

Approved by the AoIR membership - 11/27/02

Ethical decision-making and Internet research
Recommendations from the aoir ethics working committee¹

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Approved by AoIR, November 27, 2002

Available online: <www.aoir.org/reports/ethics.pdf>

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I. Audience, Purpose, Rationale and Approach

Audience

This document is addressed to

Researchers, ethicists, and students in the social sciences and humanities, within the academic world and/or private and/or public research institutes, who study human inter/actions² in the various venues made possible by the Internet;

Organizations that commission, fund, or have oversight responsibility for Internet research (e.g., Institutional Review Boards in the United States; external Learning and Teaching Support Networks' subject centres and internal Academic Standards and Policy committees in the United Kingdom; in Australia,³ the National Health and Medical Research Council and the Australian Research Council [see <<http://www.nhmrc.gov.au/issues/researchethics.htm>>], etc.

Academic societies and/or groups within the social sciences and humanities that promote and/or incorporate research concerning the Internet (e.g., the Japan Society for Socio-Information Studies (JSIS), <<http://www.soc.nii.ac.jp/jsis/>>, affiliated with the National Institute of Informatics, <<http://www.nii.ac.jp/index.html>>; the Information Ethics Group, Oxford Computing Laboratory <<http://web.comlab.ox.ac.uk/oucl/research/areas/ieg/>>; and the International Center for Information Ethics (Center for Art and Media, Karlsruhe, Germany) <<http://icie.zkm.de/>>, etc.).

Purpose

This document represents a series of recommendations designed to support and inform those responsible for making decisions about the ethics of Internet research.

It provides a resource for *researchers, ethicists, and students* by bringing together current discussion of important ethical issues and pertinent literature in the field.

It can provide support for *organisations* and related groups that commission, fund or have overall responsibility for or an interest in Internet research practices in an international context and can be used to help inform any such bodies of the ethical issues that might be considered and possible ways of resolving ethical problems.

[The committee - whose members represent eleven national cultures - is acutely aware that English, while currently the *lingua franca* of the Web, is but one of many languages in which important research and reflection takes place. As noted below, a central goal of this document is to present Internet research ethics that are intentionally pluralistic, first of all in order to preserve and foster the often diverse ethical insights of the world's cultures. While the committee has attempted to develop a comprehensive overview of issues and resources in Internet research ethics - we would welcome suggestions for additions, especially from national cultures and in languages not well represented in the current document.]

Rationale

The Internet has opened up a wide range of new ways to examine human inter/actions in new contexts, and from a variety of disciplinary and interdisciplinary approaches. As in its offline counterpart, online research also raises critical issues of risk and safety to the human subject. Hence, online researchers may encounter conflicts between the requirements of research and its possible benefits, on the one hand, and human subjects' rights to and *expectations* of autonomy, privacy, informed consent, etc.

The many disciplines already long engaged in human subjects research (sociology, anthropology, psychology, medicine, communication studies, etc.⁴) have established ethics statements intended to guide researchers and those charged with ensuring that research on human subjects follows both legal requirements and ethical practices. *Researchers and those charged with research oversight are encouraged in the first instance to turn to the discipline-specific principles and practices of research* (many of which are listed below - see **IV. Resources**, pp. 11-17).

But as online research takes place in a range of new venues (email, chatrooms, webpages, various forms of “instant messaging,” MUDs and MOOs, USENET newsgroups, audio/video exchanges, etc.) – researchers, research subjects, and those charged with research oversight will often encounter ethical questions and dilemmas that are not directly addressed in extant statements and guidelines. In addition, both the great variety of human inter/actions observable online and the clear need to study these inter/actions in *interdisciplinary* ways have thus engaged researchers and scholars in disciplines beyond those traditionally involved in human subjects research: for example, researching the multiple uses of texts and graphics images in diverse Internet venues often benefits from approaches drawn from art history, literary studies, etc. This interdisciplinary approach to research leads, however, to a central ethical difficulty: the primary assumptions and guiding metaphors and analogies – and thus the resulting ethical codes – can vary sharply from discipline to discipline, especially as we shift from the social sciences (which tend to rely on medical models and law for human subjects’ protections) to the humanities (which stress the agency and publicity of persons as artists and authors).

This array of ethical issues and possible (and sometimes conflicting) approaches to ethical decision-making are daunting, if not overwhelming. Nonetheless, as we have worked through a wide range of issues, case studies, and pertinent literature, we are convinced that it is possible – up to a point, at least – to clarify and resolve at least many of the more common ethical difficulties.

This document – as it synthesizes the results of our nearly two years’ of work together – is intended to aid both researchers from a variety of disciplines and those responsible for insuring that this research adhere to legal and ethical requirements in their work of clarifying and resolving ethical issues encountered in online research.

Approach

This document stresses:

Ethical pluralism

Ethical concerns arise not only when we encounter apparent conflicts in values and interests – but also when we recognize that there is more than one ethical decision-making framework used to analyze and resolve those conflicts. In philosophical ethics, these frameworks are commonly classified in terms of deontology, consequentialism, virtue ethics, feminist ethics, and several others.⁵

Researchers and their institutions, both within a given national tradition and across borders and cultures, take up these diverse frameworks in grappling with ethical conflicts. Our first goal in this document is to emphasize and represent this diversity of frameworks – not in order to pit one against another, but to help researchers and those charged with research oversight to understand how these frameworks operate in specific situations. On occasion, in fact, ethical conflicts can be resolved by recognizing that apparently opposing values represent different ethical frameworks. By shifting the debate from the conflict between specific values to a contrast between ethical frameworks, researchers and their colleagues may understand the conflict in new light, and discern additional issues and considerations that help resolve the specific conflict.⁶

Cross-cultural awareness

Different nations and cultures enjoy diverse legal protections and traditions of ethical decision-making. Especially as Internet research may entail a literally global scope, efforts to respond to ethical concerns and resolve ethical conflicts must take into account diverse national and cultural frameworks.⁷

Guidelines – not “recipes”

As noted in our Preliminary Report (October, 2001), given the range of possible ethical decision-making procedures (utilitarianism, deontology, feminist ethics, etc.), the multiple interpretations and applications of these procedures to specific cases, and their refraction through culturally-diverse emphases and values across the globe – the issues raised by

Internet research are *ethical* problems precisely because they evoke more than one ethically defensible response to a specific dilemma or problem. *Ambiguity, uncertainty, and disagreement are inevitable.*

In this light, it is a mistake to view our recommendations as providing general principles that can be applied without difficulty or ambiguity to a specific ethical problem so as to algorithmically deduce the correct answer.

At the same time, recognizing the possibility of a range of defensible ethical responses to a given dilemma does not commit us to ethical relativism (“anything goes”).⁸ On the contrary, the general values and guidelines endorsed here articulate parameters that entail significant restrictions on what may – and what may not – be defended as ethical behavior. In philosophical terms, then, like most philosophers and ethicists, we endorse here a middle-ground between ethical relativism and an ethical dogmatism (a single set of ostensibly absolute and unquestionable values, applied through a single procedure, issuing in “the” only right answer - with all differing responses condemned as immoral).

To make this point a last way: since Aristotle (in the West), ethicists have recognized that doing the right thing, for the right reason, in the right way, at the right time remains a matter of judgment or *phronesis*.⁹ Again, such judgment cannot be reduced to a simple deduction from general rules to particular claims. Rather, it is part of the function of judgment to determine just what general rules indeed apply to a particular context. Developing and fostering such judgment, as Aristotle stressed, requires both guidance from those more experienced than ourselves and our own cumulative experience in seeking to reflect carefully on ethical matters and to discern what the right thing at the right time for the right reason and in the right way may be (cf. Dreyfus, 2001).

Our hope is that the materials collected here will serve Internet researchers and those who collaborate with them in attempting to resolve the ethical issues that emerge in their work - first of all, that these materials will foster precisely their own sense of *phronesis* or judgment.

II. Questions to ask when undertaking Internet research

(For additional examples of such question lists, see **V. Addendum 1**, pp. 18f.)

A. *Venue/environment - expectations - authors/subjects - informed consent*

Where does the inter/action, communication, etc. under study take place?

Current venues include:

Homepages

Weblogs

Google searches

Email (personal e-mail exchanges)

Listservs (exchanges and archives)

USENET newsgroups

ICQ/IM (text-based)

CUSEeMe (and other audio-video exchanges)

Chatrooms, including IRC

MUDs/MOOs

gaming

images and other forms of multi-media presentation (webcams, etc.)

(some forms of) Computer-Supported Cooperative Work systems

What ethical expectations are established by the venue?

For example:

Is there is a posted site policy that establishes specific expectations – e.g., a statement notifying users that the site is public, the possible technical limits to privacy in specific areas or domains, etc.

Example: Sally Hambridge (Intel Corporation, 1998) has developed an extensive set of “Netiquette Guidelines” that includes the following advice:

Unless you are using an encryption device (hardware or software), you should assume that mail on the Internet is not secure. Never put in a mail message anything you would not put on a postcard.

(see <http://www.pcplayer.dk/Netikette_reference.doc>)

Is there a statement affiliated with the venue (chatroom, listserv, MOO or MUD, etc.) indicating whether discussion, postings, etc., are ephemeral, logged for a specific time, and/or archived in a private and/or publicly-accessible location such as a website, etc.?

Are there mechanisms that users may choose to employ to indicate that their exchanges should be regarded as private – e.g., “moving” to a private chatroom, using specific encryption software, etc.? – to indicate their desire to have their exchanges kept private?

One broad consideration: *the greater the acknowledged publicity of the venue, the less obligation there may be to protect individual privacy, confidentiality, right to informed consent, etc.*

Who are the subjects posters / authors / creators of the material and/or inter/actions under study?

While all persons have rights and researchers the obligation to protect those rights, the obligation - and attendant difficulties - of researchers to protect their subjects is heightened if the subjects are (a) children and/or (b) minors (between the age of 12 and 18). In the United States, for example, children cannot give informed consent, according to the Code of Federal Regulations (<<http://ohsr.od.nih.gov/mpa/45cfr46.php3>>: cf. Walther, 2002).

Minors also represent special difficulties, as they inhabit something of a middle ground - legally and ethically - between children and adults. For example, are web pages created by minors - but often without much understanding of the possible *harms* some kinds of posted information might bring either to the author and/or others - to be treated as the same sort of document as authored by adults, who (presumably) are better informed about and sensitive to the dangers of posting personal information on the Web? Or are researchers rather required to exercise greater care in protecting the identity of minors - perhaps even to inform them when their materials may pose risks to themselves and/or others (see Ridderström, 2002).

A broad consideration: *the greater the vulnerability of the author / subject - the greater the obligation of the researcher to protect the author / subject.*

[See the sample consent forms for parent(s), children (aged 13-17), and children (aged 9-12) from Leslie Regan Shade, **VII. Addendum 3**, pp. 21ff.]

Informed consent: specific considerations

Timing

Ideally, protecting human subjects' rights to privacy, confidentiality, autonomy, and informed consent means approaching subjects at the very beginning of research to ask for consent, etc.

In some contexts, however, the goals of a research project may shift over time as emerging patterns suggest new questions, etc. *Determining not only if, but when to ask for informed consent is thus somewhat context-dependent and requires particular attention to the "fine-grained" details of the research project not only in its inception but also as it may change over its course.*

Medium?

Researchers should determine what medium – e-mail? postal letter? –for both requesting and receiving informed consent best protects both the subject(s) and their project. (As is well known, compared with electronic records, paper records are less subject to erasure and corruption through power drops, operator error, etc.)

Addressees?

In studying groups with a high turnover rate, is obtaining permission from the moderator/facilitator/list owner, etc., sufficient?

How material is to be used?

Will the material be referred to by direct quotation or paraphrased?

Will the material be attributed to a specified person? Referred to by his/her real name? Pseudonym? "Double-pseudonym" (i.e, a pseudonym for a frequently used pseudonym)?

(Obviously, the more published research protects the confidentiality of persons involved as subjects, the less risk such publication entails for those persons.

Such protections do not necessarily lessen the need for informed consent. Rather, researchers seeking informed consent need to make clear to their subjects how material about them and/or from them will be used - i.e., the specific uses of material and how their identities will be protected are part of what subjects are informed about and asked to consent to.)

B. Initial ethical and legal considerations

How far do extant legal requirements and ethical guidelines in your discipline "cover" the research? (For the guidelines as published by a number of disciplines, see Resources, below. See as well the discussion of the ethical and legal contrasts between the United States and Europe, "**VI. Addendum 2**," pp. 20f.)

How far do extant legal requirements and ethical guidelines in the countries implicated in the research apply?

For example: all persons who are citizens of the European Union enjoy strong privacy rights by law as established in the European Union Data Protection Directive (1995), according to which data-subjects must:

- * Unambiguously give consent for personal information to be gathered online;
- * Be given notice as to why data is being collected about them;
- * Be able to correct erroneous data;

- * Be able to opt-out of data collection; and
- * Be protected from having their data transferred to countries with less stringent privacy protections.
(see <<http://www.privacy.org/pi>>

U.S. citizens, by contrast, enjoy somewhat less stringent privacy protections (see “**VI. Addendum 2,**” pp. 20f.).

Obviously, research cannot violate the legal requirements for privacy protection enforced in the countries under whose jurisdiction the research and subjects find themselves.

What are the initial ethical expectations/assumptions of the authors/subjects being studied?

For example: *Do participants in this environment assume/believe that their communication is private?*¹⁰ If so – and if this assumption is warranted – then there may be a greater obligation on the part of the researcher to protect individual privacy in the ways outlined in human subjects research (i.e., protection of confidentiality, exercise of informed consent, assurance of anonymity - or at least pseudonymity - in any publication of the research, etc.).

If not – e.g., if the research focuses on publicly accessible archives; inter/actions intended by their authors/agents as public, performative (e.g., intended as a public act or performance that invites recognition for accomplishment), etc.; venues assigned the equivalent of a “public notice” that participants and their communications may be monitored for research purposes;

....

then there may be less obligation to protect individual privacy.¹¹

Alternatively: *Are participants in this environment best understood as “subjects” (in the senses common in human subjects research in medicine and the social sciences) – or as authors whose texts/artifacts are intended as public?*

If participants are best understood as subjects in the first sense (e.g., as they participate in small chatrooms, MUDs or MOOs intended to provide reasonably secure domains for private exchanges), then greater obligations to protect autonomy, privacy, confidentiality, etc., are likely to follow.

If, by contrast, subjects may be understood as authors intending for their work to be public (e.g., e-mail postings to large listserves and USENET groups; public webpages such as homepages, Web logs, etc.; chat exchanges in publicly accessible chatrooms, etc.) – then fewer obligations to protect autonomy, privacy, confidentiality, etc., will likely follow.¹²

[The following three questions are interrelated: as will be seen, they reflect both prevailing approaches to ethical decision-making – e.g., in Deborah Johnson (2001) – as well as cultural/national differences in law and ethical traditions.]

What ethically significant risks does the research entail for the subject(s)?

Examples (*form/content* distinction):

If the *content* of a subject’s communication were to become known beyond the confines of the venue being studied – would harm likely result?

For example: if a person is discussing intimate topics – psychological/medical/spiritual issues, sexual experience/fantasy/orientation, etc. – would the publication of this material result in shame, threats to material well-being (denial of insurance, job loss, physical harassment, etc.), etc.?

A primary ethical obligation is to *do no harm*. Good research design, of course, seeks to minimize risk of harm to the subjects involved.

By contrast, if the *form* of communication is under study - for instance the linguistic *form* of requests (“Open the door” vs. I’d appreciate it if you’d open the door,” etc.), not *what* is being requested - this shift of focus away from *content* may reduce the risk to the subject.

In either case (i.e., whether it is the *form* or *content* that is most important for the researcher), if the content is relatively trivial, doesn’t address sensitive topics, etc., then clearly the risk to the subject is low.

What benefits might be gained from the research?

This question is obviously crucial when research in fact may entail significant risk to the author(s)/agent(s) considered as *subjects*.

From a utilitarian standpoint, research can only be justified - especially if it risks harm to individuals - if the likely benefits arguably outweigh the real and possible costs (including potential harm).

From a deontological standpoint, even if significant benefits may be reasonably expected from the research - such research may remain ethically unjustified if it violates basic principles, rights, duties, etc., e.g., rights to autonomy, privacy, and so forth (cf. the “ethical protocols,” V. **Addendum 1**, pp. 18f.; Elgesem, 2002).

What are the ethical traditions of researchers and subjects’ culture and country?

This question is crucial precisely when facing the conflict between possible risks to subjects, including the violation of basic human rights to self-determination, privacy, informed consent, etc., and the benefits of research.

In the United States, for example, there may be a greater reliance on *utilitarian* approaches to deciding such conflicts – specifically in the form of “risk/benefit” analyses - as compared with other countries and cultures. Crudely, if the benefits promise to be large, and the risks/costs small, then the utilitarian calculus may find that the benefits outweigh the risks and costs.

By contrast (and as is illustrated in the differences in laws on privacy), at least on an ideal level, European approaches tend to emphasize more *deontological* approaches – i.e., approaches that take basic human rights (self-determination, privacy, informed consent, etc.) as so foundational that virtually no set of possible benefits that might be gained from violating these ethically justifies that violation.¹³

When considering conflicts between subjects’ rights and benefits to be gained from research that compromises those rights – researchers and those charged with research oversight may well arrive at different decisions as to what is ethically acceptable and unacceptable, depending on which of these cultural/ethical approaches they utilize.

(See “**VI. Addendum 2,**” pp. 20f.)

We hope this list is useful as a first effort to suggest a characteristic range of questions that Internet researchers and those responsible for oversight of such research should consider - and that it is further useful as it suggests an initial range of ethically defensible ways to respond in to such questions.

But of course, this list is neither complete nor final. Invariably, as Internet researchers encounter new venues, contexts, inter/actions, etc., additional questions and responses will inevitably arise (either as variations of these and/or as distinctively new). Perhaps this list will remain useful in those new contexts as it at least suggests starting points and possible analogies for raising new questions and developing new responses.

In any case, we hope this document will prove helpful, at least for a while, to researchers, ethicists, and others concerned with the important ethical challenges of Internet research.

III. Case Studies

A. *Are chatrooms public spaces? When should researchers obtain consent for recording conversations in a chatroom?*

[From: Hudson, James M. and Amy Bruckman. "IRC Français: The Creation of an Internet-Based SLA Community." *Computer Assisted Language Learning (CALL)*, forthcoming 2002. Quoted by permission from the authors and CALL.]

In our first version of IRC Français, an ethical dilemma immediately emerged. Our plan was for students to converse with native French speakers already on IRC. Clearly, the rules governing human subjects research dictate that we need freely given informed consent from our students before we can ethically use them as experimental subjects ("The Nuremberg Code," 1949). But what about their conversational partners? Were they research subjects or not? We were not studying them in particular, but were recording their conversations with our students and analyzing their words. Did we need their consent?

The status of real-time chatrooms is ambiguous. On the one hand, one can argue that they are like a public square. It is considered ethical to record activities in a public place without consent, provided that individuals are not identifiable (Eysenbach & Till, 2001). In this view, we would be justified to simply record conversations and not tell anyone that this was taking place. On the other hand, one can argue that chatroom conversations are normally ephemeral. Participants have a reasonable expectation that they are not being recorded without their freely given informed consent. Under this stricter interpretation, we would need consent from any person whom we wish to record. Additionally, if the process of requesting that consent proved too intrusive, we would need to abandon the research (Department of Health, 1979).

With the approval of the Institutional Review Board (IRB) for human subjects research, we settled on a compromise approach: we would get written consent from our students, but merely notify other people on the channel of our study. These individuals would also be given the option to opt out if they so chose. Because we wrote our own client software, we could automatically send a public message to this effect when one of our students joined the channel, and then privately inform others who join the channel subsequently.

To our surprise, this compromise failed. IRC participants were angered at the idea of being studied without their prior consent. Our students were greeted with hostility. They were routinely harassed by IRC channel members, and often had threats and obscenities directed at them. This seems to indicate that an opt in solution might be more acceptable than an opt out. However, there was a further problem: our messages notifying channel participants of the study and offering the opportunity to opt out were found in themselves to be unacceptably intrusive. Even though each person saw the message only once, it was still deemed unacceptable by many members. An opt in message would have that same problem.

Based on the reaction our study generated, we concluded that the "public square" model is untenable and, in fact, the second interpretation holds: you may not ethically record an otherwise ephemeral medium without consent from participants. How then could we continue our research? We came upon a solution: create our own IRC channel explicitly for this project. We could direct our students to that channel, and others would not normally join. Since it was our channel, we could create a channel logon message informing people about the study and its purpose. We could also limit access to the channel to our students only; however, to date we have not found this necessary. Few people come to the channel outside of students assigned to use it, and those few are warned by the channel logon message. Now, we do not intrude on a pre-existing space, but instead have our own.

In addition to solving our ethical dilemma, the new channel also provided pedagogical benefits. While people come to general IRC channels for a variety of social purposes, everyone on the IRC Français channel is there for the purpose of practicing French. This shared goal greatly improved the educational value of the conversation for all concerned.

B. Brenda Danet, "Studies of Cyberpl@y: Ethical and Methodological Aspects," available from <<http://atar.mssc.huji.ac.il/~msdanet/papers/ethics2.pdf>>.

Prof. Danet reviews five studies presented more fully in her recent book, and discusses the ethical issues these studies raise in the contexts of

- (1) two-person email
- (2) typed chat in performance situations; and
- (3) communication via visual images on IRC.

Out of this experience and reflection, Prof. Danet develops a list of guidelines (included as Appendix III in the "aoir ethics working committee – a preliminary report" - <aoir.org/reports/ethics.html>).

Prof. Danet's paper is to be recommended as a primary example of a more utilitarian approach to Internet research ethics, in contrast with the more deontological approach represented by James Hudson and Amy Bruckman in case study A, above.

IV. References, Resources

References / annotated bibliography

Allen, Christina. 1996. What's Wrong with the "Golden Rule"? Conundrums of Conducting Ethical Research in Cyberspace. *The Information Society* 12 (2), 175-187.

Allen describes a method of "dialogical ethics" (my terms) that works from the bottom up (following the approach of Mikhail Bakhtin) rather than beginning with general principles and moving "top down." Her approach - illustrated with an example of her own research on LambdaMOO - further draws from anthropology and cultural studies as these "acknowledge and seek to understand the ramifications of the positionality of the researcher for the phenomena and individuals under study," and thereby challenges the more prevailing approaches in medicine and social science as these instead emphasize the researcher adopting the posture of dispassionate observer (186). In contrast with the usual emphasis on protecting subjects from potential harm - Allen finds that when the research process is undertaken "as a respectful dialogism between two equal interlocutors," participants enjoy "positive gains from the process of interviewing and reflecting on their cyberspace stories" (186).

In these ways, in fact, Allen's approach recalls Aristotle's emphasis on *praxis* as reshaping our ethical considerations - with the goal of achieving *phronesis* (practical wisdom or judgment): while skeptical of the possibility of abstractly codifying research ethics (because of the sorts of differences between research venues noted in this report), Allen concludes that "Researchers can, however, develop ethical wisdom that comes from experience with many configurations of research in cyberspace, and report on the conditions that grounded their ethical choices, and the results that emerged from their work in the site" (186).

On this view, ethical considerations are not separate from research considerations, but rather an integral component, one interwoven as an explicit and intentional dimension of the research project itself.

American Psychological Association. 1992. Ethical Principles of Psychologists and Codes of Conduct (currently under revision). <<http://www.apa.org/ethics/code.html>>

Association for Computing Machinery. 1992 (October 16). ACM Code of Ethics and Professional Conduct. <<http://www.acm.org/constitution/code.html>>

aoir ethics working committee website: <<http://www.cddc.vt.edu/aoir/ethics/>>.

aoir ethics working committee – a preliminary report. 2001. <aoir.org/reports/ethics.html>

Baird, Robert M., Reagan Ramsower, and Stuart E. Rosenbaum (eds.). 2000. *Cyberethics: Social and Moral Issues in the Computer Age*. Amherst, NY: Prometheus Books.

A superb anthology – the best I've seen for both philosophically rich and fine-grained, practically-oriented analyses of specific issues (anonymity, privacy, property, and community/citizenship/democracy).

Two articles are of seminal importance for those interested in Internet research ethics:

Kling, Rob, Ya-ching lee, Al Teich, and Mark S. Frankel, "Anonymous Communication Policies for the Internet: Results and Recommendations of the AAAS Conference," and "Assessing Anonymous Communication on the Internet: Policy Deliberations," both of which originally appeared in *Information Society* 15 (1999): 71-77, 79-90.

In the first, Kling et al describe their ethical foundations in the Universal Declaration of Human Rights (UDHR), adopted by the General Assembly of the United Nations in 1948 – specifically, articles 12 and 19. They interpret these articles to mean that recipients have the right to choose to accept or refuse anonymous messages and that individuals do not have the right to impose messages upon an unwilling recipient. At the same time, law enforcement agencies and commercial interests do not have the right to interfere with individual privacy in electronic communication, regardless of whether it is anonymous or not. (100)

They further argue that the First Amendment of the U.S. Constitution, guaranteeing the right of free speech to all Americans, "...applies equally to communications in which the initiator is identified and to those that are sent anonymously." (ibid) At the same time, they further recognize that while the right to send communications anonymously ought to be considered a "strong right," is not absolute. Any proposed limitations should be no more restrictive than those outlined in the UDHR, and "Those who propose to restrict this right in any way must assume the burden of proof and must fulfill that burden to the highest level." (ibid)

- Bakardjieva, Maria and Andrew Feenberg. 2001. Involving the Virtual Subject. *Ethics and Information Technology* 2: 233-240.
- Bassett, E. H. and Kathleen O’Riordan. 2002. Ethics of Internet Research: Contesting the Human Subjects Research Model. *Ethics and Information Technology*, 4 (3), 233-249. Available online: <http://www.nyu.edu/projects/nissenbaum/ethics_bassett.html>
- Boehlefeld, Sharon Polancic. 1996. Doing the Right Thing: Ethical Cyberspace Research. *The Information Society* 12(2), 141-152.
Boehlefeld argues that "doing ethical cyberspace research is not much different from doing any ethical research involving human subjects" (142). She recognizes utilitarian considerations (see p. 142) in establishing the importance of treating subjects ethically, and carefully develops guidelines for research - again, utilizing her own work as a case study - based on the ethics statement of the Association of Computing Machinery. In particular, she stresses anonymity and seeking permission to use long quotes (149f.) Here she observes that "The act of seeking permission, while it may lead to 'loss' of data, could also lead to developing potentially valuable 'key informant' relationships with list participants" (150) - thus reinforcing Allen’s more dialogical orientation (1996).
- Bruckman, Amy. 2002a. Ethical Guidelines for Research Online.
<<http://www.cc.gatech.edu/~asb/ethics/>>
- _____. 2002b. Personal communication, 8 August 2002.
- _____. 2002c. Studying the Amateur Artist: A Perspective on Disguising Data Collected in Human Subjects Research on the Internet. *Ethics and Information Technology*, 4 (3), 217-231. Available online: <http://www.nyu.edu/projects/nissenbaum/ethics_bruckman.html>
- Buchanan, Elizabeth A. 2002. Internet Research Ethics and Institutional Review Boards: New Challenges, New Opportunities. In *Advances in Library Administration and Organization*, 19 (pp. 85-99). Edited by Edward D. Garten and Delmus Williams. Elsevier Science.
- _____. (ed). 2003. *Readings in Virtual Research Ethics: Issues and Controversies*. Hershey, Pennsylvania: Idea Group Publishing,
- Bynum, Terrell Ward. 1998. Global Information Ethics and the Information Revolution. In *The Digital Phoenix: How Computers are Changing Philosophy*, Terrell Ward Bynum and James H. Moor, eds., 274-291.
Bynum and Moor have pioneered the philosophical analyses of computer-related ethical issues; they have also centrally contributed to the reshaping of the professional discipline of

philosophy such that the American Philosophical Association now recognizes computer ethics and other aspects of computing as indeed philosophically significant.

In this chapter, Bynum provides a classic historical timeline of how CE began with the work of Norbert Wiener in the 1940s and 1950s, and develops through the “second generation” of CE begun in the mid-1990s. He further provides a taxonomy of responses to the meta-ethical questions raised by Deborah Johnson (i.e., whether CE represents anything genuinely new, or simply requires the application of extant moral theories), as well as a listing of sample topics in CE and a discussion of the ethical implications of the global reach of IT.

Danet, Brenda. 2001. “Ethical Aspects in CyberPl@y,” available from
<<http://atar.msc.huji.ac.il/~msdanet/papers/ethics2.pdf>>.

Dreyfus, Hubert. 2001. *On the Internet*. New York: Routledge.

Elgesem, Dag. 2002. What is Special about the Ethical Issues in Online Research? *Ethics and Information Technology*, 4 (3), 195-203. Available online:
<http://www.nyu.edu/projects/nissenbaum/ethics_elgesem.html>

Ermann, M. David, Mary B. Williams, and Michele S. Shauf. 1997. *Computers, Ethics, and Society*. New York: Oxford University Press.

An extensive collection that seeks to provide representative discussions of diverse ethical frameworks and characteristic positions regarding hacking, social and political impacts (Bill Gates vs. Jeremy Rifkin and Neil Postman!), work, copyright, privacy, and the ethical responsibilities of professionals. This would be a useful anthology of readings to supplement a more basic text such as Deborah Johnson’s.

For our purposes, the chapters on professional codes are perhaps most relevant – in particular, the discussion of the ACM Code of Ethics and Professional Conduct, which includes specific injunctions to respect privacy and honor confidentiality (pp. 317f.).

This general discussion is followed by a chapter presenting nine case studies – none of which, however, deal with specific issues of Internet research.

Ess, Charles. 2002. Introduction. Special Issue on Internet Research Ethics, *Ethics and Information Technology*, 4 (3), 177-188. Available online:
<http://www.nyu.edu/projects/nissenbaum/ethics_ess.html>

Frankel, Mark S. and Sanyin Siang (for the American Association for the Advancement of Science). 1999. “Ethical and Legal Aspects of Human Subjects Research on the Internet.”
<<http://www.aaas.org/spp/dspp/sfrrl/projects/intres/main.htm>>

European Commission. Privacy on the Internet - An integrated EU Approach to On-line Data Protection.”
<http://europa.eu.int/comm/internal_market/en/dataprot/wpdocs/wpdocs_2k.htm>
[Posted by Christine M. Hine to aoir ethics list]

Eysenbach, Gunther and Jim Till. 2001. “Ethical issues in qualitative research on internet communities.” *British Medical Journal* 2001(10 Nov); 323(7321): 1103-1105.
<<http://www.bmj.com/cgi/content/full/323/7321/1103>>

[“an interesting utilitarian-oriented perspective for medical practitioners using social science methods” - Amanda Lenhart, posted to aoir list.]

Hamelink, Cees J. 2000. *The Ethics of Cyberspace*. London: Sage Publications.

Hamelink, a prominent voice in UN and EU discussions of ethical issues in IT, develops a book-length argument for specific positions regarding rights, entitlement, security, free speech, and democratization. I’m especially taken with this work because Hamelink draws in part on Habermas in his analyses and arguments for what “democratization” via IT would look like. As well, I applaud Hamelink’s final call for a Socratic education as a necessary condition for cyber-democracy (182-185).

Jankowski, Nickolas and Martine van Selm. 2001 (?). “Research Ethics in a Virtual World: Some Guidelines and Illustrations” <<http://www.brunel.ac.uk/depts/crict/vmpapers/nick.htm>>

Johnson, Deborah G. 2001. *Computer Ethics*. 3rd ed. Upper Saddle River, NJ: Prentice-Hall.
The third edition of perhaps the classic text in computer ethics.

Johnson provides a bit more detail on specific ethical theories than, say, Spinello, and further makes the important distinction between philosophical ethics (ch. 2) and professional ethics (ch. 3). Her topics include hacking, privacy, (intellectual) property rights, individual vs. collective responsibility, and social questions (democratization, the digital divide, and freedom of expression).

Johnson's text has been enormously valuable as a pioneering text in the field, one that – unlike many philosophy texts – remains resolutely focussed on the practical, real-world problems of pressing interest to IT designers and users. Hence its popularity as a teaching text in technical and professional IT programs and departments. At the same time, Johnson's text is highly regarded by philosophers as she raises a central *meta-ethical* issue of whether, at one extreme, computer ethics (CE) represents “nothing new” (and thus can be simply subsumed under extant ethical decision-making procedures) and/or, at the other extreme, CE represents radically new ethical issues for which our traditional frameworks are largely useless). Equally important is her response: Johnson defends an important middle-ground – i.e., CE issues as a “new species” of existing generic moral problems.

King, Storm. 1996. Researching Internet Communities: Proposed Ethical Guidelines for the Reporting of Results. *The Information Society*, 12: 119–128.

Mann, Chris and Fiona Stewart. 2000. An Ethical Framework (ch. 3), in Mann and Stewart, *Internet Communication and Qualitative Research: A Handbook for Researching Online*, 39-64.

An excellent discussion - shaped within the framework of the E.U. Data Privacy Protection Act and informed by the authors' own extensive research experience - of what the authors call “Principles of Fair Information Processing Online.”

Chris Mann used this chapter as part of her teaching of a recent graduate course on Internet research ethics (June 1-6, 2002, NTNU, Trondheim, Norway). It is very well suited to classroom use, especially as complemented with materials on philosophical ethics to help establish the larger framework.

Nancarrow, Clive, John Pallister and Ian Brace. 2001. A new research medium, new research populations and seven deadly sins for Internet researchers. *Qualitative Market Research: An International Journal*, 4 (3): 136-149

“This paper follows on from our previous work on ethical issues in marketing research and deontological influences, in particular, codes of conduct...” (136). In fact, the authors seek to balance both deontological codes with utilitarian considerations (most importantly: if people have had unpleasant experiences of privacy violation by researchers, if they are not assured of confidentiality, etc. - they will not cooperate with researchers).

[Recommended by Chris Mann.]

National Committee for Research Ethics in the Social Sciences and the Humanities (NESH – Norway). 2001. “Guidelines for research ethics in the social sciences, law and the humanities.” <<http://www.etikkom.no/NESH/guidelines.htm>>

Natural Sciences and Engineering Research Council of Canada, Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans

<<http://www.nserc.ca/programs/ethics/english/policy.htm>>

Office for Protection from Research Risks, National Institutes of Health, Department Of Health And Human Services. 1991. Code of Federal Regulations. 1991. Title 45, Part 46, “Protection of Human Subjects.” <<http://ohsr.od.nih.gov/mpa/45cfr46.php3>>

O’Riordan, Kathleen. 2002. Personal communication, 13 August 2002.

Schrum, Lynne. 1997. “Ethical Research in the Information Age: Beginning the Dialog,” *Computers in Human Behavior*, Vol. 13 (2), pp. 117-125.

Excellent for its discussion of the qualitative research tradition and its connecting extant guidelines with research on listservs. Schrum develops a list of ten guidelines that stress that the authors of listserv postings are the owners of that material; e-mail should be treated as private correspondence “that is not to be forwarded, shared, or used as research data unless express permission is given”; and she likewise stresses the importance of informed consent and protecting the confidentiality of listserv members.

- Sharf, B. F. 1999. Beyond netiquette: the ethics of doing naturalistic discourse research on the internet. In S. Jones (Ed.), *Doing internet research* (pp. 243-256). Thousand Oaks, CA: Sage.
[Posted to aoir list by David Eddy-Spicer.]
- Smith, Katherine Clegg. 2003. 'Electronic Eavesdropping': The ethical issues involved in conducting a virtual ethnography. In Sarina Chen and Jon Hall (eds.), *Online Social Research: Methods, Issues, and Ethics*. New York: Peter Lang.
- Spinello, Richard. 2002. *CyberEthics: Morality and Law in Cyberspace*, 2nd edition. Sudbury, Mass.: Jones and Bartlett.
The first chapter provides a brief but accurate introduction to basic (Western) ethical frameworks – utilitarianism, contract rights (contractarianism / Locke, Rousseau, Rawls), natural rights, and moral duty (Kant). Following these, Spinello summarizes “principlism” (used in biomedical ethics and popularized by Beauchamp and Childress), a position that asserts four *prima facie* duties: autonomy, nonmaleficence, beneficence, and justice. A second chapter then details a history of the Internet and a broad survey of the issues (technical, ethical, and legal) evoked by efforts to govern and regulate the Internet. With ethical theory and technical *praxis* thus established, Spinello then provides extensive overview and detailed discussion of the technical and ethical aspects of four crux problems: free speech (including attention to pornography, hate speech, and spam), intellectual property rights, privacy, and security. Each of these chapters concludes with at least one case study for analysis (some hypothetical, some real-life). Spinello’s chapter on privacy comes closest to addressing issues relevant to Internet research. Of interest here is his discussion of James Moor’s theory of “just consequentialism.” (Within the discipline of philosophy, James Moor is one of the most significant founders and expositors of computer ethics.) I appreciated here his (brief) discussion of the differences between U.S. and European approaches to privacy issues with regard to workers (see 171f.). Consistent with the larger contrast I have articulated here (including “**VI. Addendum 2**,” pp. 20f.), U.S. law provides virtually no protection for workers’ privacy, in contrast with European (specifically, French and Italian) law which forbid employers’ surveillance and monitoring of their employees.
- Suler, John (2000). Ethics in Cyberspace Research. In Psychology of Cyberspace.
<<http://www.rider.edu/users/suler/psyber/ethics.html>>
[John Suler provides an excellent list of questions for researchers to help them consider how far their work fulfills the requirements for informed consent, privacy, and consultation and evaluation of the study.
Submitted to the aoir list by Lois Ann Scheidt <lscheidt@indiana.edu>]
- Sussex Technology Group. 2001. The Company of Strangers, in S. R. Munt (ed.), *Technospaces: Inside the New Media*. London: Continuum.
- Sveningsson, Malin. 2001. *Creating a Sense of Community: Experiences from a Swedish Web Chat* (dissertation). The Tema Institute – Department of Communication Studies. Linköping University. Linköping, Sweden, pp.26-44)
- _____. 2002. Posting to aoir ethics working group e-mail list, 25 September.
- Swedish Council for Research in the Humanities and Social Sciences (HSFR). 1990. “Ethical principles for scientific research in the Humanities and Social Sciences.”
<http://www.cddc.vt.edu/aoir/ethics/private/Swedish_HFSR_1990b.pdf>
- The UK Data Protection Site. <<http://www.dataprotection.gov.uk>>
Posted to the aoir ethics list by Christine Hine, who comments that the site
...contains some useful items in relatively plain English, including a FAQ on how data protection issues apply to the web (locates it via “Guidance and Other Publications”, “Compliance Advice”, then “FAQs - Web”). This has some good advice for web site owners on how to protect visitors’ privacy. However, most of this applies to commercial data use. “Scientific research” may be exempt from many of the provisions, as long as fundamental rights to privacy are not infringed

and anonymity of subjects is ensured. The situation on exemptions is too complex to explain in brief...but European researchers who are doing relevant research will need to clarify with their own country's data protection framework and their own institutions what their obligations are. It may come down to such issues as whether you can ensure that the data subjects are fully anonymised well before research reaches publication.... which seems to me that it might cause problems if direct quotations from newsgroup postings are used in reports.

University of Bristol, "Self Assessment Questionnaire for Researchers Using Personal Data," available from <<http://www.bris.ac.uk/Depts/Secretary/datapro.htm>> [Submitted by Christine Hine to aoir ethics list]

Waern, Yvonne. 2001. Ethics in Global Internet Research. Report from the Department of Communication Studies, Linköping University, 2001:3. (Available in PDF format from the author, <yvowa@tema.liu.se>)

Includes a good discussion of utilitarian vs. rights approaches, and a series of careful reflections of how to apply the guidelines from the Natural Sciences and Engineering Research Council of Canada, including

Respecting human dignity implies protecting the multiple and interdependent interests of the person - from bodily to psychological to cultural integrity. (cited in Waern, p. 7)

While she recognizes the utilitarian benefits of research, Waern tends to lean much more towards observing rights in research (and in this way, is an example of a stronger tendency towards the deontological among European and Scandinavian researchers). So she says in her conclusion, for example:

...research should provide more benefit than harm. However, the exposition here shows that it is problematic to propose that no harm is done, and even more so to claim what benefit research gives. (11)

Waern also describes a bit of Internet research on her own - one documenting the dominance of English- and German-language literature on research ethics. This leads to her observation that there is a cultural bias in Internet research and its ethics:

...the ethical guidelines found (on the Internet) are based on Western culture in general and Anglo/Saxon culture in particular. It may well be the case that these guidelines place less value upon establishing trust and intimate relationship between the research and the subject than other cultures. On the other hand, it might place higher value on privacy than other cultures. A continued investigation of ethical issues in various cultures is therefore greatly needed for research with the aim of studying global Internet use. (12)

Walther, Joe. 2002. Research Ethics in Internet-Enabled Research: Human Subjects Issues and Methodological Myopia. *Ethics and Information Technology*, 4 (3). Available online: <http://www.nyu.edu/projects/nissenbaum/ethics_walther.html>

White, Michele. 2002. Representations or People? *Ethics and Information Technology*, 4 (3), 249-266. Available online: <http://www.nyu.edu/projects/nissenbaum/ethics_white.html>

Additional Web-based resources

Information Ethics Group, Oxford Computing Laboratory
<<http://web.comlab.ox.ac.uk/oucl/research/areas/ieg/>>

International Center for Information Ethics (Center for Art and Media, Karlsruhe, Germany)
<<http://icie.zkm.de/>>

For a discussion of legal and other aspects, see
<http://www.unet.brandeis.edu/~jacobson/Doing_Research.html>

Stuart Offenbach (Department of Psychological Sciences, Purdue University) offers the following:

If you are interested in Codes of Professional Ethics/Standards, I recommend the site at Illinois Institute of Technology. Vivial Weil has put together a very nice collection at

<<http://csep.iit.edu/codes/>>

In addition, there are a number of research ethics sites including the following:

Ethics in Science: <<http://www.chem.vt.edu/ethics/ethics.html>>

Office of Human Research Protection: <<http://ohrp.osophs.dhhs.gov/>>

The Association for Practical and Professional Ethics:
<<http://ezinfo.ucsf.indiana.edu/~appe/home.html>>

The Online Resource for Instruction in Responsible Conduct of Research:
<<http://rcr.ucsd.edu/>>

Resources on US / EU / European differences

Aguilar, John R. 1999/2000. Over the Rainbow: European and American Consumer Protection Policy and Remedy Conflicts on the Internet and a Possible Solution. *International Journal of Communications of Law and Policy* (Issue 4, Winter 1999/2000, 1-57): Documents extensively the differences in consumer protection - see especially section III, "E-Commerce Concerns and the Cultural Battle Waging Between the EU and US" (11ff.)

Nihoul, Paul. 1998-1999. Convergence in European Telecommunications: A Case Study on the Relationship between Regulation and Competition (Law). *International Journal of Communications Law and Policy*, Issue 2 (Winter), 1-33.

Reidenberg, Joel R. 2000. Resolving Conflicting International Data Privacy Rules in Cyberspace, *Stanford Law Review*, Vol. 52:1315-1376.

[My thanks to Kirk St. Amant for making me aware of these resources.]

Resources in Philosophical Ethics

Birsch, Douglas. 1999. *Ethical Insights: A Brief Introduction*. Mountain View, California: Mayfield.

Boss, Judith. 2001. *Ethics for Life: An Interdisciplinary and Multicultural Introduction*, 2nd ed. Mountain View, CA: Mayfield Publishing.

Rachels, James. 1999. *The Elements of Moral Philosophy*, 3rd ed. Boston: McGraw-Hill.

Thomson, Anne. 1999. *Critical Reasoning in Ethics: A Practical Introduction*. London, New York: Routledge.

Weston, Anthony. 2001. *A 21st Century Ethical Toolbox*. New York, Oxford: Oxford University Press.

Zeuschner, Robert B. 2001. *Classical Ethics: East and West*. Boston: McGraw-Hill.

V. Addendum 1: “Ethical Protocols” - Questions and decision-making guides for Internet research ethics.

1. From Dag Elgesem, What is Special about the Ethical Issues in Online Research?

Ethics and Information Technology, 4 (3), 195-203; available online:

<http://www.nyu.edu/projects/nissenbaum/ethics_elgesem.html>. Used by permission.

Is there only minimal risk of harm? No → Exit

Yes

|

**Are the integrity and the autonomy for
research subjects adequately secured?**

No → Exit

Yes

|

Is the method adequate?

No → Exit

Yes

|

Is the knowledge produced relevant enough? No → Exit

Yes

|

OK?

From Chris Mann, Generating data online: ethical concerns and challenges for the C21 researcher. Keynote lecture, Nordic Conference on Internet Research Ethics, Trondheim, Norway, June 1-2, 2002. Used by permission.

Are we seeking to magnify the good?

- What question is the research project addressing
- Is the research aiming at a goal which is good and desirable
- What research methods will be used to achieve that goal
- How will these methods be designed to ensure the results are reliable
- How will the results of the research be disseminated

Are we acting in ways that do not harm others?

- What is the level of risk to a participant?
- How are risks assessed?

Do we recognise the autonomy of others and acknowledge that they of equal worth to ourselves and should be treated so?

- Will informed consent be sought from participants?
- What procedures to obtain consent will be followed?
- How will confidentiality be respected?

=====

For additional question lists and protocols, see:

Bruckman, Amy. 2002a. Ethical Guidelines for Research Online.
<<http://www.cc.gatech.edu/~asb/ethics/>>

Danet, Brenda. 2001. Suggested Guidelines for Discussion, air ethics working committee preliminary report, **Addendum III** <air.or/reports/ethics.html>.

University of Bristol, "Self Assessment Questionnaire for Researchers Using Personal Data," available from <<http://www.bris.ac.uk/Depts/Secretary/datapro.htm>>
[Posted by Christine M. Hine to air ethics working committee]

Suler, John (2000). Ethics in Cyberspace Research. In Psychology of Cyberspace.
<<http://www.rider.edu/users/suler/psyber/ethics.html>>
[Posted by Lois Ann Scheidt to air list]

VI. Addendum 2: Discussion of contrast between utilitarian and deontological approaches - as these are reflected in contrasts between the U.S. and Europe (Scandinavia and the EU) in laws regarding privacy and consumer protection.

As noted in our Preliminary Report, a comparison between extant US (e.g., the Belmont Report, the Federal Codes, the 1999 AAAS report, and a spread of articles from US-based researchers and ethicists) and EU guidelines (first of all, the NESH guidelines [National Committee for Research Ethics in the Social Sciences and the Humanities [NESH], Norway) “Guidelines for research ethics in the social sciences, law and the humanities.” [2001]: <<http://www.etikkom.no/NESH/guidelines.htm>>] and the EU Data Privacy Protection Act) - there appears to be a clear contrast between US and EU approaches. In ethical terms, it is the contrast between more utilitarian (US) approaches (e.g., as these are more likely to allow cost-benefit analyses to override concerns regarding primary rights and responsibilities) and more deontological (EU) approaches (as these lay greater stress on protecting individual rights - first of all, the right to privacy - even at the cost of thereby losing what might be research that promises to benefit the larger whole).¹⁴

This contrast can be seen, for example, in the differences between two “ethical protocols” available on the web, the first from the UK and the second from the US:

University of Bristol, “Self Assessment Questionnaire for Researchers Using Personal Data,” available from <<http://www.bris.ac.uk/Depts/Secretary/datapro.htm>>;

Suler, John (2000). Ethics in Cyberspace Research. In Psychology of Cyberspace.

<<http://www.rider.edu/users/suler/psy cyber/ethics.html>>.¹⁵

More broadly, it appears that this contrast is further mirrored in the contrast between the EU and the US in terms of laws regarding privacy and consumer protection. According to the **1995 E.U. Data Privacy Protection Act**, data-subjects must:

- * Unambiguously give consent for personal information to be gathered online;
- * Be given notice as to why data is being collected about them;
- * Be able to correct erroneous data;
- * Be able to opt-out of data collection; and
- * Be protected from having their data transferred to countries with less stringent privacy protections.

(see <<http://www.privacy.org/pi>>

In this light, it is clear that *E.U. citizens enjoy a priority on individual privacy* vis-a-vis business interests

- i.e., a *deontological* emphasis on **respect for persons** in the form of privacy protections

vs.

U.S. favoring **business interests** over individual privacy. For example, Reidenberg argues that while there is *global convergence* on what he calls the First Principles of data protection - there are clear *differences* in how these First Principles are implemented, i.e., through “*either liberal, market-based governance or socially-protective, rights-based governance*.” (Joel R. Reidenberg, Resolving Conflicting International Data Privacy Rules in Cyberspace, *STANFORD LAW REVIEW* [Vol. 52 (2000):1315-1376], 1315)

In particular, the European model is one in which

omnibus legislation strives to create a complete set of rights and responsibilities for the processing of personal information, whether by the public or private sector. First Principles become statutory rights and these statutes create data protection supervisory agencies to assure oversight and enforcement of those rights. Within this framework, additional precision and flexibility may also be achieved through codes of conduct and other devices. Overall, this implementation approach treats data privacy as a political right anchored among the panoply of fundamental human rights and the rights are attributed to “data subjects” or citizens. (1331f.)

By contrast, the United States is distinctive in its approach, in which

... the primary source for the terms and conditions of information privacy is self-regulation. Instead of relying on governmental regulation, this approach seeks to protect privacy through practices developed by industry norms, codes of conduct, and contracts rather than statutory legal rights. Data privacy becomes a market issue rather than a basic political question, and the rhetoric casts the debate in terms of “consumers” and users rather than “citizens.” (1332)

- i.e., a *consequentialist* position, one that emphasizes economic benefit at large over possible risks to individual privacy.

However well the associations between U.S.+consequentialism and E.U.+deontology will hold up¹⁶ - recent discussion among the Aoir ethics committee, following informal research by Christine M. Hine, has made even clearer that the problems of contrasts between the US and the EU on data privacy protection are paralleled by more fine-grained contrasts between the EU member states themselves.

VII. Addendum 3: Sample consent forms (courtesy, Leslie Regan Shade) for parents and children involved in Internet research.

Consent form (Parent)

Leslie Regan Shade
Department of Communication
University of Ottawa
Tel: 562-5800 x3827
shade@aix1.uottawa.ca

I, _____, agree to allow my child to participate in the research, *Children, Young People, and New Media in the Home*, conducted by Leslie Shade, of the Department of Communication, Faculty of Arts at the University of Ottawa. The project is under the supervision of Leslie Shade. The purpose of the research is to develop new insights into the social meanings that Internet and related new media give for children and families by discussing with children in detail their experiences with these services, both in the context of their actual use, and in their home environment.

My participation will consist essentially of attending one session in my house for two times during one 12-month period of time, during which I will remain within the house while the interview session with my child is being conducted, which will last for approximately one hour in length. The sessions have been scheduled for _____. I understand that the contents of this research will be used by the Researcher only for the purposes of academic research, including sharing with colleagues at academic conferences and in academic publications, and that my and my child’s anonymity will be respected (real names will not be used in the research dissemination nor will any personal details be revealed that could compromise our identity).

My child and I can choose the methods in which the interviews will take place, which can include digital videography, audio tape-recording, or note-taking. I can also choose whether to allow the digital videography to be used in conference presentations, and to be published (via Web video-streaming) on a website maintained for this project. I understand that the anonymity of my child will be maintained in the digital videography, as no real names will be revealed. If, during the course of the videography, real names are disclosed, they will be edited out. At the end of this form are the appropriate permissions for these activities.

I understand that since this activity deals with very personal information, if it becomes apparent to me, as a parent, or to the Researcher, Leslie Shade, that this is causing some discomfort for my child, the interview will cease. I have received assurance from the Researcher that every effort will be made to minimize these occurrences, through sensitive questioning of my child. If, at any time, my child is uncomfortable with the digital videography or tape-recording, my child is free to ask the Researcher to stop. My child is also free to withdraw from the project at any time, before or during an interview, refuse to participate and refuse to answer particular questions.

I have received assurance from the researchers that the information my child and I will share will remain strictly confidential. Anonymity will be assured through the use of pseudonyms in research analysis and in publications and academic presentations of this research. Digital video recordings, tape recordings of interviews and other data collected will be kept in a secure manner. Contents will be kept in a locked filing cabinet at the researchers' office for a period of between 5-10 years after the date of research publications, and be only available to the researcher and her research assistants.

Benefits of the research: This research will examine the point of view of children and youth and their everyday experiences of using new media in their home. Similar research, to date, has been conducted from an adult-centred perspective. However, children and youth are the fastest growing segment of Internet users, using new media in both the educational and social realms. Children and young people will have an important role to play in the future development of new media, and this is recognized by the federal and provincial government because diverse programs have been established in Canada to make sure that children and youth have access to the Internet in schools and community centers.

It is therefore an opportune time to investigate how children and youth are using new media within their home, because many families have computers and Internet access. One of the research questions this study will investigate is how socio-economics determines media access and opportunities for social participation. In terms of lifestyle, how do children and young people relate to the variety of new media now available to them? What influences their media choices? What new media forms are being created and marketed to children and young people? Are there gender differences in the ways children and youth utilize new media?

Any information about my rights as a research participant may be addressed to Catherine Lesage, Protocol Officer for Ethics in Research, 30 Stewart Street, Room 301, (613) 562-5387 or clesage@uottawa.ca.

There are two copies of the consent form, one of which I may keep.

If I have any questions about the conduct of the research project, I may contact the Researcher at Department of Communication, University of Ottawa, 554 King Edward Ave., Ottawa ON K1N 6N5. Tel: 613-562-5800 x3827; fax: 613-562-5240; e-mail: shade@aix1.uottawa.ca

Researcher's signature

Date

Research Subject's Parent's signature

Date

I consent to allowing my child to be recorded via digital videography

Parents initials

I do not consent to allowing my child to be recorded via digital videography

Parents initials

I consent to allowing the digital videography of my child to be presented at academic conferences

Parents initials

I do not consent to allowing the digital videography of my child to be presented at academic conferences

Parents initials

I consent to allowing the digital videography of my child to be published on the Project Website

Parents initials

I do not consent to allowing the digital videography of my child to be published on the Project Website

Parents initials

Assent form (Child, aged 13-17)

Leslie Regan Shade
Department of Communication
University of Ottawa
Tel: 562-5800 x3827
shade@aix1.uottawa.ca

I, _____, agree to participate in the research, *Children, Young People, and New Media in the Home*, conducted by Leslie Shade, of the Department of Communication, Faculty of Arts at the University of Ottawa. The project is under the supervision of the researcher Leslie Shade. The purpose of the research is to understand how young people are using the Internet and other new media (such as videogames) in their daily lives. I understand that the research will consist of me agreeing to be interviewed for two interviews, for one-hour in length, twice in one 12-month period. During these interviews, I will be asked questions from the Researcher about how I use the Internet and other new media, while I am in my home. I can also show the Researcher what I do on the Internet and with videogames.

I understand that the contents of this research will be used by the Researcher only for the purposes of her academic research, including sharing with colleagues at academic conferences and in academic publications, and that my anonymity will be respected (my real name will not be used, and no personal details will be disclosed that could reveal my real identity).

I may choose whether I want to be recorded on the digital videorecorder, or tape-recorder, and I can also refuse to allow the digital videography to be used in conference presentations, and to be published on a website maintained for this project. I understand that my anonymity will be assured as my real name will not be revealed. If I have agreed to be filmed, but during the course of the filming, my real name is disclosed, I understand it will be edited out.

If, during the course of the interview, I feel uncomfortable about any questions that are asked of me, I can refuse to answer at any time during the interview, or ask for the interview to stop. I am under no pressure to answer all of the questions, and I have been told by the Researcher that I can stop at any time.

I understand that my interview and identity will remain confidential. My anonymity will be protected through the use of a pseudonym (a made-up name) when the Researcher is analyzing the material and in her publications and conference presentations of this research.

I understand that digital video recordings, tape recordings of interviews and other data collected will be kept in a secure manner. Contents will be kept in a locked filing cabinet at the Researchers' office for a period of between 5-10 years after the date of publications, and be only available to the researcher and her research assistants.

Benefits of the research: This research will examine the point of view of children and youth and their everyday experiences of using new media in their home. Similar research, to date, has been conducted from an adult-centred perspective. However, children and youth are the fastest growing segment of Internet users, using new media in both the educational and social realms. Children and young people will have an important role to play in the future development of new media, and this is recognized by the federal and provincial government because diverse programs have been established in Canada to make sure that children and youth have access to the Internet in schools and community centers.

It is therefore an opportune time to investigate how children and youth are using new media within their home, because many families have computers and Internet access. One of the research questions this study will investigate is how socio-economics determines media access and opportunities for social participation. In terms of lifestyle, how do children and young people relate to the variety of new media now available to them? What influences their media choices? What new media forms are being created and marketed to children and young people? Are there gender differences in the ways children and youth utilize new media?

If I am concerned about any of this research, I can talk to the Researcher or my parent(s). My parent(s) can also contact the University of Ottawa if they or I have questions about my rights as a research participant: Catherine Lesage, Protocol Officer for Ethics in Research, 30 Stewart Street, Room 301, (613) 562-5387 or clesage@uottawa.ca.

There are two copies of the consent form, one of which I may keep.

If I have any questions about the conduct of the research project, I may contact the Researcher at the Department of Communication, University of Ottawa, 554 King Edward Ave., Ottawa ON K1N 6N5. Tel: 613-562-5800 x3827; fax: 613-562-5240; e-mail: shade@aix1.uottawa.ca

Researcher's signature

Date

Research Subject's signature

Date

I consent to be recorded via digital videography

Research subject's initials

I do not consent to be recorded via digital videography

Research subject's initials

I consent to allowing the digital videography to be presented at academic conferences

Research subject's initials

I do not consent to allowing the digital videography to be presented at academic conferences

Research subject's initials

I consent to allowing the digital videography to be published on the Project Website

Research subject's initials

I do not consent to allowing the digital videography to be published on the Project Website

Research subject's initials

====

Assent form (Child, aged 9-12)

Leslie Regan Shade
Department of Communication
University of Ottawa
Tel: 562-5800 x3827
shade@aix1.uottawa.ca

I, _____, and my parents agree that I can participate in the research, *Children, Young People, and New Media in the Home*. This research is being done by Leslie Shade, of the Department of Communication, Faculty of Arts at the University of Ottawa.. This research is looking at how kids like me are using the Internet and videogames in their homes. The research will be beneficial to educators and society because it will look at how kids are actually using new media and whether it can be improved. The talk with the Researcher will last for about one hour, and will happen two times in a year.

The Researcher will be coming into my home and asking me questions about what I do on the Internet or with videogames. I can also show the Researcher what I do on the Internet and with videogames. My parents and I can choose whether I will be filmed or tape-recorded. We can also say if we allow the film of me to be shown at conferences, or to be put on a website for others to look at.

I understand that my talk with the Researcher will be used only used by her. I understand that my real name will never be used. The researcher will give me a made-up name to describe me.

If I ever feel uncomfortable about any questions the Researcher asks me, I can refuse to answer at any time. I can also ask for the interview to stop at any time. I am under no pressure to answer all of the questions.

I understand that the interviews with me will be safe in the Researchers office, and that no one except her will be able to look at them.

If I am concerned about any of this research, I can talk to the Researcher or my parent(s). My parent(s) can also contact the University of Ottawa if we have questions about my rights as a research participant: Catherine Lesage, Protocol Officer for Ethics in Research, 30 Stewart Street, Room 301, (613) 562-5387 or clesage@uottawa.ca .

There are two copies of the consent form, one of which I may keep.

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Researcher's signature

Date

Research Subject's signature

Date

====

Assent form (Child, aged 6-8)

Leslie Regan Shade
Department of Communication
University of Ottawa
Tel: 562-5800 x3827
shade@aix1.uottawa.ca

I, _____, and my parents agree that I can participate in the research, *Children, Young People, and New Media in the Home*. This research is being done by Leslie Shade, of the Department of Communication, Faculty of Arts at the University of Ottawa.

This research is looking at how kids like me are using the Internet and videogames in their homes. The Researcher will be coming into my home and asking me questions about what I do on the Internet or with videogames. My parents and I can choose whether I will be filmed or tape-recorded.

If I ever feel uncomfortable about any questions the Researcher asks me, I can refuse to answer at any time. I can also ask for the interview to stop at any time.

If I am concerned about any of this research, I can talk to the Researcher or my parent(s). My parent(s) can also contact the University of Ottawa if we have questions about my rights as a research participant: Catherine Lesage, Protocol Officer for Ethics in Research, 30 Stewart Street, Room 301, (613) 562-5387 or clesage@uottawa.ca.

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Researcher's signature

Date

Research Subject's signature

Date

====

Endnotes

¹ My profound thanks to the members of the committee who have generously shared their time, expertise, and care through discussion and critical evaluation of the issues raised in this document. The committee includes: Poline Bala – Malaysia; Amy Bruckman – USA; Sarina Chen - USA; Brenda Danet – Israel/USA; Dag Elgesem – Norway; Andrew Feenberg - USA; Stine Gotved – Denmark; Christine M. Hine – UK; Soraj Hongladarom - Thailand; Jeremy Hunsinger - USA; Klaus Jensen - Denmark; Storm King - USA; Chris Mann - UK; Helen Nissenbaum - USA; Kate O’Riordan - UK; Paula Roberts - Australia; Wendy Robinson - USA; Leslie Shade - Canada; Malin Sveningsson - Sweden; Leslie Tkach - Japan; John Weckert - Australia.

² “Inter/action” is intended as a shorthand for “actions and/or interactions” - i.e., what humans do, whether or not our actions engage and/or are intended to engage with others. Part of the intention here is to avoid other terms, e.g., “behavior,” that are too closely tied in the social sciences to specific approaches, schools of thought, etc. (By contrast, as the citations from Deborah Johnson make clear [note 5, below], “behavior” is used as a more neutral term in philosophical ethics.)

³ Matthew Allen explains that in Australia, research ethics are covered by national processes, mainly formulated by the National Health and Medical Research Council but also adopted by the Australian Research Council (which covers all other types of research). Each university has instituted a scheme, based on the NHMRC requirements, for internal ethics management, since most of the available research funds come from those two councils. While each university Office of Research (or similar) will have its specific procedures and guidelines, the national position is best explained by the documents found at the NHMRC's ethical issues webpage, <<http://www.nhmrc.gov.au/issues/researchethics.htm>>. It should be noted that while most of the specific ethical considerations covered by the NHMRC will not apply to Internet researchers (most involve the use of medical procedures), there are still key aspects of the process that are highly relevant; moreover the overall framework of for ethical research is covered in detail by the NHMRC. (E-mail to Charles Ess, 3 November 2002)

⁴ In their project to collect all (English) literature pertinent to online research, the Committee on Scientific Freedom and Responsibility of the AAAS (American Association for the Advancement of Science) includes the following disciplines: Anthropology, Business, Communications/Media, Computer Science, Economics, Education, Law, Linguistics, Medicine,

Nursing, Pharmacology, Philosophy, Political Science, Psychology, Public Health, Social Work, Sociology, and Statistics. (AAAS CSFR, “Categories.doc,” quoted by permission.)

⁵ Deborah Johnson (2001) provides excellent definitions of these (and other) basic terms in her classic introduction to computer ethics.

“*Utilitarianism* is an ethical theory claiming that what makes behavior right or wrong depends wholly on the consequences....utilitarianism affirms that what is important about human behavior is the outcome or results of the behavior and not the intention a person has when he or she acts” (36: emphasis added, CE). When faced with competing possible actions or choices, utilitarian approaches apply an ethical sort of cost/benefit approach, in the effort to determine which act will lead to the greater benefit, usually couched in terms of happiness (a notoriously difficult and ambiguous concept – thus making utilitarian approaches often difficult to apply in *praxis*). As Johnson goes on to point out here, there are several species of utilitarianism (what some ethicists also call *teleological* or goal-oriented theories). Briefly, one can be concerned solely with maximizing benefit or happiness for oneself (*ethical egoism*) and/or maximizing benefit or happiness for a larger group (hence the utilitarian motto of seeking “the greatest good for the greatest number”).

“By contrast, *deontological theories* put the emphasis on the internal character of the act itself,” and thus focuses instead on the motives, intentions, principles, values, duties, etc., that may guide our choices” (Johnson 2001, 42: emphasis added, CE). For *deontologists*, at least some values, principles, or duties require (near) absolute endorsement – no matter the consequences. As we will see in this document, *deontologists* are thus more likely to insist on protecting the fundamental rights and integrity of human subjects, *no matter the consequences* – e.g., including the possibility of curtailing research that might threaten such rights and integrity. Utilitarians, by contrast, might argue that the potential benefits of such research outweigh the possible harms to research subjects: in other words, the greatest good for the greatest number would justify overriding any such rights and integrity.

Virtue ethics derives in the Western tradition from Plato and Aristotle. The English word “virtue” in this context translates the Greek ἀρετή better translated as “excellence.” In this tradition, “...ethics was concerned with excellences of human character. A person possessing such qualities exhibited the excellences of human good. To have these qualities is to function well as a human being” (Johnson 2001, 51).

Contemporary feminist ethics traces much of its development to Carol Gilligan’s work on how women make ethical decisions – in ways that both parallel and often sharply contrast with the ethical developmental schema established by Lawrence Kohlberg. Briefly, Gilligan found that women as a group are more likely to include attention to the details of relationships and caring, choosing those acts that best sustain the web of relationships constituting an ethical community – in contrast with men who as a group tend to rely more on general principles and rules. For Gilligan, this basic contrast between an ethics of care and an ethics of justice is by no means an either/or choice: on the contrary, she finds that the highest stages of ethical development are marked by the ability to make use of both approaches. See Rachels (1999, 162-74) for an overview and suggestions for further reading.

Rachels also provides a more complete account of utilitarianism, deontology, and still other ethical decision-making procedures. In addition, interested readers are encouraged to review Weston (2001), Thomson (1999), Birsch (1999), and Boss (2001) for both more extensive discussion and applications of ethical theory. (See note 7 below for additional resources in cross-cultural ethics.)

Finally, while ethicists find that these distinctions between diverse theories and approaches are useful for clarifying discussion and resolving conflicts – they (largely) agree that a complete ethical framework requires a careful *synthesis* of several of these theories.

⁶ See Bruckman (2002c) and Walther (2002) for specific examples of an *ethical pluralism* that allows us to recognize a range of specific ethical positions as legitimate, rather than either insisting on a single ethical value (monolithic ethical dogmatism) or simply giving up on ethics altogether and embracing ethical relativism. The examples and models of such pluralism, as a middle ground between dogmatism and relativism, are consistent with the larger convergence that I suggest is taking place (Ess, 2002) - i.e., as these offer us specific instances and frameworks that encompass both agreement (e.g., on basic values or first principles) and irreducible differences (e.g., in the specific application of those basic values, principles, etc.): see also King (1996) and Smith (2003).

⁷ *Cross-cultural* differences are addressed especially by an ethical pluralism that rests on a shared commitment to a fundamental norm, value, or guideline: the *interpretation* or *application* of that norm, however, differs in different contexts. For example, a central issue for Internet researchers is whether, and if so, under what circumstances *informed consent* is required - especially if *recording* activity is taking place. For U.S.-based researcher Joe Walther (2002), such recording is ethically unproblematic. For Norwegian ethicist Dag Elgesem (2002), by contrast, such recording (audio and/or video) requires informed consent. In both cases, however, the issue is one of *expectations*. For Elgesem and the

NESH guidelines, people in public places do not *expect* to be recorded without their knowledge and consent. By contrast, Walther follows Jacobsen's argument that such expectations are misplaced. Hence, while Elgesem and Walther reach different conclusions regarding the ethical propriety of recording inter/actions in public spaces on the Net - they do so through a *shared* argument: in both cases, the *expectations* of the actors/agents involved are paramount. Hence, while the U.S. and Norwegian positions differ on a first level - on a second (meta-ethical) level, they *agree* on the ethical importance of actors' expectations. This *ethical pluralism* thus conjoins both important *shared norms or values* (the importance of expectations in guiding our ethical responses) and *differences* (in the interpretation or application of those norms or values).

This same sort of pluralistic structure, finally, is at work with regard to the significant differences between U.S. and European Union approaches to computer ethics in general and Internet research ethics in particular. Broadly, the European Union Data Privacy Protection laws and ethical codes for research (primarily, the NESH guidelines) more fully endorse a *deontological* insistence on protecting the rights of individuals, *no matter the consequences*. By contrast, U.S. law regarding data privacy appears to favor the *utilitarian* interests of economic efficiency (see Aguilar 1999/2000 for an extensive comparison). This same contrast can be seen in research guidelines: for example, where U.S.-based research guidelines focus on the protection solely of the *individual* participating in a research project - the NESH guidelines require researchers to respect not only the individual, but also "...his or her private life and close relations..." (2001). But again, these large differences may again be seen as differences on a first level - i.e., with regard to *interpretation, implementation, etc.* - coupled with fundamental *agreements* on a second level, i.e., with regard to shared *values, norms, commitments, etc.* So Paul Reidenberg discerns a global convergence on what he calls the First Principles of Data Protection: the differences we have noted result from differences in *implementation*, i.e., through "either [current U.S.-style] liberal, market based governance or [current E.U.-style] socially-protective, rights-based governance" (2000, 1315). Similarly, Diane Michelfelder traces the ways in which both U.S. and European law are rooted in a *shared* conception of fundamental human rights - conceptions articulated both in the 1950 European Convention for the Protection of Human Rights and in the U.S. Constitution itself (2001, 132).

See also **VI: Addendum 2**, pp. 20f. For cross-cultural approaches to ethics in addition to Boss (2001), see, for example Zeuschner (2001).

⁸ The term "ethical relativism" as used here is often - but unnecessarily - the occasion for considerable confusion, because philosophers usually use the term differently from their colleagues in the social sciences.

That is: ethicists distinguish between *ethical relativism*, on the one hand, and *cultural relativism*, on the other. The latter is a methodological starting point for anthropology and other human sciences, one that takes a morally neutral stance in the effort to simply *describe*, rather than judge, the *morés, beliefs, habits, and values* of a particular culture or time. In this way, cultural relativism consists of *descriptive* "is" statements: it simply is the case, descriptively considered, that values, beliefs, customs, habits, practices, etc., differ from culture to culture.

Ethical relativism, by contrast, is a *normative* position - i.e., one that *prescribes* a specific moral stance and in the language of "ought." Most briefly, ethical relativism begins with the claim that *there are no universally valid values*, and therefore, one *ought* not to feel any obligation to any claims to such universal values: and in the absence of such universal values, one *ought* to do whatever seems best to the individual (whether as inspired by desire, reason, self-interest, altruism, dis/conformity with prevailing norms, etc.). Finally, because no universal values exist, and one *ought* to do what seems best to the individual - one also *ought* to not impose one's own moral views on others, one *ought* not to judge others, etc. In sum, "anything goes."

Confusion between these two views often arises in part because *ethical relativism* usually supports its premise that there are no universally valid values with the *descriptions* developed from the perspective of *cultural relativism*. That is, given the simple *description* that values, etc., vary from culture to culture, ethical relativism draws the conclusion (erroneously, on both logical and empirical grounds) that this diversity must mean there are no universal values, valid for all times and places. From here, then, there is the move to the *ought* statements - e.g., one *ought* to do as it seems best to the individual, etc.

Most contemporary ethicists, to my knowledge, generally reject *ethical relativism* on a range of grounds (empirical and logical) as the last word in ethics: but it is recognized as an important position among a range of positions, one that is defensible at least up to a point (e.g., with regard to fashion, etc.) Hence, to identify someone as an ethical relativist does not automatically count as a statement of ethical condemnation. Rather, ethical relativism is to be examined seriously, along with its supporting and critical arguments and evidence, as part of a critical analysis of diverse ethical views.

Despite their overlap, *cultural relativism* - as a methodological principle and correlative descriptions within the social sciences - is not to be confused with *ethical relativism* as a particular *normative* theory. Specifically: when philosophers criticize ethical relativism - they thereby do not mean to attack cultural relativism as an important component of the social sciences, as if the philosophers were seeking to make ethical judgments that would restrict and undermine the

disciplines and findings of the social sciences. Rather to the contrary, philosophers distinguish between ethical and cultural relativism, precisely in order to distinguish the (legitimate, if arguable) ethical position from the methodological starting point and (more or less) universally accepted description of diverse cultures.

⁹ Aristotle defines *phronesis* as "...a truth-attaining rational quality, concerned with action in relation to things that are good and bad for human beings." (*Nicomachean Ethics*, VI.v.4, Rackham trans.)

¹⁰ Amy Bruckman points out that people's expectations regarding their online communication are often out of sync with the realities of online communication - e.g., BLOG authors' expectations as to who will read their material, etc. (Bruckman, 2002b).

¹¹ The NESH guidelines (National Committee for Research Ethics in the Social Sciences and the Humanities [NESH], Norway) "Guidelines for research ethics in the social sciences, law and the humanities." [2001]: <<http://www.etikkom.no/NESH/guidelines.htm>> point out that "public persons" and people in public spaces have a reduced expectation of privacy, such that simple observation of such persons and people is not ethically problematic. By contrast, *recording* (e.g., using audio- or videotape) such persons and people does require their (informed) consent. In this direction, see also Bakardjjeva and Feenberg (2000), who argue for taking into account "participant interests" and expectations, leading to their principle of non-alienation - granting participants' the right to control what happens to their communications as part of a collaborative model of Internet research especially suited to the "dialogical affordances" of the Internet (238).

On the other hand, with reference, for example, to Benjamin's concept of the *flâneur* and the Sussex Technology Group (2001), O'Riordan observes that "some research/theory also points the other way, to the inversion of publics where the private-in-public space can be perceived to be more private than the spatially 'private.'" (2002).

¹² For discussion of participants as subjects - and thus subject to U.S. Federal Codes - see Walther (2002). For discussion of participants as activists, authors, and/or amateur authors whose work - especially as treated from the disciplines and ethical perspectives of the humanities - see Bassett and O'Riordan (2002), Bruckman (2002c), and White (2002).

As a middle ground between more public and more private domains, and between greater and lesser obligation to protect privacy - there is the correlative set of expectations as to what counts as polite or courteous behavior, sometimes called "Netiquette." For example, it is arguable that any listserv or e-mail is public because the Internet is technologically biased in favor of publicity, listserv archives are often made available publicly on the Web, etc. Insofar as this is true, there is no strict ethical obligation, say, to ask permission before quoting an e-mail in another context. Nonetheless, it seems a matter of simple courtesy, if not ethical obligation, to ask authors for permission to quote their words in other electronic domains.

If the request is for quoting an electronic document *in print*, then prevailing practice - and perhaps the requirements of copyright law? - strongly suggest that all such quotes require explicit permission from the author. (For arguments that *everything* posted on the Web is *de facto* subject to copyright law, see Bruckman [2002c] and Walther [2002].)

See also Allen (1996), who argues for a "ground-up" dialogical ethics - i.e., one developed over the course of the research project through on-going communication with one's research *authors* (in contrast with the usual social science and medical approach that presumes these are *subjects*). The results of this approach are a concrete instance of the sort of middle ground described above.

¹³ The point of the contrast sketched out here (and developed more fully below - see especially endnotes 14, 16) is simply to illustrate that ethical approaches and traditions vary among countries and cultures, and thus it is important to be aware of and take these larger contexts into account.

For its own part, of course, this particular example is open to criticism and further refinement. In particular, Malin Sveningsson has challenged this contrast as follows:

If we look at Sweden, for example, there is a difference between what is stated in the ethical guidelines and what is actually done. I guess you could say that the ethical guidelines draw up lines for what would be the **ideal** research design. At the same time, the Swedish Research Council acknowledges that it might not always be possible to strictly follow the guidelines. They also stress the importance of doing important research that will benefit society and its members, and state that ethical guidelines sometimes have to be measured against this. So, my point is: It is possible that ethical GUIDELINES are more strict and deontological, but in practice, researchers might not be more strict than in, for example, the US. (2002)

Sveningsson points to her own work (2001) as an example of research more utilitarian in its ethics, in contrast with Amy Bruckman's guidelines (<<http://www.cc.gatech.edu/~asb/ethics/>>) as more deontological.

¹⁴ Consider the following comments on the NESH guidelines (from air ethics working committee Preliminary Report):
More stringent ethical obligations – and requirements

The ethical requirements established here appear to be somewhat more stringent than in other statements we've examined. For example:

The obligation to respect human dignity

Human dignity implies that every one of us has interests that can not be set aside, whether in the interests of greater insight or to benefit society in other ways.

That is, *contra* the utilitarian approach that allows individual interests, including life, to be overridden if necessary for the greater good – this statement seems to say that human dignity is an absolute, which cannot be overridden for the sake of benefit for others.

The obligation to inform research subjects

Persons who are the subjects of research must be given the information they need for a reasonable understanding of the research field, of the consequences of participating in the research project, and of the object of the research. They must also be told who is paying for the research.

While we have discussed the advisability of subjects knowing about funding sources, I don't recall that we've been collectively insistent on this point.

The obligation to respect individuals' private lives and families

Researchers must show due respect for the individual's private life. Each person is entitled to control over whether or not to make identifiable information on his or her private life and close relations available to others. Respect for privacy is intended to protect people against unwanted interference and against unwanted observation.

I find this striking as it includes one's family and/or other close relations as part of the circle of protection that researchers must draw. By contrast, I've always assumed in reading other guidelines and statements that the obligation to protect the identity of one's subjects mean solely the individual.

The confidentiality requirement

Persons who are made the subjects of research are entitled to confidential treatment of all information they give. The researcher must prevent the use and transmission of information which may harm the individual on whom the research is being carried out. *The research material must normally be rendered anonymous, and the storage and destruction of lists of names or personal identity numbers must satisfy strict requirements.* (Emphasis added, CE)

¹⁵ This contrast is also apparent, for example, between the guidelines suggested by Amy Bruckman and Susan Herring - both U.S.-based researchers. See Jankowski, Nickolas and Martine van Selm. 2001 (?). "Research Ethics in a Virtual World: Some Guidelines and Illustrations" <<http://www.brunel.ac.uk/depts/cricr/vmpapers/nick.htm>> for a discussion of this contrast as presented as part of a panel discussion at air 2.0.

¹⁶ Diane Michelfelder (The moral value of informational privacy in cyberspace. *Ethics and Information Technology* 3 [2001]: 129-135) has argued that both the U.S. and European law are able to root privacy as a fundamental human right. To begin with,

legal protection for privacy in the US has grown up around two fundamental privacy interests. On the one hand, there is the constitutional right to privacy first established by the US Supreme Court decision in *Griswold v. Connecticut*.(4) On the other hand, there is the ...constitutional right to informational privacy backed by the Fourth Amendment as well as by tort-related guarantees. The former finds its moral basis largely rooted in a single value, the value of personal autonomy. The latter finds its moral basis in a host of different values, including personal liberty and dignity, solitude, self-esteem, self-identity, and the development of one's individuality for the sake of achieving happiness.(5) (131, with references)

With regard to the European Union Data Protection Directive (1995), she writes,

The DPD explicitly states that “data-processing systems are designed to serve man.” With this in mind, the DPD finds its moral basis in the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, specifically in this Convention’s statement that “everyone has the right to respect for his private and family life, his home and his correspondence.” These words, particularly the mention of ‘correspondence,’ ring of the language of the Fourth Amendment and privacy construed as the ‘right to be left alone.’ They are also though suggestive of the constitutional ‘zone of privacy’ that Justice Douglas argued for in the Griswold decision. *The moral values underlying the DPD can accordingly be tied in both to the European Convention for the Protection of Human Rights, and to the US Constitution.* (132: emphasis added, CE)

Nonetheless, beyond the initial comparison offered here between the NESH Guidelines and the U.S. AAAS report, additional support for my claim that the U.S. approach is more consequentialist in contrast with a more deontological European approach may be seen in the different approaches each takes to laws concerning e-commerce and e-consumers. Briefly, U.S. law places the burden of privacy protection first of all on the *consumer* - placing corporate “rights” to gather information on consumers ahead of individual rights. By contrast, the E.U. Data Protection Act, as noted above, places priority on protecting individual privacy rights over corporations’ and governments’ interests in collecting information on individuals. See John R. Aguilar (“Over the Rainbow: European and American Consumer Protection Policy and Remedy Conflicts on the Internet and a Possible Solution,” *International Journal of Communications of Law and Policy* (Issue 4, Winter 1999/2000, 1-57) extensively documents this contrast: see especially section III, “E-Commerce Concerns and the Cultural Battle Waging Between the EU and US” (11ff.)