

Original paper

# Unwarranted participant questions and virtuous researcher lies

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*Most writing on research ethics is about researcher treatment of participants. This essay considers a participant threat to researcher privacy and integrity. It is based partly upon a real-life sport research case, and discusses a participant request to know if the researcher supports a particular and popular football team. The researcher does support this team, but felt disinclined to answer truthfully, and so lied. It is argued, with the help of analogous cases, that the participant question is what Borge calls 'unwarranted', despite the football fan culture of allegiance disclosure. It is further argued, again following Borge, that refusal of the question would have generated a conversational admittance, resulting in the participant truly believing what the researcher correctly believes he has no right to know. The researcher is therefore justified in lying. This justification is buttressed by Swanton's virtue ethical account of right action, according to which an action is right if it is 'overall virtuous' (OV), and that entails that it is the (a) best possible action in the circumstances. Here, actions which are typically right, such as truth-telling, are sometimes not, and may even on occasion be wrong-making qualities of actions. It is argued, however, that honesty retains a positive moral value and dishonesty a positive moral disvalue, and it is therefore to be regretted that the OV course of action involves lying. The researcher should therefore regret the OV lie, should ponder if he could have done anything to prevent the situation, and should consider what he can do to prevent its recurrence. A global prescription to protect researchers is probably out of reach, but one suggestion for this sort of case is that the researcher tells the participant at the outset, in appropriately hospitable tones, that he is unable to disclose anything of his own affections.*

**Keywords:** archer, privacy, integrity, lying, virtue

## Introduction

Most writing on research ethics is properly about (a) researcher respect for voluntariness, informed consent, and confidentiality in the recruitment and treatment of participants; and (b) the tricky nuances of these key concepts. There is astute

discussion, to be sure, of the correct conceptions of the said concepts, of whether they are jointly sufficient or individually necessary, and whether they can in fact be instantiated in research. (For some recent, strong discussion, see [4].) However, this discussion tends to focus still on

researcher treatment of the participant. The integrity of the researcher in the face of participant threat is an insufficiently recognised topic. This essay adapts and considers a real-life and probably not unusual kind of situation encountered by a doctoral sport researcher. It features a participant enquiry, extraneous to the research, which the researcher found unwarranted (and potentially threatening to the research). The researcher's response was to lie. It is argued, first, that the researcher was correct in his belief that the participant question was unwarranted. Second, it is argued that the notion of a conversational admittance helps show that the researcher response was, given the question's unwarranted nature, legitimate. It is argued, finally, that the researcher response gains further support from a Virtue Ethics account of right action. The essay concludes with a cautious suggestion for how situations such as this can be pre-empted.

The situation happened at the outset of a slice of research. (It is similarly easy to imagine it happen during recruitment, and even with a gatekeeper.) The research was qualitative, and involved semi-structured interviews about allegiances in football and rugby union, as well as attachment to national identity. It unavoidably involved participant openness about team allegiance. One participant turned the tables by asking the researcher if he is a supporter of a particular, very popular team. The researcher is in fact an avid supporter of this team. However, he felt disinclined to give this information. Instead, he finessed his way around the participant's question by flagging up his home town – let's say Shrewsbury – before adding that he 'gets along' sometimes to see the local team and looks out for their result. There is in fact a grain of truth in this. The researcher does occasionally take in and look out for 'Shrewsbury Town', and does feel a mild affection for the club. However, it does not compare to his affinity with the team about whom he was asked. A lie was told, since the researcher tried to bring it about that the participant believes he has no affinity with the

club that he in fact loves and knows that he loves. The researcher believes (correctly) that it is false that his primary football affinity is Shrewsbury, and that is the belief he wishes the participant to acquire.

Before leaving this section, it is worth brief contemplation upon a subtly different form of participant enquiry here. Instead of asking whether the researcher supports a specific team, the participant (or gatekeeper) might ask the more open 'Who do you support'? Despite both the wording and the fact that most football fans have a few affections of different strengths, a respondent yet lies if he provides one of his subsidiary allegiances in reply. This is because, as McFee [4: 184-91] admirably elaborates, the meaning of a sentence, question or other unit of meaning often depends on more than the words used (therefore, the same word sequence can carry different meanings). Some questions, for instance, have occasion-sensitivity. In this case, the occasion-sensitivity means that the questioner is asking what the respondent's primary football allegiance is. The former would make himself merely long-winded, not clearer, if he said 'Who do you support, by which I mean: of the teams you support, which one do you support the most?' The request for primary respondent allegiance is subserved by the question's occasion-sensitivity. Indeed, 'Who do you support?' is almost certainly on most occasions a request to be told primary allegiance. Not always, of course: the same question asked during discussion about (or research into) the lower leagues, in a context where the questioner knows that the respondent's primary allegiance lies elsewhere, is a request to be told 'Shrewsbury Town' or the equivalent (or even 'no one').

### **Unwarranted questions**

What is an unwarranted question? Borge [2, 1690] explains that 'a question is unwarranted if the person asking the question is not in a position, formally or informally, to rightfully inquire into whatever is the subject matter of the

question and thus is not in a position to expect an honest answer or any answer at all.'

Is the participant question, by the lights of this definition, unwarranted? It seems so. His role-identity in the social context is that of *participant*, an identity without which he would almost certainly have not encountered the researcher at all. The researcher is in the same social context as *researcher*. Whilst no one's moral status is ever exhausted by a role they play (one consequence of Kant's Formula of Humanity), one function of roles is to circumscribe legitimate expectations, responsibilities and boundaries. The participant is entitled to a familiar bucketload of information about the research itself, including its purpose, what it requires him to do, how data will be stored and with whom it will be shared, etc. This entitles him to ask a range of questions. *Qua* social being, he is also entitled to make casual social enquiries, such as how the researcher found driving in today's tricky weather. However, he overreaches these entitlements in asking the researcher about his football affections.

A powerful counter-argument is possible here. It begins with a general and exploratory point about all research, before moving in the direction of particularity, culminating in reflections upon the specific example under discussion. The most general point is that establishing a rapport with the participant is the first interactive principle of all research (a more cautious version that confined the principle to face-to-face research would suffice). That principle inevitably visits behavioural pressures upon the researcher, limiting his responses to the participant. A more particular suggestion is that this quality is especially prominent in the case of face-to-face qualitative research such as interviews, since we might be dealing here with complex, sensitive or delicate participant characteristics. Indeed, it is worth acknowledging that some qualitative research involves open-ended conversation or even in-depth narrative, diminishing the researcher-participant distinction and inviting two-way confidences. (Consider, for

instance, a gay male footballer who is interviewing other gay male footballers on their experience of homophobia, and who has been explicit from the point of recruitment about being a gay footballer.) Identifying unwarranted participant questions in such contexts is tricky. And the most particular suggestion is that the culture of football fandom makes member insincerity on another member's question about one's affections very odd, if not impermissible. The last, most particular suggestion benefits from some elaboration.

A football fan's identity *qua fan* is very strongly defined by his allegiance. Very, very few fans – if any – do not support a team. If strangers discover a common interest in football, reciprocal enquiries about teams supported will almost certainly be made quickly. And an insincere answer or a refusal to answer would be, culturally, very odd behaviour, equivalent in coyness to insincerity or refusal when asked one's first name. Moreover, it is, in the case under discussion, a reasonable participant assumption that the researcher is interested in football. By the first premise of this paragraph, it is therefore a reasonable assumption that the researcher supports a team. And, by the paragraph's second premise, it is reasonable to expect the researcher to be unfazed and open if asked about his allegiance. As co-inhabitants of football fandom, the participant is entitled to feel mistreated if the researcher does not sincerely answer.

### **The legitimacy of researcher disinclination**

However compelling the immediately preceding argument, it is not conclusive in the case under discussion. It is important to acknowledge what the argument gets right. The sociocultural claim of the transparency of allegiances within football fandom is correct. The more general arguments about the qualitative research context and the primacy of researcher-participant rapport are also sound. How might the researcher's personal disinclination be defended, then?

Consider a few comparisons. The first is extreme but perhaps the more instructive for

that. When one divulges details of personal problems or difficult personal events, one would ordinarily expect the recipient to be willing to helpfully reciprocate to at least a degree (as a fan expects another fan to disclose his team). That is a part of what is covered by 'feedback' on one's avowals. Indeed, one might be put off by a listener unwilling to engage in illustrative and helpful self-disclosure. (One is equally put off, for sure, by a clamouring 'me too' interlocutor.) It is also a fair assumption that any adult listener has experienced significant personal problems (as one fairly assumes that a fan has a team). However, there is one spectacular exception to the culture of helpful sharing. The Samaritan is strictly forbidden from divulging anything of themselves. Indeed, a professional colleague who has trained Samaritans tells me that this is, revealingly, an especially difficult skill for trainees to learn. However, a caller who asks if the Samaritan has encountered problems comparable to one's own – and how he dealt with them if so – will not be answered. Recall the grounds of analogy with the football fandom research case. In each case a rapport between the parties is essential to success. In each case the usual cultural dynamics would ground an openness that is – at least to a significant degree – reciprocal. However, in the Samaritan case the usual reciprocal openness is legitimately and strictly suspended. The Samaritan is, to be sure, not bound to feel an affective discomfort in the face of invitation to personal disclosure. He is bound only to reject the invitation. The salient points of the case are:

- Interpersonal rapport is required
- Assumptions of trouble in the other's personal history are justified
- The usual culture is one of helpful self-disclosure
- The usual culture (above) is suspended

Since the first three conditions have clear equivalences in the fan research case, might it be that the fourth is replicated in the latter case

too? Whether the fourth is so replicated depends upon the grounds on which it is satisfied. Its coexistence in the Samaritan case with the first three reveals, in the meantime, the defeasibility of the usual culture, and therefore opens a social psychological and moral space for the fandom researcher's disinclination to give the participant the requested information. This is not to suggest a perfect analogy; for instance, the Samaritan is providing a formal service for the benefit of the caller (who needs to make an unsolicited call), whilst the researcher is not essentially providing a service for participant benefit. However, the analogy holds in the *relevant sense* of offering a context in which standard practices of helpfully symmetrical self-disclosure are, for precise reasons, suspended.

Consider an example similar to and different from the Samaritan: the counsellor. Again, client rapport is essential. Again, client assumptions that the counsellor has experienced some personal trouble are quite reasonable. Again, helpful sharing of experiences would be the usual order of things. Again, however, it is contextually quite unwarranted for the client to ask the counsellor about personal troubles in their past or present. The face-to-face nature of the (usual) counsellor-client exchange perhaps makes the coexistence of the fourth condition with the other three yet more striking. Again, the analogy is limited by (at least) the formal provision of a service (which, again, the client has to obtain), and (typically) by a time limit upon consultation. Again, however, the analogy holds in the *relevant sense* of offering a context in which standard practices of helpfully symmetrical self-disclosure are, for precise reasons, suspended.

Consider, finally, a man or woman visiting, respectively, a male or female doctor about what is euphemistically termed 'man trouble' or 'woman trouble'. Again, doctor-patient rapport is essential. Again, that one's doctor has at some point experienced some 'man' or 'woman' trouble is a fair assumption. And, finally, reciprocal illustration between members of the

same sex is again the order of the day. However, it would be only the most contextually unaware of patients who would ask the doctor here if he or she has first-person experience of the sort of problem prompting one's visit. The fourth condition seems, again, to coexist with the other three. Again, whilst some disanalogies should by now be obvious, the relevant analogy holds.

What is it about cases such as those which allows the fourth condition to coexist with the other three? And is it replicated in the case of the fandom researcher? Might there even be extra grounds in the case of the latter?

### **Role identity and self-presentation**

An important notion is that of role-identity. The counsellor and doctor are each in a professional role vis a vis client or patient, and that of the Samaritan and researcher might be fairly considered quasi-professional. The Samaritan or counsellor is not any old helpful ear. The doctor one visits about one's 'man' or 'woman' trouble is not any old man or woman. Consider some existing discontinuities with the usual cases of the first three of the foregoing conditions. In the case of the counsellor or doctor, an appointment, again, has to be formally made, typically through another party. One is fitted into the schedule and sees the counsellor or doctor in an institutional or quasi-institutional setting. One is, again, allotted in advance a set amount of time. Money might change hands. Records of meetings are kept. The patient is assured confidentiality. The Samaritan, similarly, explicitly exists in order to give help, unlike almost all of the other individuals with whom one might share one's problems. One telephones the Samaritan for this purpose and no other. There is, again, strict caller confidentiality. In all three cases – counsellor, doctor and Samaritan – services are advertised. The *mode of self-presentation* of counsellor, doctor and Samaritan is critically different from that of one with whom one would ordinarily share one's problems and expect some rapport and empathy. In light of the radical discontinuities with the usual climate in

which the first three conditions are satisfied, the prospect of a radical discontinuity with the usual terms of the relationship is unsurprising. The specific mode of self-presentation grounds limits on access entitlements, limits which run counter to the norms of cases in which the first three of the above conditions are satisfied.

Consider how the critical discontinuities above are replicated in the case of the football researcher. The latter is not, vis a vis participant, any old fan that one might start chatting to in the pub or at the bus stop. An appointment is formally made between researcher and participant. This takes place after a formal recruitment process, typically involving a letter and participant signature of a consent form. There might be a small incentive for participation. Records are kept. Confidentiality is assured. Summarily, the researcher mode of self-presentation limits access entitlements in a way that runs counter to the norms of cases in which the first three of the above conditions are satisfied. These elements are as definitive a part of the 'situation' as the discourse of football fandom, and should therefore figure in any 'situational' approach. More aware participants will be aware of this and will exercise caution in the posing of what, given the first three conditions, would usually be innocuous questions.

There might, to be sure, be cases in which the researcher is not entitled to limit access in the way that, if my argument is sound, the researcher in the case under discussion is entitled to do. I have already acknowledged that some qualitative research appropriately involves two-way confidences. But the research in this case is not an example. It was not, for instance, an in-depth narrative which might be better facilitated by strategic researcher disclosure. It is not relevantly similar to the foregoing scenario of the explicitly gay male footballer interviewing kindred others about experience of football homophobia.

The salience of researcher self-presentation here is heightened by an intriguing quality of the

case and others like it. This is the fact that one might be quite unfazed by exposure *in the usual context* of qualities of self that one does not wish to divulge in the sort of context under discussion. For instance, the researcher in the preceding case might be quite blase about wearing his scarf on the way to the match. A schoolteacher, again, might be unwilling to answer the pupil who casually enquires in class if he is married or attached, yet be at ease when knowingly seen hand in hand with his wife by the same pupil in the shopping centre on Saturday. In each case the relevant qualities of self are not in any useful sense private, yet they may be legitimately excluded in particular contexts from one's self-presentation. Indeed, it is worth noting that these qualities include some that we precious (and generally rightly) regard as key components of our identities. One's relationship status and – if one is a football fan – one's primary football allegiance are typically examples. In fact, it might well be their very preciousness that disinclines us towards promulgation that seems to us incongruous. (Does this help to explain the reluctance of some to divulge, say, marital status, on Equal Opportunities Monitoring forms and the like?) Secondary football allegiances, such as that of the researcher towards Shrewsbury Town, are typically less precious, which helps explain comparative researcher comfort in disclosure. This is, again, constitutive of the 'situation'.

None of the foregoing involves denial that transitions in self-presentation are possible. It might be that, say, a researcher socializes with a participant once the research is over, in turn generating a rapport that makes mutual increases in self-disclosure comfortable. This could finally include researcher disclosure of primary football allegiance. However, interpersonal transitions such as this tend to evolve; they are not typically accomplished at a stroke. Using Tönnies' language, a *Gesellschaft*, even one consisting of only two members, does not become a *Gemeinschaft* by a click of the fingers or by even a visit to Starbuck's.

### Conversational admittures and the permissibility of lying

If the researcher has, then, a legitimate disinclination to divulge the truth to the participant, and is also disinclined to placate the participant with the expectation of post-research disclosure, what can he do? It might seem that he can refuse to answer. That, however, will not do. This is because the discursive dynamics mean that researcher refusal to co-operate with the question will generate an admittance that probably divulges the information the researcher (legitimately) wishes to conceal. This is a context where the audience believes that certain questions should be answered, and where, in particular, refusal to answer the question, 'Do you support x?' will result in the audience coming to truly believe what the researcher legitimately believes they have no right to know. (The possibility of admittance exists, too, if the question is 'Who do you support?'. It is, again, a matter of *occasion*.) The researcher therefore faces a trilemma: he can tell the truth, therefore disclosing what he correctly believes his audience has no right to know; he can refuse to co-operate, therefore generating an admittance; and he can lie. Lying is the only response which will not result in the audience coming to truly believe what the researcher correctly believes they have no right to know. Speakers in such situations are, as Borge [2, 1696], again, concludes, justified in lying.

It might be objected that the admittance resulting from refusal is to be preferred because it is a lie-avoiding route towards mere true belief, in contrast with a sincere answer, which generates *knowledge* in the participant. And why should we be bothered about someone's mere true beliefs (as opposed to knowledge) about us? After all, as every philosopher since Plato has imbibed, one can hit upon the truth any which way. If someone who isn't entitled to know which team I support has a lucky true belief, but not knowledge, on the subject, why should I care? But this objection isn't easy to sustain. It might be true that the researcher

ought to prefer mere true belief on the part of the one who asks the unwarranted question. However, the true belief arising in this case ought, epistemologically, to be distinguished from true belief anchored to nothing or to something epistemically irrelevant. In this case, the admittance means that the belief enjoys a justification which pushes it significantly further along the line towards knowledge than true beliefs which don't enjoy such justification. (Therefore, it is not entirely lucky.) Moreover, the epistemic propulsion of the former is something that the researcher knowingly *brings about* through his refusal and, in turn, admittance. The trilemma can therefore be recast as: (i) tell the truth, and provide knowledge to which one legitimately objects; (ii) refuse to co-operate, and therefore, through admittance, bring it about that the audience believes, correctly and with a measure of justification, what one correctly believes they have no right to know; or (iii) tell a lie.

### **Virtue ethics and the researcher lie**

The appetising normative framework provided by Christine Swanton's [5] virtue ethical account of right action offers another vocabulary within which researcher's lie can be morally sanctioned, if not morally celebrated. On this prospectus, an act is right 'if it is overall virtuous (OV), and that entails that it is the (or a) best possible act in the circumstances' [5, 45].

However, as Swanton [5, 46] goes on to enquire, how is OV determined? She follows Dancy [3] in highlighting the holism of right-making features of action. Dancy subscribes to a form of particularism according to which 'the behaviour of a reason (or of a consideration which serves as a reason) in a new case cannot be predicted from its behaviour elsewhere' [3, 60]. If this is true, the fact that avoiding telling a lie is typically a decisive moral consideration does not entail that it always is. This allows us to continue to talk of moral principles – a reason for doing something that is *general* – so long as we realise that they function holistically. This is

sufficient to open the door to an action which involves telling a lie and is also the (or a) best possible action in the circumstances, and is therefore OV. (Kant's famous case of the prospective murderer might, pace Kant, be an example.) Swanton herself makes intriguing suggestions about evasiveness and lie-telling. Whilst, as she notes, we don't describe such acts as honest, they may hit the target of virtue – 'namely, a virtue of a correct disposition with respect to the field of divulging information' [5, 50]. This virtue is normally, but not always, manifested in honest acts. And the fact that Swanton has to (clumsily) baptise a new virtue does not disqualify it from inclusion among the virtues, since, as she again notes [5, 51], Aristotle himself tells us that not all virtues have names. Indeed, given the preceding, holistic character of the grounds of right action, this should not surprise.

If the arguments of previous sections are sound, the researcher's lie is an example of actions which are not honest but are OV. It involves lie-telling, but hits the target of virtue.

### **The researcher: inner state and future tactics**

But there are important caveats, again with a virtue ethicist imprimatur, to the defence of the researcher's lie. There is a key distinction, first made in Aristotle, between a *virtuous* act – an act that hits the target of virtue – and an *action from virtue*. The latter requires, in addition, the appropriate inner state and disposition. Even if the researcher's lie is OV, it is not therefore an action from virtue. So what is the inner state and disposition required for the latter? The lie, even when constitutive of an OV act, is to be regretted. (I do not argue for that, but take it to be true. For excellent discussion, see [1].) Therefore, if the researcher's lie is an action from virtue, he will feel regret that he hits the target of virtue by lying. And this affect should be bound up with his dispositions. That is, he lies infrequently and always reluctantly, and tries to create or manage circumstances so that lying

does not hit the target of virtue. Indeed, a case can be made that the lie in this example a priori cannot be an action from virtue, since the dispositions of someone acting from virtue wouldn't have allowed the situation to arise. Be that as it may, he can certainly better approximate action from virtue if his regret propels future, pre-emptive management of self and context.

Before considering what form this management might take, it is worth registering that the preceding paragraph perhaps involves some different nuances from those of Swanton. Swanton argues powerfully and with compelling illustration that 'the virtuousness of an act in a given respect (eg its friendliness, justice, kindness) can be wrong-making (ie can contribute negatively to the rightness of an act)' [5, 48]. And, given her comments, above, on evasiveness, lie-telling and honesty, she clearly holds that honesty can be similarly wrong-making. But care is in order. The OV act is sometimes one, as in the case of the researcher, involving a lie; the lie hits the target of virtue, and telling the truth would not. However, the fact that some dishonest acts are OV whilst alternative honest acts are not is consistent with (i) the honest act allows greater overall virtuousness than the dishonest act, and (ii) the dishonest act, even when constitutive of an OV act, is, by (i), to be regretted. Therefore, the honesty of an act can be wrong-making in the local sense that an honest act can be (minimally) less OV than available dishonest alternatives. But it does not follow from this, nor is it true, that the moral significance of honesty is exhaustively a function of the circumstantial holisms in which particular instances figure. (And this is to assert more than the preceding point that the moral significance of the holisms yet allows us to sanction moral generalities.) Even when such a holism entails that dishonesty is the OV policy, the dishonesty is a moral *remainder*, regrettable, and therefore to be avoided in future where possible.

What form might such pre-emptive management take in the case of the researcher?

It is probably too much to hope for a global prescription. One option worth consideration is to write into researcher Codes of Conduct that the researcher, like the Samaritan, does not divulge anything of herself, and that she reads this condition to participants before the research begins. This would leave ample room for social chit-chat of the kind acknowledged earlier. But this suggestion is not, on inspection, too attractive. It could well encourage gratuitous anxiety and (data-threatening) psychological distance in the participant. There might be no alternative to a heavily particularist approach, though it is not obvious that we should find that surprising or especially daunting. One possible application in our example is that the researcher, after his resume of conditions of participation (voluntariness, confidentiality, etc.) with the participant, adds that he is unable to divulge any of his own football allegiances. (It should be acknowledged that this works only if the unwarranted question isn't asked beforehand, and is therefore impotent in the case of an enquiry during recruitment.) Whilst this no doubt courts a minor risk of participant hostility and even withdrawal, this is offset by pre-empting the participant quizzing that forces the morally unattractive trilemma. The minor risk can be minimised by the appropriate tone of delivery of the condition. Recall, again, Aristotle's point that virtuous behaviour involves doing things in the right way. A researcher who tells his participant in a forbidding tone that he cannot divulge his own allegiances does not behave well. Delivery that is clear but also respectfully measured is genuinely virtuous. This might be the best bet for pre-empting the trilemma, the threat of the conversational admittance, and the resultant and regrettable overall virtuousness of the lie.

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