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## **Is there a place for covert research methods in criminology?**

### **A different approach**

#### **1. Introduction**

Attempts to determine the appropriateness, or otherwise, of the use of covert research methods for the purposes of criminological research would seem to require the discussion of four questions rather than one. Whilst concerns have tended to focus on the ethical dilemmas raised by undercover research, I believe that other aspects should also be considered in order to give a more comprehensive impression of its suitability as a strategy. For this reason, the following discussion will fall into four parts, tackling in turn issues of 'necessity' (the existence of possible alternatives and the value of the information sought), what I will call 'quality' (by which I mean the accuracy and validity of results obtained using covert methods), ethics (personal, moral and disciplinary) and finally the issue of informed consent.<sup>1</sup> While it may not be possible to draw firm conclusions from this discussion, I believe that these more traditional methodological questions should be addressed before the decision is made as to whether covert research can be justified on ethical grounds.

I will therefore discuss various case studies with criminological content in which covert methods have been employed, with reference to some particular issues brought about by the fact that illegal behaviour is the object of study.

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<sup>1</sup> This approach draws on the opinions of Bulmer (1982b, 217), but goes further to allow questioning of the standard of information produced using covert methods.

## 2. Necessity

Concerns about the ethics of undercover or covert research methods often take it for granted that there is no other way to obtain what, to the researcher involved, is 'essential data'.<sup>2</sup> To debate the ethics of covert research before addressing whether or not there are less controversial alternatives seems therefore a little premature. There are two issues at stake here; firstly that the nature of the subject matter effectively precludes alternative methods of data collection, and secondly that the information sought is 'essential'.

In his study of the police, Holdaway has asserted that the culture of those he was observing was such that to obtain access to valid and not 'stage managed' information, covert methods were necessary to 'pierce their protective shield',<sup>3</sup> any less deceptive techniques merely reporting on the 'frontwork' designed for consumption by the general public.<sup>4</sup> The necessary information could have been obtained in no other way. Winlow et al have described the shady and sometimes illegal world of the nightclub or pub bouncer in a similar fashion, in that '[t]heirs is a closed world with no easy passage for overt research. If your name's not down, you're not getting it'<sup>5</sup> so that it became 'absolutely essential to adopt a covert role'.<sup>6</sup>

Douglas raises a point of particular interest to covert methods in criminology when he describes the types of information likely to be concealed:

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<sup>2</sup> British Sociological Association (1973) *Statement of Ethical Principles and their Application to Sociological Research*, p. 4.

<sup>3</sup> Holdaway, S. (1984) *Inside the British Police*. Oxford: Blackwell, p. 5.

<sup>4</sup> Bulmer, M (1982b) 'The Merits and Demerits of Covert Participant Observation.' In: M. Bulmer (ed.) *Social Research Ethics*. London: Macmillan, p. 226.

<sup>5</sup> Winlow, S., D. Hobbs, S. Lister and P. Hadfield (2001) 'Get Read to Duck: Bouncers and the Realities of Ethnographic Research on Violent Groups.' *British Journal of Criminology*, 41: p. 530

<sup>6</sup> Ibid, p. 542

'How often do people bother to lie about the weather or where the salt is? But the outsider trying to find out what the truth is about the things that count most to people, such as money and sex, must look upon their accounts of those things as suspicious.'<sup>7</sup>

Add an element such as illegality and the comparison gains greater perspective. By the very nature of the information sought, criminology faces more extreme problems of access than less controversial social sciences,<sup>8</sup> as 'deviant cultures have little to gain by allowing researchers access to their daily lives and various illegal activities.'<sup>9</sup>

Although assumptions about peoples' desire for self-protection would seem to preclude overt attempts at penetrating some settings, there are numerous examples of successful attempts which should discourage firm conclusions. Bulmer notes that '(a)pparently closed and impenetrable institutions have opened themselves up to researchers who did not conceal their research interests'<sup>10</sup> although, significantly, he notes that this was reliant on their ability to convince their subjects that participation would have no harmful side-effects. Attempts to expose corruption or illegal acts could not be included in this assertion, as the examples of successful overt research into sensitive areas such as these have had more benign intentions.<sup>11</sup>

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<sup>7</sup> Douglas, J.D. (1976) *Investigative Social Research*. London: Sage, pp. 55-6.

<sup>8</sup> Punch, M. (1985) *Conduct Unbecoming*. London: Tavistock Publications, p. 213

<sup>9</sup> Winlow, S., D. Hobbs, S. Lister and P. Hadfield (2001) 'Get Read to Duck: Bouncers and the Realities of Ethnographic Research on Violent Groups.' *British Journal of Criminology*, 41: p. 538

<sup>10</sup> Bulmer, M. (1980) 'Reply to R. Homan: The Ethics of Covert Research.' *British Journal of Sociology*, 31 (3): p. 64.

<sup>11</sup> Klockars (1975) *The Professional Fence*. London: Tavistock Publications. Polsky, N. (1967) *Hustlers, Beats and Others*. Chicago: Aldine.

It is also telling, however, that Klockars, in securing his source for his overt study of the trade in stolen goods, used some deception in giving assurances of protection from prosecution which were not true.<sup>12</sup>

Proponents of covert research share a common belief that the information they seek is of a level of importance (the B.S.A.'s 'essential data') which justifies recourse to less than honest means, such as covert infiltration of defended situations.<sup>13</sup> Unfortunately there is less likely to be agreement on what constitutes information of this supreme importance. The existence of practices which one person wishes to expose, means that there must be individuals carrying out this behaviour, to whom it is perfectly acceptable. As Bulmer observed: 'Whose causes are the right causes?'<sup>14</sup>

We naturally assume that we have righteousness on our side, and this very fact makes us the least appropriate person to decide on the real importance of our research. Many references have been made to carrying out a 'balancing' exercise to determine whether the merits of research outweigh the potential harm,<sup>15</sup> but little attention has been

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<sup>12</sup> Klockars (1975) *The Professional Fence*. London: Tavistock Publications, p. 216 footnote 10.

<sup>13</sup> Sagarin, E. (1973) 'The Research Setting and the Right not to be Researched.' *Social Problems*, 21: p. 63. Douglas, J.D. (1976) *Investigative Social Research*. London: Sage, p. 168. Homan, R. (1980) 'The Ethics of Covert Research.' *British Journal of Sociology*, 31 (3): p. 46. Warwick, D.P (1982) 'Tearoom Trade: Means and Ends in Social Research.' In: M. Bulmer (ed.) *Social Research Ethics*. London: Macmillan, p. 53. Fielding, N. (1982) 'Observational Research on the National Front.' In: M. Bulmer (ed.) *Social Research Ethics*. London: Macmillan, p. 84.

<sup>14</sup> Homan, R. and M. Bulmer (1982) 'On the Merits of Covert Methods: A Dialogue.' In: M. Bulmer (ed.) *Social Research Ethics*. London: Macmillan, p. 63.

<sup>15</sup> Erikson, K. (1967) 'A Comment on Disguised Observation in Sociology.' *Social Problems*, 14: p. 68. Warwick, D.P (1982) 'Tearoom Trade: Means and Ends in Social Research.' In: M. Bulmer (ed.) *Social Research Ethics*. London: Macmillan, p. 43. Holdaway, S. (1982) 'An Inside Job: A Case Study of Covert Research on the Police.' In: M. Bulmer (ed) *Social Research Ethics*. London: Macmillan, p77. Fielding, N. (1982) 'Observational Research on the National Front.' In: M. Bulmer (ed.) *Social Research Ethics*. London: Macmillan, p. 91. Denzin, N. and K. Erikson (1982) 'On the Ethics of Disguised Observation: An Exchange.' In: M. Bulmer (ed.) *Social Research Ethics*. London: Macmillan, p. 143. Galliher, J.F. (1982) 'The Protection of Human Subjects: A Re-examination of the Professional Code of Ethics.' In: M. Bulmer (ed.) *Social Research Ethics*. London: Macmillan, p. 163. Whyte, W.F. (1984) *Learning from the Field*. California: Sage, p. 220. Lee, R.M. (2000) *Unobtrusive Methods in Social Research*. Buckingham: Open University Press, p. 57.

paid to the question of who should carry out this 'moral calculus',<sup>16</sup> when 'one man's meat is another man's moral or ideological poison'.<sup>17</sup>

When reading accounts of covert research, it is easy to find oneself more readily convinced by arguments in favour when the subject under attack is personally distasteful. I felt more inclined to conclude in favour of covert practices when reading Fielding's research on the National Front, with his explicit aim of 'dissuasion' of potential members,<sup>18</sup> than by the other examples, and for this reason was alerted to the highly subjective nature of judgments on this topic. If there is a powerful argument in support of undercover research practices, the righting of wrongs cannot be it in a world where neither are universally agreed, as Punch, again, notes; 'it is impossible to establish *a priori* which institutions are "pernicious"'.<sup>19</sup>

Discussion of the two aspects of 'necessity' in covert research does not allow a firm conclusion for or against its use in criminological research, but in raising issues of subjectivity, it leads to my second concern with its use; namely the quality of research it produces.

### 3. Quality

Unless we can first satisfy ourselves that what we are producing is valid and accurate research, there is little point going on to indulge in moral contortions over its ethical

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<sup>16</sup> Punch, M. (1986) *The Politics and Ethics of Fieldwork*. London: Sage, p. 44.

<sup>17</sup> Ibid, p. 31.

<sup>18</sup> Fielding, N. (1982) 'Observational Research on the National Front.' In: M. Bulmer (ed.) *Social Research Ethics*. London: Macmillan, p. 84.

<sup>19</sup> Punch, M. (1986) *The Politics and Ethics of Fieldwork*. London: Sage, p. 42.

'rightness'. Unless we are also convinced that what we produce will be of use, then there will, similarly, have been no point dismissing alternatives such as overt observation as being less methodologically sound.<sup>20</sup> Maurice Punch concedes that he finds some deception through the use of covert methods acceptable, 'provided the interests of the subject are protected - and provided, above all, *that it produces good research!*'<sup>21</sup> (my emphasis). But what counts as 'good' and can we rely on covert methods to produce it?

There are obvious attractions to a method which encourages us to believe that we are witnessing and reporting 'the truth' undisturbed by our own presence. Subjects cannot alter their behaviour or conceal activities if they are unaware that they are being observed, suggesting a higher level of validity than can be obtained by overt methods. Winlow et al felt that a covert approach was essential if they 'were truly to understand the occupational culture of bouncers...[and]...that this was the only way to gain true empathy, to see the world as they saw it'.<sup>22</sup> I would like to argue, however, that by denying our subjects the chance to exercise their own voices, we are denying ourselves our most valuable research tool, and potentially undermining the objectives of the ethnographic tradition.

Lee Rainwater, in his forward to 'Tearoom Trade', notes:

'This study does not seek to analyse in any detail the personal significance of the participants of their homosexual behavior. It says little about why they engage in their behavior, what role it plays in their inner psychic life or in the maintenance of their ego

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<sup>20</sup> Holdaway, S. (1982) 'An Inside Job: A Case Study of Covert Research on the Police.' In: M. Bulmer (ed.) *Social Research Ethics*. London: Macmillan, p. 62.

<sup>21</sup> Punch, M. (1986) *The Politics and Ethics of Fieldwork*. London: Sage, p. 43.

<sup>22</sup> Winlow, S., D. Hobbs, S. Lister and P. Hadfield (2001) 'Get Read to Duck: Bouncers and the Realities of Ethnographic Research on Violent Groups.' *British Journal of Criminology*, 41: p. 538.

identity.<sup>23</sup>

Humphreys' conclusions are therefore based on his own understanding of the situations he studied, and must inevitably reflect his own preconceptions and beliefs, to the exclusion of those of his subjects. Whilst covert methods may offer researchers the chance to experience what they seek to understand, it also precludes a certain amount of inquiry into the way the participants understand their experiences: 'he could not ask certain important questions, for if he were indeed the criminal he pretends to be he would already know the answers.'<sup>24</sup>

In his covert study of Glasgow gangs, Patrick experiences difficulties with the slang language used by the gang members to the extent that he 'was often completely at a loss as to what was being talked about'<sup>25</sup>. Without the use of his one enlightened informant, he would have been denied access to much illuminating information as a result of his covert status. Klockars' overt position allowed him to check drafts with his subject for factual errors, adding to the internal validity of his work,<sup>26</sup> while Whyte found that his subjects 'offered important new data and interpretations of events that were as persuasive to me as my own preliminary conclusions'<sup>27</sup> When Malinowski's Trobriand Islanders read his research on them, they found he had completely misunderstood their clan and chief system,<sup>28</sup> by basing his conclusions on what he thought he understood. Although the

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<sup>23</sup> Rainwater. In: L. Humphreys (1975) *Tearoom Trade: Impersonal Sex in Public Places*. New York: Aldine de Gruyter, p. xiv.

<sup>24</sup> McCall. In: M. Bulmer (1982b) 'The Merits and Demerits of Covert Participant Observation.' In: M. Bulmer (ed.) *Social Research Ethics*. London: Macmillan, pp. 230-1.

<sup>25</sup> Patrick, J. (1973) *A Glasgow Gang Observed*. London: Eyre Methuen, p. 28.

<sup>26</sup> Klockars (1975) *The Professional Fence*. London: Tavistock Publications, p. 223.

<sup>27</sup> Whyte, W.F. (1984) *Learning from the Field*. California: Sage, p. 223.

<sup>28</sup> Barnes, J.A. (1963) 'Some Ethical Problems in Modern Fieldwork.' *British Journal of Sociology*, 14: p. 27.

subtle 'nuances' are more accessible to someone on the inside than a 'complete outsider',<sup>29</sup> simple immersion should not therefore be seen as a fail-safe route to determining situated meaning. The researcher's interpretation *is* valid as knowledge, but only when this is tempered or enlightened by the shared experience and dual insight of the researched.<sup>30</sup> It is debatable whether the in-depth understanding and situated meaning associated with ethnographic accounts is obtainable through the use of a method that denies the researched any direct input, and relays their story only through the words of a researcher. Arrigo goes even further in suggesting that

'in other words, what matters most are the words, the meanings, and the behaviors of those who are the subjects of observation and study. To ignore this challenge in field research is to promote, knowingly or not, the oppression of those very members whose styles of existence would otherwise slumber in despair.'<sup>31</sup>

Our interpretation may even come to supplant theirs, given the greater weight and credence that our voices, as academics, are likely to have.

Consequently, when we accept as 'truth' any information obtained via covert research, we must acknowledge that it will be marked by the subjectivities and biases of its author, and that gaps in understanding may be an inevitable consequence of not being able to ask for clarification. It is not sufficient to argue that (for example), by joining graffiti artists or bouncers in their work, we know what it is to live as one everyday. We can only know how it feels to be a researcher acting as a graffiti artist, or an ethnographer

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<sup>29</sup> Westmorland, L. (2001) 'Blowing the Whistle on Police Violence.' *British Journal of Criminology*, 4: p. 524.

<sup>30</sup> Kraska, P. (1988) 'Enjoying Militarism.' In: J. Ferrell and S. Hamm (eds.) *Ethnography at the Edge*. Boston: Northeastern University Press, p. 88.

<sup>31</sup> Arrigo, B. (1988) 'Shattered Lives and Shelter Lies?' In: J. Ferrell and S. Hamm (eds.) *Ethnography at the Edge*. Boston: Northeastern University Press, p. 81.



behaving as a bouncer. Beyond this we are reliant on those we seek to impersonate for enlightenment.<sup>32</sup>

It should not be forgotten that a researcher with a background in education and academia will not have the same approach as a 'born and bred' bouncer, for example. In Winlow et al.'s work, the prior employment of one of the researchers as a bouncer is given as a reason for trusting his interpretations of his experiences, as though this makes him 'the same as' any other bouncer.<sup>33</sup>

Doubtlessly this type of approach has much to offer over an approach which simply asks a researcher to adopt a different lifestyle and takes this as sufficient for a full and in-depth understanding (as Malinowski discovered, above) but it raises other problems such as that of 'going native', or in this case perhaps *being* native at the outset. The dual problems of over-identification versus mis-interpretation are nicely summed up by Winlow et al. when they say 'bouncing was our ethnographer's specialist area, and much of what he took for granted, we were blind to'.<sup>34</sup> The expert, perhaps, knows too much, leading them to take subtle yet important information for granted, while the novice may be unaware of those same feelings or incidents. Either way, the ability of covert researchers (be they 'insider' or 'outsider') to access the research setting undisturbed and in its entirety may be questioned. The job of ethnographer-bouncer, for example, became 'almost second nature' to the researcher suggesting that some degree of objectivity may have been lost.<sup>35</sup>

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<sup>32</sup> Erikson, K. (1967) 'A Comment on Disguised Observation in Sociology.' *Social Problems*, 14: p. 370.

<sup>33</sup> Winlow, S., D. Hobbs, S. Lister and P. Hadfield (2001) 'Get Read to Duck: Bouncers and the Realities of Ethnographic Research on Violent Groups.' *British Journal of Criminology*, 41.

<sup>34</sup> Ibid, pp. 538-9.

<sup>35</sup> Ibid, p. 544.

Covert methods are often justified on the grounds that they allow scenes to be observed without being influenced by the researcher's presence. If deciding to use covert methods we *must*, therefore, ensure that we do not intentionally or inadvertently alter events by participating in them, or we risk to undermine this particular justification. It seems apparent, however, that this cannot be achieved easily. Holdaway dictated the boundaries of what he was and was not prepared to witness in his research on the police, saying 'I had begun to define my limits of tolerance'.<sup>36</sup> He ensured that he would not face situations which he found morally offensive, whilst being aware that these incidents, such as violence against suspects, would carry on out of his sight. Patrick allowed his personal ethics to exert an even stronger influence over his research setting when he intervened to stop two labourers being beaten by members of 'his' gang.<sup>37</sup> Whyte is even more proactive in his influence over his subjects, 'manipulating the club for (his) own personal ends' and admitting that this constituted 'a serious ethical violation'.<sup>38</sup> It is apparent that good scientific intentions<sup>39</sup> are not sufficient when carrying out covert research and that very un-scientific factors such as morals are prone to undermine the objectivity so highly valued by its proponents.

If we are to deprive our subjects of the right to know that they are being researched, and that their actions and conversations may be published, there seems to be agreement that we owe them, in exchange, the right to anonymity.<sup>40</sup>

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<sup>36</sup> Holdaway, S. (1984) *Inside the British Police*. Oxford: Blackwell, p. 8.

<sup>37</sup> Patrick, J. (1973) *A Glasgow Gang Observed*. London: Eyre Methuen, p. 30.

<sup>38</sup> Whyte, W.F. (1984) *Learning from the Field*. California: Sage, p. 207.

<sup>39</sup> Denzin, N. and K. Erikson (1982) 'On the Ethics of Disguised Observation: An Exchange.' In: M. Bulmer (ed.) *Social Research Ethics*. London: Macmillan, p. 143.

<sup>40</sup> Patrick, J. (1973) *A Glasgow Gang Observed*. London: Eyre Methuen, p. 9.

Humphreys, L. (1975) *Tearoom Trade: Impersonal Sex in Public Places*. New York: Aldine de Gruyter, p. 172.  
Reynolds, P. (1982) 'Moral Judgements: Strategies for Analysis with Application To Covert Participant Observation.'

As a principle, this serves as an effective bridge between my second and third issues for discussion; namely 'quality' and ethics.

#### 4. Ethics

In terms of the value and accuracy of the research, anonymity for the subjects causes its own problems. A covert researcher may be faced with a dilemma between distorting findings to protect unknowing participants (and losing a certain amount of accuracy), and staying true to the intention of getting at the truth, at the expense of revealing the identities of those to whom he owes his product. Humphreys felt that as long as the respondent 'could recognise himself without having others recognise him'<sup>41</sup> he had fulfilled his duties, both to his subjects and to his discipline. He does not acknowledge that it could be harmful for the respondent to realise that he had been systematically observed committing an illegal act, only that this realisation would serve to indicate the accuracy of his portrayal.

Maintaining anonymity may not be a simple matter especially when, as is often the case in criminology, the subject matter is of interest to law enforcement agencies.<sup>42</sup> This assumes, however, that anonymity can be achieved in the first place. Despite using false names and locations in his book about Glasgow gangs, Patrick includes newspaper

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In: M. Bulmer (ed.) *Social Research Ethics*. London: Macmillan, p. 198. Warwick, D.P (1982) 'Tearoom Trade: Means and Ends in Social Research.' In: M. Bulmer (ed.) *Social Research Ethics*. London: Macmillan, p. 39.

<sup>41</sup> Humphreys, L. (1975) *Tearoom Trade: Impersonal Sex in Public Places*. New York: Aldine de Gruyter, p. 172.

<sup>42</sup> Ibid, p. 173. Tunnell, K.D. (1998) 'Honesty, Secrecy and Deception in the Sociology of Crime.' In: J. Ferrell and S. Hamm (1998) *Ethnography at the Edge*. Boston: Northeastern University Press.

articles in which he retains much of the key information.<sup>43</sup> It would not be too difficult to find articles which correspond with the bulk of the information and from there to deduce the rest. Holdaway changes names and places in his study, then makes references to regional publications of relevance in his bibliography.<sup>44</sup>

Another justification given for using people without their knowledge is that they are unlikely ever to discover that they have been used, and therefore suffer none of the pain of realisation. But as Erikson points out, 'it is a little absurd for us to claim that we derive some measure of protection from the narrowness of our audience when we devote so much time to trying to broaden it'.<sup>45</sup>

Whether or not we are able to conceal the identities of those we chose to observe may be irrelevant if we consider that individuals have the right to be free from the risk of being covertly studied. Homan believes covert methods can be justified 'in view of the right of subjects to be free from disturbance and inhibition'<sup>46</sup> suggesting that he believes covert methods to be less intrusive and therefore preferable. He does not 'acknowledge a right among my subjects not to be observed',<sup>47</sup> but does appreciate that they have a right not to be *aware* that their privacy has been violated. Perhaps our choice of subjects is the largest influence on our understanding of their right to privacy. In choosing relatively powerless groups, such as the homosexuals, criminals or minor religious cults in the

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<sup>43</sup> Patrick, J. (1973) *A Glasgow Gang Observed*. London: Eyre Methuen, p. 71.

<sup>44</sup> Holdaway, S. (1984) *Inside the British Police*. Oxford: Blackwell, p. 84.

<sup>45</sup> Erikson, K. (1967) 'A Comment on Disguised Observation in Sociology.' *Social Problems*, 14: p. 369.

<sup>46</sup> Homan, R. (1980) 'The Ethics of Covert Research.' *British Journal of Sociology*, 31 (3): p. 46.

<sup>47</sup> Ibid, p. 56.

studies mentioned here as targets for covert research, criminologists and sociologists have, perhaps, been fortuitous.<sup>48</sup>

Alternatively, it has been argued that we have not only a right, but a duty, to study certain people and groups against their wishes, and that by acting illegally or corruptly, those concerned forfeit any right to privacy. Holdaway's justifications for his study originate in the view that the police have adopted an over-protective culture which obstructs efforts to make them genuinely accountable.<sup>49</sup> Consequently, he believes his deceit was justified as it was used to access information which was concealed illegitimately and could have been obtained in no other way.

It is clearly right to be concerned that an insistence on overt methods (and a reliance on official funding sources) might effectively protect certain groups from accurate study permitting corruption and abuse of power to persist,<sup>50</sup> and that codes of ethical practice could serve to protect the powerful rather than the weak.<sup>51</sup> It would, however, be a dangerous generalisation to conclude that anyone suspected of deceitful practices would automatically become 'fair-game' for deceptive research methods,<sup>52</sup> especially if this were to be taken to include deceitful researchers in its mandate. As Punch points out, 'it seems somewhat specious that academics can employ deception with high moral purpose against those that they accuse of deception'.<sup>53</sup>

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<sup>48</sup> Punch, M. (1986) *The Politics and Ethics of Fieldwork*. London: Sage, p. 25.

<sup>49</sup> Holdaway, S. (1984) *Inside the British Police*. Oxford: Blackwell, p. 5.

<sup>50</sup> Jupp, V. (1989) *Methods of Criminological Research*. London: Routledge, p. 60. Lee, R.M. (2000) *Unobtrusive Methods in Social Research*. Buckingham: Open University Press, p. 59.

<sup>51</sup> Punch, M. (1986) *The Politics and Ethics of Fieldwork*. London: Sage, p. 34.

<sup>52</sup> See Punch (1986: 32) and his explanation of 'conflict methodology'.

<sup>53</sup> Ibid, p. 43.

The duty of researchers to expose oppression of the weak by the powerful<sup>54</sup> is an initially convincing justification for covert research methods, but is complicated by involvement in a world where the distinction between oppressor and oppressed are seldom clear. Where researchers actively seek involvement with those breaking the law, they will often be aligning themselves with those exercising power over their victims. While these could be corrupt government officials, they are just as likely to be street criminals or gang members. The commitment to expose oppression does not seem to have been extended to cover these situations and its persuasiveness is weakened as a result. In some instances, the researcher may find themselves an 'oppressor' by the standards used above, when required to commit criminal acts in order to maintain a convincing covert position. It can only be a matter for the individual conscience of the researcher to decide whether or not this can be tolerated as part of a total research experience, but it is worth considering that they may create another victim, take up the valuable time of the police (who may be required elsewhere) and risk a criminal conviction. Patrick, Ferrell, and Lyng all paid a heavy price for their total immersion in their research,<sup>55</sup> as Ferrell points out, '(some people) might argue that it transforms my status irrevocably from criminologist to criminal'<sup>56</sup> Humphreys only considered late in his research that 'by observing, perhaps facilitating, and failing to report some 200 act of fellatio, was I not

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<sup>54</sup> Ibid, p. 210.

<sup>55</sup> Patrick, J. (1973) *A Glasgow Gang Observed*. London: Eyre Methuen, p. 58. Ferrell, J. (1998) 'Criminological Verstehen: Inside the Immediacy of Crime.' In: J. Ferrell and S. Hamm (eds.) *Ethnography at the Edge*. Boston: Northeastern University Press, p. 23. Lyng, S. (1998) 'Dangerous Methods: Risk Taking and the Research Process.' In: J. Ferrell and S. Hamm (eds.) *Ethnography at the Edge*. Boston: Northeastern University Press.

<sup>56</sup> Ferrell, J. (1998) 'Criminological Verstehen: Inside the Immediacy of Crime.' In: J. Ferrell and S. Hamm (eds.) *Ethnography at the Edge*. Boston: Northeastern University Press, p. 23.

guilty as an accomplice to the acts?<sup>57</sup> His University Chancellor certainly thought so and terminated his teaching contract.

## 5. Informed consent?

So far, discussion has centered around intentionally covert research, where the researcher conceals everything about his true identity and purpose from his subjects. There are, however, problems with obtaining the fully informed consent of those involved, even when there is an intention to obtain it. Consequently, much criminological research may contain elements of concealed purpose, and therefore give covert research 'a place' in criminology whether it is welcomed or not. Bulmer considers informed consent to be when 'the subject (is) competent, informed about the purposes of the research, understanding what he or she is told and giving consent voluntarily and not under any form of duress.'<sup>58</sup> Although this would seem to be a straightforward definition it raises problems in situations, such as schools or prisons, where the subject may not be totally free to refuse to participate, feeling obliged to act according to the wishes of those on whom they are dependent.

Whether or not potential subjects can be said to be truly *informed* is also largely dependent on the explanations of the researcher.<sup>59</sup> Douglas used the 'hair-brained academic ploy, which consists of the researcher telling them he's doing a theoretical study that is so abstract it could never hurt anyone' and even offers examples of long-worded 'explanations' which put people off asking for further clarification.<sup>60</sup> Although this would not meet many traditional definitions of covert practices, it clearly contains an element of deception which denies it a completely overt status. The British Sociological Association consequently specifies that explanations should be phrased 'in terms

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<sup>57</sup> Humphreys, L. (1975) *Tearoom Trade: Impersonal Sex in Public Places*. New York: Aldine de Gruyter, p. 228.

<sup>58</sup> Homan, R. and M. Bulmer (1982) 'On the Merits of Covert Methods: A Dialogue.' In: M. Bulmer (ed.) *Social Research Ethics*. London: Macmillan, p. 109.

<sup>59</sup> Dingwall, R. (1980) 'Ethics and Ethnography.' *Sociological Review*, 28 (4): pp. 876-77.

<sup>60</sup> Douglas, J.D. (1976) *Investigative Social Research*. London: Sage, p. 170.

meaningful to the subjects',<sup>61</sup> although it would be interesting to witness the elucidation offered by many ostensibly overt researchers who supposedly had the informed consent of their subjects.

Logistically, informed consent creates further problems for carrying out overt research, in that much observational work will involve a huge number of participants with a high turnover rate. Obtaining the consent of everyone who could possibly be affected by research may simply not be possible in many settings; a practical aspect which should be remembered in theoretical discussions of research ethics. Punch and Homan have used extreme examples from the field to point out the impracticality of informing everyone of your true purpose in each situation:

'[D]uring my research...the patrol car was directed to a fight...Was I supposed to step up to this writhing shindig and shout 'freeze!' and then, inserting my head between the entangled limbs, whip out my code, and Miranda-like, chant out the rights of the participants?,<sup>62</sup> and to obtain that informed consent of fellow (football) supporters, as by a loudspeaker announcement that there was a sociologist in the crowd, would plainly be ludicrous.'<sup>63</sup>

On a more realistic level, 'being prepared to tell anyone who asked'<sup>64</sup> may be an overly passive approach to obtaining consent which would not fulfill the B.S.A.'s criteria of going 'as far as possible' which suggests a more pro-active approach is warranted.<sup>65</sup>

From an ethical standpoint, the researcher who is satisfied that his subjects were aware of the risks they faced through participating, can hope to avoid censure for any ill-effects they then suffer. In covert research, the security and well-being of the observed is placed entirely in the hands of the researcher. As Glazer observes, 'Humphreys'

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<sup>61</sup> British Sociological Association (1973) *Statement of Ethical Principles and their Application to Sociological Research*, p. 2.

<sup>62</sup> Punch, M. (1986) *The Politics and Ethics of Fieldwork*. London: Sage, p. 36.

<sup>63</sup> Homan, R. and M. Bulmer (1982) 'On the Merits of Covert Methods: A Dialogue.' In: M. Bulmer (ed.) *Social Research Ethics*. London: Macmillan, p. 112.

<sup>64</sup> Punch, M. (1986) *The Politics and Ethics of Fieldwork*. London: Sage, p. 36.

<sup>65</sup> British Sociological Association (1973) *Statement of Ethical Principles and their Application to Sociological Research*, p. 2.



informants were totally dependent on his shrewdness' in writing up his observations,<sup>66</sup> while (despite Klockars' promises referred to above) the social scientist can offer no legal protection to his subjects. Erikson explains the ethical lifeline provided by obtaining consent thus; 'If we happen to harm people who have agreed to act as subjects, we can at least argue that they knew something of the risks involved and were willing to contribute to that vague program called the "advance of knowledge".'<sup>67</sup>

Efforts have also been made to justify covert research practices by comparing them to the everyday observations made by individuals in 'ordinary intercourse' with other members of society.<sup>68</sup> Holdaway actually was a police officer when he carried out his research, which can therefore be compared to producing memoirs at the end of one's career. The extension of this argument could be that all covert research might be justified as simply the publication of observations made during the course of an average inquisitive and judgmental human existence. Furthermore, it is not expected that everyone acts honestly and openly their entire lives, suggesting that it is unreasonable to expect this from researchers. In fact, Punch observes that 'in normal social intercourse a person who is totally honest is unbearable and socially immature.'<sup>69</sup> To use this argument to justify covert methods does, however, sound faintly ridiculous.

The researcher, furthermore, has a position of power in excess of that of his subjects. The covert researcher, especially, retains all the power in a research relationship, from selection of information, presentation, and publication, to the protection of those they have chosen to make 'famous'. The researcher therefore has an additional responsibility in that he or she is asserting personal interpretations as fact, using qualifications to lend them respectability, not simply storing them as personal experience for personal use. They also have a responsibility to their profession, which they have a duty to protect in return for the credence their membership of it provides. Although many ethical issues surrounding covert research can only be matters of personal

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<sup>66</sup> Glazer. In: L. Humphreys (1975) *Tearoom Trade: Impersonal Sex in Public Places*. New York: Aldine de Gruyter, p. 215.

<sup>67</sup> Erikson, K. (1967) 'A Comment on Disguised Observation in Sociology.' *Social Problems*, 14: p. 368.

<sup>68</sup> Douglas, J.D. (1976) *Investigative Social Research*. London: Sage, pp. 55-57. Shills, E. (1982) 'Social Inquiry and the Autonomy of the Individual.' In: M. Bulmer (ed.) *Social Research Ethics*. London: Macmillan, p. 125.

<sup>69</sup> Punch, M. (1986) *The Politics and Ethics of Fieldwork*. London: Sage, p. 39.

morality, researchers should not forget that their actions have consequences for the discipline as a whole. If one piece of research serves to close the doors of that setting to any further research, its costs become impossible to quantify and its harm may reach further than could initially have been comprehended. The provocative attitude encouraged by Douglas<sup>70</sup> could serve to close every door behind him as he carries out his research. He even refers to his subjects seeking revenge for the way he treated them, while the effects of research could be felt years after its completion in Springdale.<sup>71</sup> Holdaway expresses the hope that his deceit might encourage further research to refute his findings, but does not seem to consider that, as a result of his activity, much subsequently permitted research would be police-approved and consequently less critical, if critical at all.<sup>72</sup> It should, however, be noted that this 'environmental pollution' can also be a consequence of badly carried out overt research, and that, as a result, the preservation of the research setting for future use is the responsibility of all researchers.<sup>73</sup>

By discussing the merits of covert research from three perspectives, I hope to have added extra dimensions to the traditional debate. Much attention has been paid to the ethics and morality of researching individuals without their knowledge, and as an emotive issue, it has obscured other debates such as those I have discussed. Before plunging into deeply subjective, and perhaps never to be resolved, ethical debates, I would suggest that potential covert researchers should consider firstly whether, as a technique, it really will offer the 'truths' he or she seeks, or whether it is in fact empirically flawed. They should then move on to assess whether or not it really is the only way to obtain the information they desire, and *only if* they can conclude that undercover methods satisfy both these requirements should they then determine their moral standpoint on the issue.

Covert research has retained its 'place' in criminology, whether we believe it is ethical or not, and while the debate continues to centre around ethics it is likely to remain an issue on which there is intense disagreement. Perhaps in a more useful way it can

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<sup>70</sup> Douglas, J.D. (1976) *Investigative Social Research*. London: Sage, p. 168.

<sup>71</sup> Whyte, W.F. (1984) *Learning from the Field*. California: Sage, p. 205.

<sup>72</sup> Holdaway, S. (1982) 'An Inside Job: A Case Study of Covert Research on the Police.' In: M. Bulmer (ed.) *Social Research Ethics*. London: Macmillan, p. 77.

<sup>73</sup> Barnes, J.A. (1963) 'Some Ethical Problems in Modern Fieldwork.' *British Journal of Sociology*, 14: p. 126.

serve to remind all researchers that even when they intend to research in an open and honest way, they must give consideration to what it really means to have obtained 'informed consent'.