

**CHAPTER 31****Internet research ethics**

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**Introduction: why Internet research ethics?****Gold mines and/or land mines?  
Promises and problems in Internet research**

As the Internet both developed and exponentially extended its reach – first within the United States and then well beyond its borders (though not, of course, without disparities and inequalities) – researchers from a range of disciplines, including psychology, communication, sociology, anthropology and the humanities, quickly recognized that the various venues of the Internet (email, listservs, USENET groups, MUDs and MOOs, web pages, ICQ and its descendants such as Instant Messenger, etc.) facilitated distinctive new ways for human beings to interact with one another. These new places and modes of interaction deserved careful study: moreover, the ready-made data sets automatically generated, for example, by listserv and USENET archives, the accessibility of venues, and, in many cases, the anonymity researchers could enjoy as ‘lurkers’, made study of human interactions in these new contexts seem like a researcher’s dream.

Like much of the other early Internet euphoria and utopianism, researchers’ early enthusiasm soon encountered new difficulties – including new sorts of ethical problems. Of course, ethical difficulties in research involving human subjects are nothing new. As is well-known, following clear abuse of human beings in the name of research

both during the Second World War and in other (in)famous cases – for example the Tuskegee Institute study (Pence 1990: 184–205), professional ethics codes, declarations and national and international laws emerged intended to protect basic human rights, beginning with the right to informed consent to experimental procedures on one’s own body.<sup>1</sup> At the same time, however, while such codes were well established especially in the United States – and enforced, for example, by its distinctive matrix of Institutional Review Boards<sup>2</sup> – prevailing views of the Internet emphasized its creating a new ‘Cyberspace’ and attendant forms of human communication and

<sup>1</sup> These basic rights include familiar rights to informed consent, anonymity, privacy, and protection of confidentiality, as well as the requirement that researchers minimize the risk of harm to research subjects. These requirements have been developed since the Nuremberg Code (1947) through the Belmont Report (1972) to the US Code of Federal Regulations to the Office for Protection from Research Risks (1991). The most important international declaration of these rights is the World Medical Association Declaration of Helsinki (2004).

<sup>2</sup> Such boards are required by the Federal codes in the United States (cf. Walther 2002) and are a part of every college and university that undertakes research involving human subjects. They certainly have their counterparts in the English-speaking world – such as the ‘Research Ethics Boards’ (National Research Council, Canada), external Learning and Teaching Support Networks’ subject centres and internal Academic Standards and Policy committees in the UK, the National Health and Medical Research Council (Australia) and the Australian Research Council. By contrast, such oversight authorities are absent, for example, in Danish universities. See also Johns *et al.* (2004).

identity that were radically different from the offline world – first of all, because human beings could precisely escape their material bodies to develop and play with new forms of ‘virtual’ identity online. Especially as almost all communication online involved texts generated by virtual identities that may have been entirely untraceable to an offline person – it was by no means clear that the human subjects protections codes, developed in medicine and the social sciences to prevent harm to offline persons and minds, had any relevance to research on online communication and interaction.<sup>3</sup>

But research history repeated itself – first of all, as a number of incidents and cases made clear that it is indeed possible to harm minds and identities, if not bodies, online. In the US/English-speaking context, for example, a male psychologist made bad research history by pretending to be a disfigured and handicapped female while chatting with women, ostensibly in the name of better understanding female psychology and interaction patterns (Van Gelder [1985], 1991; cf. Mann 2003: 36). When he revealed his ‘real’ (i.e., offline/embodied) self to be male, predictable outrage followed – first of all, from the women participants who (rightly) felt deceived into relationships of trust and intimacy online in which they revealed aspects of themselves that they otherwise would not have shared with a male psychologist. Even more spectacularly, the (in)famous ‘rape in cyberspace’ (Dibbell 1993) opened up extensive discussion, for example, as to whether words and speech *could*, in at least extreme instances, indeed harm real human

beings in ethically unacceptable ways. The emergent discussion of Internet research ethics (IRE) then crystallized in a watershed special issue of *The Information Society* (e.g., Herring 1996; King 1996), followed by a national-level workshop on IRE in 1999, organized by the US NIH Office for Protection from Research Risks and the American Association for the Advancement of Science (Frankel and Siang 1999). Within the discipline of psychology alone, as Peden and Flashinski point out, Michalak and Szabo (1998) attempted to develop guidelines for Internet researchers based on general standards, personal experience and the 1992 ethical standards established by the American Psychological Association (Peden and Flashinski 2004: 3). In 2000, Azar focused on the difficulties of informed consent and debriefing in online research – along with the problem that conducting a study online makes public a researcher’s procedures and methods, thus opening up the possibility of intellectual piracy (Azar 2000, cited in Peden and Flashinski 2004: 5). In that same year, finally, Peden and Flashinski note the publication of Reips’ guidelines (Reips 2000) – which they in turn use to evaluate a range of online surveys and experiments. They found that while many Internet-based experiments and surveys complied with requirements for avoiding deception and excessive inducements, they did less well with regard to assessing informed consent and debriefing (Peden and Flashinski 2004: 14). In addition, while 45% of the studies and experiments asked for personal information (e.g., name, phone number) – only 20% used secure sites, and only 19% created separate data files for personal information and responses (2004: 15). They comment: ‘Although psychologists are expected to protect confidential information, our results indicate considerable room for improvement’ (2004: 15).

More broadly, a growing body of literature, composed primarily of working researchers’ reflections on the ethical difficulties they encountered in their online research (e.g., Sveningsson 2001) further added to the resources then taken up by the ethics working committee of the Association of Internet Researchers (AoIR), charged in 2000 with developing interdisciplinary and international guidelines for online research. The first version of these guidelines was approved by the AoIR membership in 2002, and has found

<sup>3</sup> As one example from 1994: ‘If the research does not involve identifiable subjects, there is no risk to subjects, and therefore the protection of these rights and interests no longer applies’ (Jones 1994: 33, cited in Lawson 2004: 84). More recently, Dzyk, for example, flatly states that ‘Denn es ist kaum vorstellbar, dass bei netzbasierten humanexperimentellen Untersuchungen Versuchspersonen z.B. in Lebensangst versetzt werden könnten’ [It is scarcely imaginable that experimental subjects could experience any anxiety about their lives in net-based experimental research] – in order to argue that *deontological* codes (e.g., those that emphasize motives, ethical principles, etc. without regard for consequences) hence do not apply to online research (Dzyk 2001: 5). As we are about to see, however, the possibility of online research resulting in serious harm to human subjects started to become apparent as early as 1985.

extensive use in the English-speaking world (see AoIR 2002; Ess 2004). More specifically, the German Society for Online Research and others has established a set of guidelines for Internet-based surveys that include ethical considerations (Arbeitskreis Deutscher Markt- und Sozialforschungsinstitute et al. 2001).

## Some basic issues in IRE

### Sources, frameworks, and initial considerations

The development of IRE in Western countries has drawn from four major sources:

1. The models of human subjects research and human subjects protections in the life sciences – i.e., medical ethics, bioethics, etc. – and social sciences – e.g., psychology (Kraut et al. 2004);
2. Professional ethics – including codes for computer-related professions (e.g., Association for Computing Machinery 1992 etc.);
3. Ethical codes in the social sciences and the humanities – where the latter do not see human beings online as ‘subjects’ to be protected, but rather as authors or amateur artists whose work is public and needs only the protection of copyright, but not, for example, anonymity, informed consent, etc. (e.g., Bruckman 2002); and
4. The philosophical work on philosophy of information and information ethics (e.g., Floridi 2003).

Underlying these more specific approaches are a number of Western ethical frameworks that require at least brief definition. *Deontology*, associated in the modern era especially with Kant, emphasizes the primary importance of respecting the basic rights of human beings as autonomous beings – i.e., free and thereby capable of establishing their own moral norms and rules. The primary requirement to respect this essential freedom then issues in a range of rights, duties, obligations, and principles – including those central to shared conceptions of human subjects’ protections, i.e., rights to privacy, confidentiality, anonymity, and informed consent – and the correlative duties of researchers to respect and protect these rights, no matter the

‘costs’ of doing so (e.g., increased complexity in research design and implementation – or even, in a worst-case scenario, the necessity to abandon a research project because it would unavoidably violate these basic rights and duties). This philosophical orientation appears to be emphasized, for example, in approaches to research ethics in many (but by no means all) European countries – by contrast, that is, with *consequentialist* approaches, including the *utilitarianism* characteristic of ethical decision-making in the Anglo-American spheres. Utilitarianism stresses an effort to balance real and potential costs (usually, to a few) and benefits (usually, to the many): from a utilitarian perspective, if research is likely to contribute to the greatest good for the greatest number (e.g., in terms of improvements in health, social welfare, the environment, etc.), such benefits may ethically trump their costs – even such costs as subjects’ experiencing suffering, the loss of rights and autonomy, etc., during the course of a research project. So in the US and the UK, for example, if the anticipated outcomes of research are likely to benefit the larger society (including, in some cases, precisely the research subjects themselves, as research may uncover new cures, etc.), research codes typically emphasize the importance of *minimizing* risks to research subjects. Deontologists counter, however, that ‘the greatest good for the greatest number’ can – as historical examples such as the Tuskegee Institute study unfortunately illustrate – justify extreme suffering and even the deaths of ‘the few’, i.e., a relatively limited number of human beings now treated precisely as *subjects*, i.e., no longer as autonomous human beings. In addition to these two large poles, contemporary ethical approaches further include, for example, feminist and communitarian approaches that emphasize (as complements to, not opposites of, the strictly rational principles of deontology and consequentialism) the ethical importance of personal relationships and care between researchers and those engaged as ‘subjects’. In doing so, these ethical approaches come closer to utilizing forms of ‘the Golden Rule’ – i.e., asking researchers to consider how they themselves would *feel* if they found themselves treated in the ways they proposed to treat their subjects? Moreover, these approaches characteristically expand the ethical focus from the research subject as autonomous

individual to his/her circle of close relationships, so that the researcher may be obliged, as in the NESH (2002) guidelines, for example, to protect the anonymity and confidentiality of not simply a given subject, but also those of their close friends and intimate partner(s): see Johns et al. (2004). Our responses to specific ethical issues in research can thus be shaded in significantly different ways, depending on which of these frameworks we take as primary (cf. AoIR 2002; Ess 2003).

More specifically, contrary to the 1990s arguments *against* applying human subjects protection models, such models prevail both in contemporary discussions of IRE and the three extant ethical guidelines intended to address a large range of ethical issues in online research (i.e., AoIR 2002; NESH 2003; Kraut et al. 2004). Rooted in both national and international declarations of human rights (Reidenburg 2000; Michelfelder 2001), these models stress protecting the integrity and dignity of human persons first of all through an emphasis on rights to informed consent and to privacy as protected by guarantees of confidentiality and anonymity. The right to privacy, moreover, is reinforced especially in the philosophical discussions of information ethics – e.g., as such privacy is seen as instrumental to the personal development of the human being as a free and rational being, and as a participant in a democratic society (Johnson 2001; Bizer 2003).

In addition to this strong focus on human subjects protections (as drawn primarily from medical and social science approaches), contemporary IRE may also take up copyright issues (as

reflecting more humanistic approaches that stress the producer of a text as an *author* rather than as a ‘subject’). Especially given that in the US context, anything appearing on the Web is immediately considered protected by copyright – researchers who take this approach to, say, studying websites, USENET postings, etc., – will have a second set of ethical issues to consider, including what counts as ‘fair use’ of such texts, acknowledging copyright holders (not always obvious), and, in some cases, acquiring permission for direct citations. Especially this last requirement, when it emerges, confronts researchers with a set of both rights (i.e., authorship as protected by copyright, etc.) and costs to consider (e.g., the time and labour required to track down ostensible authors, to certify that they are indeed the authors and thus copyright-holders of a specific text, to acquire consent in ways that overcome the possibility, heightened in the online context, of ensuring that the consent comes from the proper author, etc.)

These emphases on the rights of participants must be considered further alongside other important rights and values – including (deontological) emphases on the importance of knowledge developed through research, and (more utilitarian) emphases on research knowledge as contributing to public policy and debate, along with researchers’ rights and interests in pursuing knowledge, in enjoying free expression of their views, etc.

A large matrix thus emerges (see Table 31.1) – one made up of possible but contrasting *ethical* approaches such as deontology, consequentialism, virtue ethics, etc., coupled to large ranges of

**Table 31.1** Continua/considerations in Internet research ethics

Ethical frameworks	<p>Deontology – rights, duties, obligations, principles as paramount (can override even significant promises of benefit from research);</p> <p>Utilitarianism – costs and risks of research may be justified in light of ‘greater good’ to be gained for the greater number → emphasis on minimizing (rather than eliminating) risks to research participants</p> <p>Feminist/communitarian – the human being as a member of a ‘web of relationships’ → ethical obligations not only to the individual implicated in research, but also their circle of close friends, relations</p> <p>Good Samaritan – ethical choices beyond an ‘ethical minimum’ as established by extant professional codes, laws</p>
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*Continued*

**Table 31.1** Continua/considerations in Internet research ethics *cont.*

Disciplinary frameworks/Who is the participant?	<i>Medical/social sciences</i> → participant as <i>research subject</i> → Human Subjects Protections (anonymity, confidentiality, informed consent)	<i>Humanities</i> → poster as <i>author</i> → copyright protections, fair use provisions
Tensional rights and interests	Participants' ( <i>deontological</i> ) rights to privacy, copyright, etc. <i>vis-à-vis</i> . . . Potential ( <i>utilitarian</i> ) public benefits of research; ( <i>deontological</i> ); researchers' rights to free speech (including public debate, democratic governance), pursuit of knowledge . . .	
<i>Question</i> : online vs. offline research?	<i>Utilitarian</i> : costs/benefits of online vs. offline – e.g., greater scope, ease in research data gathering online vs. greater <i>risks</i> to privacy, greater difficulty in determining identity, acquiring informed consent, etc.? <i>Deontological</i> : greater difficulties in especially fulfilling Human Subjects protections online	
Considerations, venues frameworks:	<i>Expectations</i> of participants – i.e., public – private space? Announcements, postings, etc., defining whether or not space is public/private?	
<i>Example</i>	↔ <b>Greater risks – lesser risks</b> Less sensitive ↔ more sensitive – information involved? (greater ↔ lesser need for privacy, confidentiality) Larger (less private) ↔ smaller (more private)? Synchronous – Asynchronous? (harder to/easier to acquire informed consent, etc.) Subjects/posters as <i>less vulnerable</i> ↔ <i>more vulnerable</i> ? <b>Utilitarian</b> : benefits of research may override <i>minimal</i> risks to participants ↔ <b>Deontology</b> : protection of some rights (e.g., privacy) is an absolute duty <b>Feminist/communitarian</b> : may emphasize participants' rights, <i>feelings</i> more strongly <i>large chatroom</i> : if identity is protected, no need for informed consent ↔ <i>small listserv</i> – e.g., on health issues: anonymity + informed consent likely necessary	
Specific issues	Protecting privacy online (including links, cookies, IP addresses, etc.) → greater attention to securing data, especially if shared online Research with vulnerable populations/encountering sensitive, disturbing information online (e.g., suicidal language) → greater researcher responsibility to intervene	
Methodology-specific	Discourse analysis – greater need for verbatim quotes → greater need for researcher independence (e.g., from participants' preferences re publication, etc.)	Participant-observation, feminist-communitarian – closer relation between researcher/subject → greater ethical responsibility/sensitivity to participants

NB: this table is intended to serve both as an initial orientation, in the form of a conceptual map, and as a summary of some of the main ethical considerations raised in this chapter. It does not intend to imply reductionism of any sort – nor simple either/or's (e.g., between the poster as author *vis-à-vis* participant as subject: rather, these distinctions – as the arrows seek to show – are intended as points along lines of continua

recognized ethical issues shaped by whether we regard the persons implicated in our online research primarily as subjects (thus calling into play the ethical codes primarily characteristic of medical and social sciences) or authors (thereby calling into play humanities approaches and issues of copyright, etc.). Within this matrix, researchers may begin by considering first of all whether online research is indeed preferable to offline research, precisely for ethical reasons. For example – and beginning from a consequentialist perspective – offline research may offer certain ethically relevant advantages, including potentially greater security for confidential data stored in physical rather than electronic formats. At the same time, however, research online – including web-based experiments, surveys, etc. – offers a distinctive set of advantages and potential benefits. Online researchers, for example, can much more easily acquire responses from those in remote areas, those whose disabilities might prevent them from physically travelling to a university campus or research centre, etc. To do so, moreover, researchers in some cases may make use of online surveys as well as automated programs (including data-gathering robots or ‘bots’), for example, that can track web use (including through the use of cookies) – thereby developing data sets on dramatically new and potentially very significant scales. In turn, these potential advantages must be further weighed against the distinctive costs and risks of online research, including: *greater risks to individual privacy and confidentiality* (because of greater accessibility of information online regarding individuals, groups, and their communications – and in ways that may prevent subjects from knowing that their behaviours and communications are being observed and recorded); *greater challenges to researchers* because of greater difficulty in obtaining informed consent; and *greater difficulty of ascertaining subjects’ identity* because of use of pseudonyms, multiple online identities, etc. As well, the diversity of research venues (email, chat rooms, web pages, various forms of synchronous communication (Instant Messaging, IRC, audio- and video-chat, and so forth) present a wide range of distinctive ethical challenges – all of which is further complicated in international collaborations that thereby involve both subjects and researchers from countries with contrasting, if not conflicting,

ethical and legal requirements, for example regarding privacy (cf. AoIR 2002). Finally, the use of cookies, bots, various forms of data mining, etc., while simplifying the researcher’s work in many ways as they simultaneously expand the potential scale and scope of research, thereby introduce distinctive ethical issues of their own (cf. Allen et al. 2006). Even from a strictly consequentialist perspective, sorting out these complex ranges of the potential benefits and costs of online vis-à-vis offline research, is not always an easy matter (cf. Reips 1997, 2000, 2002).

### Human subjects protections online? Informed consent, privacy, confidentiality, anonymity

Given that researchers choose to undertake online rather than offline research – those undertaking primarily social science approaches must then consider carefully, How to apply human subjects protections online? Informed consent, for example, is notoriously difficult to obtain in such venues as a large chat room, in which participants – using pseudonyms – come and go with breathtaking speed. In some specific contexts, however, there appears to be little ethical difficulty: consistent with the AoIR guidelines (2002), the most recent guidelines in psychology argue that there are what are analogized as public spaces such as large chat rooms, especially if users are informed from the outset that their communication is *not* confidential, and if researchers record these communications in ways that protect the anonymity (and thus privacy) of individuals, there is no need for informed consent (Kraut et al. 2004; cf. Cousineau et al. 2005).

Informed consent becomes imperative, however, with regard to research and observation involving more clearly private communications and personal information. In the European Union states, in fact, data privacy protection laws define personal information<sup>4</sup> and insist that data-subjects must: unambiguously give consent for

<sup>4</sup> Article 2 (a) of the Directive states:

‘personal data’ shall mean any information relating to an identified or identifiable natural person (‘data subject’); an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural or social identity.

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 (European Union 1995).

In between these two relatively clear poles, of course, are the multiple grey areas in which the fine details of context, as well as the larger frameworks of disciplinary ethics, national laws (if any), and national and cultural traditions of ethical decision-making shape both what participants and researchers see as ethical issues and difficulties and the *judgments* ultimately made in the face of those difficulties.<sup>5</sup> For example, what if the chat room you're observing is relatively small and stable, so that participants develop a sense of one another's identities and personalities? What if the chat room, moreover, is populated by persons primarily from a smaller community (or, for that matter, country) – so that the chances are quite good that one or more of the participants know one another offline as well as online? And what if the chat room is devoted to sensitive issues – e.g., the exploration of lesbian sexuality? As Janne Bromseth has carefully explored, a researcher's ethical obligations to protect the identity and privacy of participants under these sorts of circumstances vary across a continuum of contexts, including cultural ones: Norway, as

we will see more fully below, enjoys a higher expectation of privacy and privacy protection than even the EU countries, much less the US (2002). Multiple other examples could be adduced here (e.g., Danet 2002), but the point is that ethical judgements must attend to just such a complex range of contextual details and frameworks – and they will vary in part from country to country.

### Specific issues in privacy

As noted above, different Western countries take different views regarding how far the right to privacy is to be protected. In the US and the UK, extant codes and guidelines make clear that such rights are *not* absolute, in the sense that they may be overridden *if* it can be demonstrated that (a) the risks to the subjects in such cases are minimal rather than maximal (as might be the case, for example, if one were to reveal a subject's identity who was infected with HIV) and that (b) such minimal risks are outweighed by the promise of greater good for the greater number as the hoped-for benefit of the research (Office for Protection from Research Risks 1991; Social Research Association 2002). By contrast, the NESH guidelines, for example, emphasize *not* the utilitarian benefit of scientific research, but its intrinsic good (2001: A.1), but even this stronger ethical status does not, in their view, justify overriding rights to privacy. On the contrary, such rights are, if anything, even more extensively protected – especially in the sense that not only are the individual's rights to privacy, confidentiality, etc., to be protected, but also those of their close relations (NESH 2001: para. 40; cf. Bromseth 2002: 36).<sup>6</sup>

Relatedly, a major issue in IRE raises the question, When does the private become public? To begin with, web pages and archives 'publicly'

<sup>5</sup> At least since Confucius and Aristotle, philosophers in both Eastern and Western cultures have recognized that ethical judgment is *not* a matter of developing general principles that can then be applied algorithmically to specific issues. Rather, a central reason for why ethical reflection and discussion are both so complex and so necessary is just that *judgement* is involved – where such judgment must decide, for example, *which* general principles may indeed apply to a specific case and context. Aristotle refers to this form of ethical judgement as *phronesis*, and argues that it – along with ethics and political philosophy more generally – require years of experience in the effort to apply ethical norms in *praxis*, as well as of theoretical reflection on both the apparent successes and failures of such effort, in order to be shaped and 'taught' (e.g., *Nicomachean Ethics* 1968, 9 (1094b29–1095a12), 337 (1140a32–1140b7). His teacher, Plato, used the example of the ship's pilot – the *cybernetes* (from which, in fact, 'cybernetics' derives) – as the model of the ethical person (*Republic* [1968] 1991, 9 (Book I, 332e), 169 (VI, 489c). More recently, to paraphrase Simone de Beauvoir – ethics is not a matter of general rules and recipes; it is more like the arts, in which one can focus on methods (1948: 134).

<sup>6</sup> As we have seen, Dzyek notes the distinction between deontological and utilitarian positions, and argues that only utilitarian positions are relevant for online research ethics (2001: 5, cf. note 4). But his own position in fact reflects a mixture of deontological and utilitarian considerations. For example, he recommends first of all attention to protection of private information as required by the German data privacy law [*Bundesdatenschutzgesetz*] – and further notes that this privacy protection derives from the right to 'informational self-determination' [*informationellen Selbstbestimmung*] (13f.). He seems to assume that these basic rights are *not* to be overridden by any possible

posted on the Web are considered under US law to be public documents and ‘automatically’ copyrighted by the author. But the line between public and private can quickly blur here – for example, as a USENET poster originally submits a message in a forum believed to be private, only to discover years later that the entire USENET archive has been made publicly available online.

Other threats to privacy online are more intrinsic to the media. Even experienced and conscientious researchers, for example, can make a significant blunder when they write up their research: even if they seek to protect privacy by ensuring the anonymity of their research subjects – if they nonetheless include a direct quote from an archive that is publicly available and thus easily found through a search engine such as Google, they thereby make it trivially easy for anyone to determine the author’s identity (cf. Eysenbach and Till 2001; Bromseth 2002: 44). Moreover, Reips points out the further problems of researchers who make participant data available online. In keeping with Peden and Flashinski’s observations (above), researchers may make no effort to protect the identity of participants in data files: but when these files are made available online – in contrast, that is, with being stored on a secure server with restricted access – such data then become available not simply to other interested researchers (which already violates basic protections of confidentiality and anonymity), but also, indeed, to anyone

benefits of research. As such, the affirmation of such basic rights over any consequentialist considerations of possible research benefit counts as a deontological commitment, not a consequentialist one.

As a second example, Dzeyk further recommends Döring’s approach: ‘Döring empfiehlt beispielsweise ein kontextspezifisches Vorgehen: Ein expliziter Wunsch nach Privatheit sollte in jedem Fall beachtet werden; dies spielt insbesondere bei sensiblen Themen (wie z.B. Missbrauch) eine große Rolle’ (vgl. Döring, 1999: S. 204). That is, any explicit wishes for privacy are to be respected in every case – most especially in connection with sensitive issues such as abuse. But it is precisely this respect for explicit wishes – more broadly, *expectations* – that I would further count as deontological, not consequentialist. Insofar as Dzeyk’s position may be representative of German approaches to research ethics, then it would be fairly characterized as one that blends both deontological and consequentialist approaches – and thereby, as something of a middle between more consequentialist approaches in the US and the UK and more deontological approaches in Norway, for example.

who happens to stumble across such files on the Web. In order to protect confidentiality, Reips adds, not only obvious personal identifiers (name, age, address, etc.) but also other information such as web links, IP addresses, etc. should be treated carefully as well, insofar as such information may also be used to trace the identities of research participants (Reips 2002).

Indeed, sophisticated users have at their fingertips a range of technologies, from automated analysis software to programs for ‘trapping’ Internet transmissions in their entirety, that seem to make online privacy an oxymoron (Hunsinger 2003). In light of the difficulty of establishing and sustaining privacy online, it may well be asked whether or not there is any meaningful ethical obligation to do so? Responses here again vary by country and culture. Roughly, US-based researchers – consistent with the greater willingness in US-based codes and laws to accept at least minimum risks to subjects – seem more comfortable with reduced or eliminated obligations to protect subjects’ rights to privacy and confidentiality. By contrast, European researchers – consistent with the shared assumption that the state exists in part precisely to protect basic rights through law, as well as with the generally stronger data privacy protection laws already in place – are more likely to see law and its enforcement as a primary means of articulating and protecting such rights.

As a general, international guideline: in light of this greater difficulty to protect privacy, confidentiality and anonymity online, it is safest to not only anonymize subjects but also to paraphrase any citations or quotes. As we will see in greater detail below, however, in some forms of research such as discourse analysis and ethnography, direct quotes – and, perhaps, the ‘real’ pseudonyms of their authors – are necessary to support or illustrate a claim. There is some agreement that when such direct quotes and real pseudonyms are used, informed consent is de facto necessary (e.g., Lawson 2004). At the same time, however, in the US context, an Institutional Review Board might waive the requirement for informed consent in such a case, but only if it could be demonstrated that risks posed to the author(s), should their identity become known, would be minimal.

Beyond this first guideline – an additional consideration for researchers is whether or not

they will choose to meet what may be considered the ethical *minimum*, i.e., what is explicitly required by extant professional codes, relevant laws, etc., and/or whether they may choose to pursue a more stringent ethical standard that is above and beyond such minimal requirements. The choice for the latter can be referred to as 'Good Samaritan ethics,' following Judith Jarvis Thomson's development of this distinction in her discussion of abortion (1971). That is, as we will see more fully below, researchers will often decide to protect privacy in stronger ways, to ask for informed consent when perhaps not entirely necessary, etc. – *despite* the greater costs and complications of doing so – as these ethical choices follow from their own personal ethical framework. In contrast with the minimal ethical requirements that are incumbent upon all researchers (especially from *utilitarian* considerations that allow for at least minimal risk to subjects as justified by research benefits for the many) such 'good Samaritan' choices are by definition exceptional and exemplary (and often rooted in more *deontological* recognitions of the absolute importance of basic rights, respect for subjects as persons, etc. – even if recognizing these in the *praxis* of a specific research design entails greater costs). While such choices are *possible* options for researchers to consider in the face of pressing ethical dilemmas, such Good Samaritan choices are *not* compelling in the same ways as the more common, shared, but comparatively minimal ethical requirements incumbent upon all researchers as professionals in a given discipline, as citizens in a given country, etc. Nonetheless, researchers may find it helpful to review their own ethical dilemmas in part in terms of whether their dilemma represents just such a contrast between the requirements of professional ethics and law, on the one hand, and, as a number of researchers eloquently articulate, their own personal but more demanding ethical frameworks.

### Risk to participants

Researchers are thus minimally obligated to attend to the ethical codes of their own disciplines and the state and national legal requirements of their citizenship. While countries vary, as we have seen, regarding their stress on deontological vis-à-vis consequentialist approaches – since

consequentialist approaches are widely taken up (e.g., in the US and the UK and, to some extent, Germany), it is further critical to consider with some care the *risks* that human beings face as they participate in online research.

Chris Mann (2003) has helpfully detailed the distinctive risks of online research. Her list includes *technical risks* such as lack of security – because of crashes, poor network set-up, buggy software, sloppy password selection and use, viruses, hackers, etc. – and lack of privacy, and *legal risks* – primarily in the form of people failing to understand the prevailing legal requirements, including copyright laws and data protection laws. In particular, she notes that 'the lack of clarity about which legal systems apply in cross-cultural research means it is difficult to know which laws will apply' (2003: 43). Moreover, her list of participants' personal risks includes: *lack of protection from harassment, abuse and deception; lack of debriefing possibilities; lack of protection from exposure* (i.e., violation of privacy, confidentiality, anonymity – leading to harm to reputation and self-esteem); *lack of knowledge about the potential for exposure* – first of all, as 'Newcomers are not always aware of [the] public nature [of online venues]' (2003: 43); and, finally, *lack of protection for the most vulnerable*, i.e., children and adolescents, the elderly or institutionalized, those with learning disabilities – and, perhaps most risky of all, people with 'serious psychiatric conditions' such as depression or panic attacks (2003: 43f.).

Arguably, many of these risks are *greater* in online research than offline. For example, because of the lack of direct physical contact between researchers and participants, some forms of deception online are easier to carry out. And as the early example of the male psychologist masquerading as a female illustrates, such deception may be experienced as great harm indeed (Van Gelder [1985] 1991). Similarly, especially as technologies for capturing others' information continue to advance (Hunsinger 2003), risks to privacy online – and thus the attendant risks of damage to self-esteem, reputation, private life (and, as the NESH guidelines remind us, close relations) likewise seem greater in online environments than in physical environments where research documents may be strongly safeguarded.

By the same token, newcomers – as those most naive about online environments, their

technological construction, and attendant risks – often simply do not know enough to know what risks they thus face. This vulnerability, finally, is only amplified among the groups Mann describes – generally, those whose experiential and/or cognitive limitations render them even more open to inadvertent or intentional exploitation.

This last set of risks, in fact, are not merely theoretical. Rather, risks to adolescents – and the concomitant ethical difficulties confronting researchers – are now well-documented and discussed (e.g., Reips 1999; Stern 2003; Bober 2004; Löfberg 2004). While discussion of this particular dimension of IRE is only at its early stages, there is quickly emerging here a consensus that, indeed, researchers have a greater responsibility to protect such participants from harm – including potential harms, for example, that may befall an adolescent girl who naively posts her home address and the times her parents will be away (Ridderström 2003). Similarly, Susannah Stern argues, based on her own encounters with home pages revealing low self-esteem and suicide fantasies – followed by the real-world suicide of one of the authors of such a home page – that researchers should take such discussions very seriously and consider intervening, if possible, even at the cost of tainting or rendering their research unusable (Stern 2004, 2005). Stern's position may be seen as still another example of Good Samaritan ethics rather than as a requirement for all researchers: in any case, it is an option to be considered seriously.

Whether or not such risks are greater in online research than more everyday risks – such as those faced by every user of CMC (e.g., by having their consumer preferences mined through the use of cookies during frequent visits to a website), or those facing participants in physical research settings – is a critical consideration. That is, researchers will have to assess such risks, and then make their ethical judgements depending on three further issues. One, ethicists – as well as national laws – generally agree that our duties to protect others increase in relation to their vulnerability: the greater the vulnerability – e.g., of a child – the greater our obligation to protect a person from harm. Especially if it seems that vulnerability to such risk of harm is greater in online research environments, then it would appear that researchers have a correspondingly greater

obligation to protect their research participants. Two, as we have seen, countries vary in terms of taking more deontological or consequentialist approaches to research ethics. Researchers – and their collaborators – from more consequentialist countries will have to consider whether these potentially greater risks to participants can be overcome, first of all as risks to participants must be offset by greater *benefits* promised by research. Moreover, given that this claim of greater benefit can be made, even in the consequentialist countries relevant codes require that risks to subjects be *minimized*. Judgements will have to be made as to whether the research design can indeed minimize such risks – and at a cost that in turn can be justified by potential research benefits. Researchers – and their collaborators – in more deontologically oriented countries will recognize in the possibility of greater risk to participants in online research a greater burden of proof: their research design will have to strongly protect their participants against such risks. Finally, if research involves collaboration between colleagues in (more) consequentialist and (more) deontological countries (and corresponding legal traditions), these collaborators will likely need to meet the more stringent requirements of their deontological colleagues – for example, as they would be required to do so by EU data privacy protection laws that would prevent researchers from sharing personal information data with colleagues in countries with less strict data privacy protection, such as the US.

## Meta-ethical issues

'Meta-ethical' refers here to those issues, concepts, assumptions, etc., that are otherwise tacitly assumed 'underneath' more straightforward ethical discussion and debate regarding specific ethical conflicts and problems. We have already reviewed two of these – (1) *Offline vis-à-vis online worlds* – how 'real' is the virtual, and thus how far do offline extent codes and guidelines apply to online research? And (2): given that much of Internet research is interdisciplinary – how do we deal with sometimes serious differences between ethical codes of the specific disciplines involved, beginning, as we have seen, with the considerable differences between social science approaches that follow medical models of human subjects

protections and humanities disciplines that may treat posters, for example, as authors (e.g., White 2002)?<sup>7</sup>

### Methodologies and ethics

The issue of interdisciplinary approaches points to a further meta-ethical issue – that is, how research ethics is intimately interwoven with the specific *methodology/ies* used in a given project.

As a first example, consider online experiments that, like their offline counterparts, frequently offer incentives to attract and retain participants. Obviously, providing rewards such as a lottery prize, credit (for students), or money, requires the researcher to know the identity and important personal information of his or her participants. This requirement for identity, as we have seen, is complicated in the online environment first of all because it may be difficult, if not impossible for a researcher to confirm or correct the real-world details of a participant's identity whom s/he never meets face-to-face. Moreover, if the design of the experiment requires that participants remain anonymous – how is the researcher to both maintain the anonymity of participants *and* their individual identity for the sake of providing them promised incentives (cf. Peden and Flashinski 2004: 2)? More broadly, Danielle Lawson points out that participants 'may hesitate to chat simply for the sake of "research purposes"' such as an Internet-based experiment (2004: 92): indeed, she notes that Elizabeth Reid discovered that participants who were made aware of her research intentions through the informed consent process consciously crafted their textual production in hopes of getting quoted – leading Reid to argue that non-disclosure may be both necessary and justified (Reid 1996: 171, cited in Lawson 2004: 92).

<sup>7</sup> A specific example of this conflict is provided by Bassett and O'Riordan (2002) who describe their careful efforts (following the social science guidelines for protecting privacy, etc.) to disguise participants and even the name of a forum dedicated to topics of lesbian sexuality – only to be roundly chastised by the forum owners: such anonymization, etc., in their view only colluded with the larger social marginalization of lesbians and lesbian sexuality, and thus seemed a *violation* of their rights and expectations, not, as intended, the protection and fulfillment thereof.

Lawson identifies additional ethical problems associated with specific methodological approaches. On the one hand, researchers may undertake more objectivist methodologies that emphasize classical scientific norms such as replicability. Such methodologies thus require publication of participant characteristics such as gender, age, etc. – but such publication can run the risk of violating participant confidentiality and anonymity, especially if additional information is published, such as *verbatim* quotes that may be subsequently traced (as available in a publicly accessible archive, etc.). Moreover, as researchers adopt methodologies that emphasize, for example, Geertz's 'thick description' and/or, as we shall see in more detail shortly, participant-observation approaches, the resulting need for publishing more details regarding research participants and their interactions thereby increases the threat to their anonymity and confidentiality (Lawson 2004: 91).

In response to these tensions, Lawson offers a range of possible options that researchers can offer to participants:

1. consent to having their nickname and communicative text used for data analysis only (no publication of name or text);
2. consent to having either their nickname or text published in an academic work, but never together (i.e., no identifiers);
3. consent to having either their nickname or text published in an academic work, but never together (i.e., no identifiers) and providing they get to see the 'write up' prior to publication;
4. consent to having both their nickname and text published in academic work, thereby being credited as the authors of their own words; or
5. consent to having both their nickname and text published in academic work, thereby being credited as the authors of their own words, providing they get to see the 'write up' prior to publication. The last two options deal directly with the issue of CMC copyright (Lawson 2004: 93).

But as Lawson notes, giving participants the option of final approval of a proposed publication has been criticized by researchers such as Lynn Cherny (1999): in particular, Susan Herring objects that critical theorizing will be hampered

if participants have, in effect, veto power over the final research publication (1996, cited in Lawson 2004: 94). In response to these sometimes intractable tensions, Lawson concludes that 'Thus, it is up to the researcher to determine how much influence participants' criticisms will have over the final product' (2004: 94). In ethical terms, this means that researchers, in the end, will have to make difficult judgements regarding the tension between protecting anonymity, gaining informed consent, etc., and the scientific requirements of their particular methodology.

#### Participant observation and discourse analysis

Virtual ethnography and its ethical challenges have received considerable attention in IRE. Katherine M. Clegg Smith, for example, examines some of the central ethical challenges in virtual ethnography vis-à-vis her own research on 'ListX', beginning with whether or not a researcher 'lurking' (i.e., unannounced and unidentified) in a listserv is more akin to a researcher taking notes on a public bench vs. doing so while hiding in a bush? (2004: 230f.) Clegg Smith argues that her participant observation approach – at least in relation to a public list whose introductory message to new members emphasizes that the list is public and all messages are archived – meant that she was not required to announce her 'listening' to postings; nor did she request informed consent (2004: 231–235). Finally, in wanting to include text as data in her research publication, Clegg Smith thus wrestled with whether to treat posters of text as subjects whose anonymity and confidentiality must be protected, and/or as authors who would want credit for their work – choosing, in the end, to keep them anonymous (2004: 230–235; see also Svenningson 2001; Bromseth 2002; Markham 2004).

As a further instance: as Nadia Olivero and Peter Lunt argue, methodologies of participant observation and discourse analysis in online environments *heighten* the importance of privacy, informed consent, and ethical issues surrounding the use of participants' texts (2004: 102). Their review of CMC research literature supports their contention that 'reduced social context cues and technological-induced anonymity can *increase* self-awareness' (2004: 104; my emphasis) – as can the asynchronous medium of email. This and

other considerations lead Olivero and Lunt to endorse an egalitarian relationship between researchers and their informants – considerations reinforced, finally, by the distinctive characteristics of the email venue: because the interviewee can 'disconnect' from email contact with the interviewer at any time – it is even more important in this venue to foster the active and engaged involvement of the interviewee by offering significant reward in the form of 'the gratifying trusted, reciprocal exchange indicated by the feminist perspective' (2004: 107). In somewhat similar ways, but with reference on online support groups, Mary Walstrom (2004) develops a feminist, communitarian ethic in conjunction with participant-observation and discourse analysis research, specifically by way of appeal to Bakhtin – as have G. John Hall, Douglas Frederick, and Mark D. Johns (2004).

As we have seen, Judith Jarvis Thomson introduces the distinction between minimal ethical requirements and those actions and choices – such as those of the Good Samaritan – that are admirable precisely because they go beyond our everyday expectations and codes. But this further means for Thomson that while such actions and choices are exemplary – they cannot, however, be *required* of everyone in every circumstance, e.g., by code or law (1971). Here we can note that such ethical Good Samaritanism seems to emerge frequently among researchers undertaking participant-observation methodology. A number of such researchers have recognized that the usual professional ethical and legal requirements – e.g., as *not* obliging a researcher to protect the privacy and identity of participants in a listserv as a public space – did not meet up to their own ethical standards. Rather, these researchers – as more directly engaged with their participants and thus more directly empathic with the possible harms that loss of privacy might entail – have chosen to take a more stringent ethical stance, for example, by insisting on protecting privacy even though such protection complicated their research, made greater demands on their time and resources, etc. (see King 1996; Reid 1996; Smith 2004). Such ethical Good Samaritanism may be fostered as well among researchers, such as Walstrom (2004) and Hall, Frederick and Johns who, as we have seen, are committed to a feminist communitarian ethics (drawn from

Denzin 1997) that emphasizes the central importance of sustaining the web of personal relationships that emerge in the research project (2004: 247–252). (For further discussion of the correlation between distinctive research approaches and their correlative ethical difficulties, see Bakardjieva und Feenberg [2001]; Markham [2003].)

### A global Internet research ethics?

A further meta-ethical issue is raised by the global reach of the Internet: in light of often significant national differences such as we've already seen in Western nations between those stressing more deontological and more consequentialist approaches – how might we develop a research ethics that is legitimate for researchers and participants from more than one nation?

Projects such as the AoIR ethical guidelines and the RESPECT project suggest that researchers from a diversity of countries and traditions of ethical decision-making can in fact agree upon a range of basic values and issues – and at the same time preserve local differences in the interpretation and implementation of those values through a strategy of *ethical pluralism*.<sup>8</sup> In fact, while discussion of Internet research ethics is very young in Asia, at least three examples drawn from contemporary praxis articulate strong ethical pluralisms between Western and Eastern approaches. For example, Japanese researcher Mr Tamura Takanori, in a recent study of messages exchanged in a forum, chose what he described as a 'more cautious way' – one that included: asking for consent to use forum exchanges from the forum coordinator; using pseudonyms when referring to specific authors; and using paraphrases, rather than direct quotes (Tamura 2004). To be sure, there are clear and striking differences between Western and Japanese understandings of privacy (see Ess 2005; Nakada and Tamura 2005). Nonetheless, Mr Tamura's approach here is strikingly consistent with several elements of Western IRE. To begin with,

Mr Tamura notes that with regard to web pages, for example, even though they are public documents, their authors often express the desire that they be notified of any links to their pages. By analogy, Mr Tamura's approach to protecting the privacy of the forum participants shows a basic respect for the *expectations* of their authors – a respect that is a cornerstone for especially Western deontological ethics (AoIR 2002: footnote 7). Such expectations are also important for an approach rooted in a Western feminist ethics, specifically an 'ethics of care'. In addition, Mr Tamura's 'more cautious way' (one that in particular contrasts with the less protective approach other researchers) resonates with a Good Samaritan ethics that, as we have seen, goes beyond the *minimal* requirements of prevailing law and practices. Finally, Mr Tamura's more cautious way is strikingly consistent with Western (again, *deontological*) approaches that emphasize the rights of the subject, including protection against possible harm, above possible benefits of research.

This example thus articulates an ethical pluralism as a structure of shared norms held alongside the irreducible differences that define distinctive cultures. Similar examples can be described with regard to notions of self-regulation in China and some Western countries, and with regard to the central ethical concept of privacy, alongside emerging data privacy protection laws (Ess 2005, 2006). While not all cultural differences in research ethics will be resolvable through such pluralisms – nonetheless, these examples suggest that a global IRE may possibly emerge as information ethics and research ethics traditions in both East and West become ever more developed.

## Conclusion

Internet research ethics promises to become an ever more robust and significant field within information ethics, on the one hand, and research ethics more broadly, on the other. Especially as new venues emerge for human–human and human–machine interaction (including interaction with increasingly sophisticated programs that may eventually approximate human sentience – and thus, many would argue, would deserve some modicum of ethical respect), it

<sup>8</sup> See especially AoIR (2002: 4), including footnotes 6 and 7, as well as Addendum 2. In addition, I have argued for such a pluralism at work in emerging conceptions of privacy and data privacy protection in China and Hong Kong: see Ess (2005, 2006).

seems certain that new ethical conundrums will emerge. But as I hope is clear in the above, the overall history of Internet research ethics includes at least some convergence on key values and rights, while at the same time preserving important local differences with regard to approaches to ethical decision-making and implementation of basic rights and principles – even across East–West divides. This trajectory suggests not the certainty of finding resolutions to every ethical problem that comes along – but rather the sense of finding such resolutions in the face of new difficulties with sufficient frequency and success as to encourage our further efforts to do so.

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