observation in institutional settings and how to represent collectives that include individuals who have not consented to participate. They must do so because formalised requirements do not provide ready answers to all the ethical and methodological dilemmas that may arise when carrying out research in practice. Instead, the examples provided here illustrate how many research ethical dilemmas are located at the intersection of

everyday and formal research ethics, and that, therefore, researchers can benefit from regarding formalised and everyday ethics as connected dimensions of the research process.

Note

1 Personal data may be "directly identifiable" through name, social security number, photos or video recording, or "indirectly identifiable" through a combination of background information such as gender, work or age. The collection of *sensitive* personal data, which, according to the Norwegian Data Protection Act, include information about religious or ethnic affinity, union membership, political views and sexual orientation, tend to raise the age limit for ability to consent. If primary informants provide information about parents or guardians, information about third parties, parental or guardian consent is also required.

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