

# Bulletin

Canadian Historical Association - Société historique du Canada

## HISTORIANS AND THE TRI-COUNCIL POLICY STATEMENT ON RESEARCH INVOLVING HUMANS

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At the 2003 Congress of the Humanities and Social Sciences, the Interagency Advisory Panel on Research Ethics (PRE), the Canadian Federation for the Social Sciences and Humanities, and the PRE Social Sciences and Humanities Research Ethics Special Working Committee piloted a consultation with researchers from the humanities and social sciences. The consultation was in response to criticisms of the *Tri-Council Policy Statement on Research Involving Humans* (TCPS). Since its inception in 1994, researchers in the social sciences and humanities have argued that the TCPS recommends procedures that are more suited to quantitative studies than to qualitative research. Over the next year, the PRE will consult with researchers and professional associations to identify gaps in the TCPS in order to recommend changes that will make the policy more amenable to research in the social sciences and humanities. The CHA needs to be involved in this dialogue.

Why should the CHA be concerned? The TCPS introduced procedures that have made historical research using oral histories and privately held records more complicated. Under the policy, researchers must apply for ethical approval from university Research Ethics Boards (REBs) if they plan to interview people or to use documents that have not been deposited into public archives. Even though most historical research is eligible for expedited review, getting approval from an REB can be time-consuming. In informal discussions with colleagues and graduate students, we have complained about debates with REBs about mundane issues such as the wording of consent forms. Some have had to rationalize research strategies and methods for sharing information with the research subjects. Institutional interpretations of the TCPS are inconsistent. Graduate students become frustrated about the ethical review process when methodologies approved by one university REB are questioned by another. The process often stalls thesis work; doing interviews for term papers is almost unfeasible. Ironically, establishing a national standard for ethical research has become a hoop-jumping exercise rather than a opportunity to reflect on research methods.

Given the emphasis on timely completion and the pedagogical value of oral history assignments, resolving these practical concerns is important. But there are more critical ethical issues at stake. The core assumptions of the TCPS and the research methods that the policy recommends do not fit well with historical practices. The most problematic methods recommended by the TCPS are related to respect for free and informed consent, respect for privacy, and the guidelines for research about First Nations peoples.

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**FREE AND INFORMED CONSENT** Researchers must obtain informed consent in writing from those whom they interview. It is good ethical practice to make sure that research participants know how their words will be used and what will happen to the interviews when the project is finished. But reviewing and signing the forms often undermines the friendly rapport that the researcher has established with the research participant before the interview begins. Consent forms add an air of formality to the meeting that can make the dialogue less open, and the interviewee nervous. The TCPS obliges researchers to identify potential risks and harms to interviewees, a practice that casts a chill on the interview process.

An unforeseen implication of the debates about ethics and the development of the TCPS is that it is not difficult to deposit taped interviews into public archives. Researchers include a release statement in their consent forms because public archives are reluctant to accept interviews without release forms. It is unclear what will happen to oral histories conducted before the implementation of the TCPS.

**RESPECT FOR PRIVACY** Privacy and confidentiality is a key ethical principle of the TCPS. The policy recommends anonymity as the best way to protect the privacy of research participants. This principle conflicts with social historians' desire to give voice to those who have been "hidden from history." Moreover, some research participants are aware of their role as historical actors and want to be identified. There are provisions in the TCPS that allow researchers to identify research participants, but historians must make their case to REBs comprised of individuals who are not trained in historical methodology. This is not to say that historians should not be concerned about the privacy of research participants, particularly in studies of sensitive and intimate issues. Historians need a policy that recognize the tension between respect for privacy and the social historians' responsibility to understand the relationship between individuals and broader social relations.

**RESEARCH INVOLVING ABORIGINAL PEOPLES** Following international protocols, the policy recognizes that Aboriginal peoples have distinctive perspectives and understandings in their cultures and histories, and has recommended practices that emphasize research partnerships and consultation with Aboriginal groups. REBs insist that researchers to obtain written consent from Chief and Band Council in order to conduct interviews with Aboriginal persons. While there are provisions in the TCPS to make a case for interviewing Aboriginal peoples without the consent of Band Council, REBs are often reluctant to approve these applications. It is ethical and responsible to work in conjunction with First Nations communities. I am concerned that this practice will impede historical research about divisive issues in Aboriginal communities such as family violence or the Aboriginal women's campaign to remove section 12(1)(b) from the Indian Act.

What is the next step? During the consultation at the 2003 Congress, representatives from the Interagency Advisory Panel on Research Ethics assured delegates that the TCPS is a growing and evolving document. The CFSSH and PRE are aware of the negative impact that the TCPS has had on humanities and social sciences, and want feedback from individual researchers and from professional associations in these fields. Since the implementation of the TCPS, historians have had much to grumble about. Now we have an opportunity to contribute to the development of a policy that better reflects historical methodology, and encourages critical reflection on important ethical issues.