ETHICS IN DESIGN RESEARCH: A REFLECTION ON INTERCULTURAL PRAXIS IN THE DESIGN DISCIPLINES

Rudi DE LANGE & Alan MUNRO
Tshwane University of Technology

Abstract

Qualitative research techniques lend themselves to research activities in the design disciplines due to their strategies to extract data that contain intangibles such as emotions, aesthetics, perceptions, embedded cultural practices, artistic and creative activities. The engagement with subjects that hold this data is guided by ethical codes of conduct and is governed by ethics committees that provide approval for such research engagement within a university environment. Nevertheless (and inevitably) design research in the creative disciplines has moved into ethnography where the Eurocentric process of collecting data and the associated ethical guidelines and approval process may no longer be relevant, fair and appropriate. This paper is a reflection on ethics and research conduct when research data gathering takes place in indigenous knowledge and where the researcher works from a position of power. Drawing on the work of scholars in countries such as Australia and Canada, this paper presents current trends in thinking in the domain of research ethics and data gathering when engaging indigenous communities. It argues for changed strategies around permission granting, research practices, and related aspects. Centrally, because of the reconsideration of the ethical dimensions of research, this paper suggests that engaging in design research in and with different cultural groupings may require a methodological research shift from data extraction, analysis and use, to "participatory and joint ownership". The process of granting permission is no longer just a function by an ethics committee, but also by variables connected to the research subjects or object of investigation.

Keywords: *Ethics, Qualitative research, Indigenous Knowledge Research.*

Introductory comments

Design research in South Africa is mostly conducted by staff members and students at traditional universities and universities of technology to obtain higher academic qualifications. Some students and staff from design disciplines are invariably drawn to the visual richness of South Africa's indigenous communities. The artistic work of these communities provides opportunities for ethnographic research and data collection about crafting, traditional practices, traditional designs and decorations. This type of data may contain intangibles such as emotions, aesthetics, perceptions, cultural, artistic and creative activities and practices. Significantly, such cultural practices and responses are deeply embedded in senses of ownership, individuality and communal interconnectedness. Consequently as researcher or research designer engage with such indigenous communities, central concerns around ownership, sharing, access, mutuality and benefit need to be placed in critical areas of negotiation. However, the very nature of intangibility of much of these domains makes the interface between designer and community ethically fraught with problems. In our experience many designers in South Africa, placed in this research situation, have attempted to follow specific guidelines embedded in traditional research processes. However, as we shall attempt to argue, such 'traditional' research paradigms are inadequate to engaging in the intangibilities, and therefore an alternative approach needs to be presented.

The two case histories from Canada and Australia open out this new strategy of ethical engagement and might provide a model for the South African situation.

The definition of design research, in the context of this paper, encompasses three areas. The first would be one of recording phenomena such as in historical, anthropological and archival research. It is a research procedure that documents and preserves the artifacts, practices and cultural processes of a particular community. The second area is about doing research on, or in a community so that the design aspects present in that community could be utilised by the designer in his or her own project. Typical examples are where architects or designers adapt and incorporate an artwork or design from a community into a building or a company's corporate communication. The third area of design research is what could be described as the cornerstone of "community engagement". It's a process where the expertise of the designer, and the necessity to do design research, meet the demands of the community. Academic staff members and students that complete a research project in a community for a higher qualification, and where such a community derives some benefit, are typical examples. This paper addresses specifically the third demand, although the second one is also relevant. It does not necessarily engage with the first procedure (although the implications are still present).

Communities that hold these data or exhibit these phenomena, do not necessarily have the same power basis as the researcher, and are likely to be from a different cultural group than the researcher. This holds true specifically for the South African context at the present time. Even if the researcher and the subjects shared the same cultural background, the power dynamics that exist between these two parties always creates an imbalance in power in favour of the researcher. This unequal process is widely debated and critiqued by a number of scholars (Ball & Janyst 2008; Scarangella 2004; Ermine, Sinclair & Jeffery 2004; Posey 1996). The potential for unfair exploitation is enhanced because most research on or about indigenous people and indigenous knowledge is conducted by non-indigenous persons (Ball & Janyst 2008). Researchers in this unbalanced relationship, even unknowingly, may use their position to exploit the data holders to their benefit.

A good example of such a biased relationship is evident in the heritage sector. Prominent heritage organisations such as the National Heritage Council, South Africa (NHC) (2012) and the United Nations Educational, Scientific and Cultural Organization (UNESCO 2011), do not address this imbalance. The ethical guidelines in their publications only advocate the typical ethical conduct one encounters in most institutional ethical guidelines such as acknowledgement, respecting people, avoiding stolen goods, and a general professional conduct. We suggest in this paper that the notion of 'general professional (research) conduct' is in need of re-interrogation. The NHC (2012) in particular, has an extensive list (2012: 118-131) that deals with personal conduct of the researcher and how to interact with the public/community. However, both the NHC and UNESCO, do not address the deeper involvement of communities that are objects of research, nor the position that members of such communities must or could occupy in the artefact and data collection process and utilisation. Even a South African draft bill (Dean 2010) about the protection of indigenous knowledge is somewhat silent about the ethical conduct of researchers. One can rightfully argue that a bill that is proposed to protect defined items will only do that, and not address the conduct of others who will attempt to circumvent (or exploit) the items under protection. This bill makes provision for the protection of indigenous works, designs and marks and proposes a national register, council and trust fund. Whilst the intention of such a bill is admirable, the normal legislative process requires a complex legal route that persons must follow to protect indigenous works and graphics and a similar process to seek compensation if indigenous works and graphic rights are violated. This process would make it near impossible for small cultural groups to seek and enforce protection of their works, designs and unique marks. We also doubt that communities who may hold aesthetically valuable works and visual designs and artefacts, will have the necessary know-how and impetus to go through the legal processes to protect their work and through litigation seek redress if they feel that they are exploited. This issue of inadequate protection, even when there are laws with good intentions, is fittingly critiqued by Posey (1996: 7) more than fifteen years ago: *" … law cannot adequately resolve the issue of access and benefit sharing raised by the terms of the CBD [Convention of Biological Diversity]. IPR [Intellectual Property Right] law provides indigenous peoples with few legal courses of action to assert ownership of their own knowledge because the law simply cannot accommodate complex non-Western systems of ownership, tenure, and access."*

This is a critical point. We argue that design researchers need to understand that there are legal implications in any arrangement of research practice and these have to be adhered to. However, centrally, the legal matters should not form the basis only of fulfilling research obligations – the fundamental concern should be the ethical implications, perhaps seen over and above the legal concerns. Drawing on ethical theory the fundamental difference lies between what research *must* do, and what they *ought* to do. The former is the legal matter' the latter is the ethical. Within out argument below, there should therefore be a clear move away from obligation to reciprocity.[i]

Given the potentially cumbersome legal route for the protection of such phenomena, it seems that moral principles should be the guides for researchers. The aim of this paper therefore, is to reflect on the possible current deficiencies in research ethics that govern the data collection process, and to argue for changed strategies in ethical conduct during the data collection process and interaction between the two parties.

The need for ethical policies to protect the data holder in South Africa

We are not aware of an act, a bill, white paper or position paper that specifically deals with ethics and design research.[ii] A review of legislation documents, such as acts, bills and white papers, applicable to the Department of Arts and Culture, and the Department of Science and Technology, produced one policy document about Indigenous Knowledge Systems. One working document only briefly refers to issues of protection and promotion (Department of Arts and Culture 2009).

The Biodiversity Act, no 10 of 2004 (South Africa, 2004) covers bioprospecting and indigenous communities. This act may not be directed at design or cultural artifacts, but nevertheless provides some insight into the lawmaker's perspective on ethics during a process of collecting information from indigenous communities. The aim of this act, in terms of bioprospection and research, is to regulate these processes and to ensure that there is a *"fair and equitable sharing among stakeholders of benefits ...".* (South Africa 2004: 22). Whilst the regulations in this act are primarily directed at issues of development and application, it also applies to basic research activities such as collecting. One may argue that this act is about the environment and biodiversity, and that it is not applicable to design. The *spirit* of this act is however clear: indigenous communities and their knowledge banks require protection and that they must share in benefits when commercial 'exploitation' or exploration takes place. What is notable is that permits, benefit-sharing, and material transfer agreements (the legal requirements) must be in place before research may proceed. We argue, however, that this is not sufficient – the ethical implications have also to be addressed.

The Protection of Traditional Knowledge Bill (South Africa 2013), released in April 2013, is more appropriate to design as it covers traditional (performance) works, marks and designs. The bill lists 16 objectives, such as protection, licensing, recognition, regulation and the establishment of a trust. Traditional designs and marks receive protection if they are recognised as belonging to a specific community, and it gives exclusive rights to the community. Paragraph 41, that deals with moral rights, even allows the owners of a protected design or mark to object to the distortion or modification thereof, if this damages the honour of the originating community.

The bill provides some relief for the academe. It will not be an infringement to produce an item which embodies the traditional design for research and teaching purposes. The bill however, does not elaborate on collection processes and ethical concerns. A section at the end of the bill aptly summarises the intentions: "*The proposed legislation seeks to effect the Goverment's policy to recognize and afford protection to indigenous knowledge as a national heritage and asset, to ensure that indigenous communities benefit from such recognition and protection, and from the commercialization of this asset*" (South Africa 2013: 29-30).

The National Heritage Council released a position paper on ethics and professional standards (National Heritage Council 2011). This document provides a framework for ethical standards and professional conduct to guide the actions of heritage institutions such as museums. (In this sense, the bill speaks to the first process of design research, namely archiving, listed above). The section on research lists four items that heritage researcher must consider when dealing with communities and individuals namely, respect and sensitivity, informing communities about the project, how their data will be used, and obtaining permission to publicise the results. The items are however generic, and do not suggest a new or novel perspective on (nor strategy for) ethics and design research. Similarly, a draft policy on a National Policy on South African Living Heritage by the Department of Arts and Culture (South Africa 2009), also loosely refers to issues such as permission, consultation, consent and that profits must be used for the benefit of the communities from which the data came. This same trend of general reference to ethics is even reflected in a UNESCO (2011) publication about identifying and inventorying artefacts the world's cultural heritage. A small section at the end, only lists one item, namely, that the researcher must obtain consent from the community and that could then be construed as an ethical issue.

The National Research Foundation (NRF) has taken an initiative to correct this imbalance when they issued a call in 2012 for projects in indigenous knowledge. One of the conditions was that the indigenous person had to be an equal partner in the project. The call went even as far as to allow an indigenous knowledge holder to apply for funding but the data holder had to partner with a university or research institution. They also required that projects must *"appropriately acknowledge those who contributed intellectually, e.g. knowledge holders as holders of intellectual property and not as mere subjects or informants."* (NRF 2012).

The above section is a brief reflection on policies and legal documents that indicate what *must* be done, rather than what *ought* to be done from an ethical perspective. A designer following the "letter of the law" by using the 2013 Protection of Traditional Knowledge Bill will be able to abuse and misuse the designs and artistic artefacts of indigenous communities as long as these items are not appropriately registered and protected under current legislation. However, ethical conduct is more than obeying the letter of the law and working within policy guidelines. Ethics in research has to do with good practice and embraces concepts such as beneficiation, non-malfeasance, justice, dignity and autonomy in research practice. These are moral issues that should infuse a researcher and direct research practice. Centrally, we would argue, all of the above suggests, either directly or indirectly, that the researcher, the maker of archives, the designer – in short, those who have 'power' over systems of research, archive development, design, and so forth – assume a position of power (overtly or covertly) in the relationship between "knowledge" and the community. In our view this is potentially unethical, but more importantly, it is deeply disempowering. It is in particular the work of the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) as well as work by Ermine, Sinclair & Jeffery (2004) in Canada that address issues of moral conduct and behaviour when doing research with indigenous communities. This is reviewed below. We argue that they address the notion of disempowerment, conjoint responsibility and mutuality as core ethical values in their work.

The position in Canada and Australia

The Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) produced guidelines for ethical research in Australian indigenous studies (AIATSIS 2012). Although their approach is not directly linked to design research and speaks more to 'traditional' research, they have gone a long way down the road of setting up the research as a process of mutual empowerment. This policy document forwards 14 principles and these include the more well know principles such as recognition, respect, consultation, and negotiation. However, it is particularly guidelines discussed in Principles 10 to 13 that deal with participation, benefits, needs of the participants, and the use of the results that could be useful design researchers in South Africa. These principles, for example, stipulate that participants must agree to what will happen to their contribution if they withdraw, that some information is owned and may require payment, that research results must be useful to the person or communities, that participants must have ongoing access to research results, and that researchers must report the results to the community before they publish. It is beyond the scope of this paper to elucidate the entire publication, but it suffices to state that the gist of the guidelines is that participants and communities are full partners in research projects. This concept of equal partnership is similar to the NRF's position discussed earlier.

Although the spirit and the intention of these guidelines are commendable, they are still projected from a position of power and Eurocentric perspective. The tone and directives in the policy are what to do when working with the "others" and how one's conduct must be, when working with them. Principle 5, that deals with respect and protection, states, for example, that, "Once Indigenous knowledge is recorded, it becomes property as defined under Western laws and concepts" (Ibid. 8). Even if an indigenous person becomes an equal partner (principle 10), the Eurocentric philosophy has effectively transferred the ownership to another person or part ownership if the indigenous holder has indeed become an equal partner. This may, of course, be seen as adhering the legal aspects of registration of Indigenous Knowledge, for example, as demonstrated in the various South African documents, if such registration documents are returned to the community (in the spirit of reciprocity), but we are unsure if this was the intention. Nevertheless the 'tone' of 'claiming property rights' can be seen as disempowering at time.

An alternative approach emanates from Canada. The Indigenous People's Health Research Centre (IPHRC) in Canada produced a report about research that involves indigenous people in order to *" … contribute to the wider understanding of research ethics issues as they pertain to Aboriginal peoples and communities"* (Ermine et al. 2004: 2). What makes the nature of this report different, is that the authors are indigenous to Canada and it is written from the perspective of an indigenous community. It is interesting to note that the Australian AIATSIS publication instructs the *researcher* what to do, whilst the 'indigenous' Canadian IPHRC publication instructs the *indigenous person* what to do in a research relationship. This is a very important development because it refocuses the process as a joint sharing operation, it empowers the engagement through encouraging equal reciprocity, and it opens up, perhaps for the first time, the perspective of acceptable behaviour on the part of both parties. It also enters into the research domain the *actual* demands of the researched, as opposed to the assumed demands, as constructed from a Western, dominant, individualistic, research culture.

The tone in the IPHRC is also more assertive than the AIATSIS publication. Some examples are that: *" … empowerment and benefits <u>must become</u> central features…", "Indigenous people <u>must</u> also exercise control over all research conducted …", " … institutions <u>should return</u> all elements of Indigenous Peoples heritage to the traditional owners on demand …"*, and even that professional persons and scientists <u>should</u> sponsor seminars to promote ethical conduct and go so far as to discipline members that act in an unethical manner (Ibid. 46-47, emphasis added). The assertiveness of this document is further emphasised where the authors state in their recommendations that the current 'Eurocentric' mode and approach to research requires a radical shift and that new views are required. They even speak to the West and state: *"For the West, not only must the discourses of intolerance be allowed to implode under the weight of their own reasoning, but alternate venues of expression have to be offered in the place of their own deficiencies"* (Ibid. 45).

The document concludes with 9 recommendations, but significantly devotes a (small) section under a heading "Advancing the Ethical Space". This section does not spell out ethical steps and codes of conduct for researchers but talks about an '*ethical space'* where *"interests and hidden agendas are left behind"* (Ibid. 46). Reading the final guidelines, one comes to the realisation that a non-indigenous person wanting to do indigenous research cannot operate from a position of power anymore. The roles have shifted to some extent and a researcher is no longer the person who can negotiate access. He or she has now become a person that may or may not be allowed, but rather only really on the community's terms. It is the indigenous community that makes the decision as to what research needs to be done and how it will be conducted in their community. This is the only publication that we encountered that reflected an indigenous ethical perspective. The Eurocentric perspective provides guidelines to researchers on how to conduct themselves and how to treat others (from their positions of power), whilst this "indigenous ethics document" places the indigenous person in power. The underlying message is how an indigenous person may or should manage the "intruding" of the non-indigenous researcher. The researcher now becomes a servant to the community and no longer may use the community. It is in this sense, therefore, that the notion of committed 'community engagement' as outlined in our introduction is foregrounded.

Discussion and concluding comments

Design research in South Africa is still in its infant stage when compared to the more established research fields. This is not unexpected given the history of design training, the development trajectory of universities of technology and the physical isolation of South Africa from the English speaking institutions in the Northern Hemisphere. It is then also understandable that ethics in design research conduct is not a widely discussed and debated issue. This deficiency, the lack of a clear applicable national policy, the infancy of design research, and the large indigenous population in Southern Africa provide an ideal cauldron to grow ethical guidelines for design research.

We may argue that a number of staff and research students are indigenous and that one does not require guidelines for your own ethnographic research. This may or may not be true as the conditions in South Africa are different from those in Canada (Ermine, et al. 2004) and Australia (AIATSIS 2012). The Eurocentric perspective influences society in these countries, and indigenous communities invariably become targeted more than in South Africa due to the higher researcher / indigenous person ratio. Publications in South Africa that deal with ethics or even a peripheral view are however drafted from a Eurocentric perspective. We do not have a perspective on design ethics that speaks from within and from the indigenous community -- an 'indigenous community-driven ethics approach' as it were. Ethical guidelines that require the customary signing of consent forms, the distribution of information leaflets and some form of beneficiation may not be appropriate when doing design research in South Africa. Developing a play for example, based on an indigenous story may require permission from a healer, who in turn may consult forefather spirits. The concept of obtaining a signed consent form becomes obsolete in such a situation. Similarly, engaging an elder in order to obtain information may require greeting the person with his praise name, an extended social protocol, and even providing a small gift. This small gift for the elder could be a sign that the person is looking for as a sign of submission or respect before any research engagement could start. Requiring such an elder to sign a consent form, and then to read an information leaflet, may be seen as disrespectful behaviour. Alternatively, seen from a western perspective, offering a 'gift' to open channels of communication might be seen as bordering on a 'bribe' – a matter potentially more problematic when a community leader is 'granting permission' for this in his or her community, where it might be that the community members 'have no say' in such permission granting.[iii]

In conclusion, we would like to argue that engaging in design research in and with different cultural groupings may require a methodological research method and design shift from data extraction, analysis and use, to the equalising of participatory practices and joint ownership of project, process and outcome. The process of granting permission is no longer just a function by and for an ethics committee review (a tertiary institutional 'policy or legal requirement' to 'protect' the university), but should also be by and for the world view, the cultural and inherent ethical orientation of the research participants. It is only when a researcher and the participant community work in the same Ethical Space (Ermine, et al. 2004) that concepts such as beneficiation, non-malfeasance, justice, and dignity becomes part of the researcher's experience because they should be shaped, moulded, negotiated and fixed by the community of *all* participants. A moral and closer synergy between a researcher and participants, for example, may make participation more effective in a community engagement project and may help to obtain a deeper meaning of a design during ethnographic historical research. Alternatively, such a levelling of the power positions, we argue, will, of necessity, enhance both the richness of the design research *and* the richness of the indigenous community life.

Acknowledgements

We are indebted to Nkosikhona Ngcobo, a social activist and author who influenced our thinking and highlighted the inherent conflict between a Eurocentric perspective on ethics in research and an indigenous community's response to such an approach. We are also grateful to masters student Shilogane Nkoana who 'forced' us to rethink, re-evaluate and re-conceptualise our approach to the ethics of design in and a for a community ritual.

References

AIATSIS. See Australian Institute of Aboriginal and Torres Strait Islander Studies

Australian Institute of Aboriginal and Torres Strait Islander Studies. 2012. Guidelines for Ethical Research in Australian Indigenous Studies. Canberra. Australian Institute of Aboriginal and Torres Strait Islander Studies

Ball, J. & Janyst, P. 2008. Enacting research ethics in partnership with indigenous communicates in Canada: "Do it in a good way". *Journal of Empirical Research on Human Research Ethics*, 33-51.

Dean, O.H. 2010. *"The Protection of Traditional Knowledge Bill" Document: 1OD2012 IPStell.* Stellenbosch. University of Stellenbosch.

Department of Arts and Culture. 2009. National Policy on South African Heritage. 1st Draft 12 February. Pretoria. Department of Arts and Cuilture.

Ermine, W., Sinclair, R. & Jeffery, B. 2004. *The ethics of research involving indigenous peoples.* Report of the indigenous peoples. Health Research Centre to the Interagency Advisory Panel on Research Ethics. Saskatoon, SK. Indigenous Peoples. Health Research Centre.

NHC. See National Heritage Council.

National Heritage Council of South Africa. 2011. Position paper on ethics and professional standards discussion document. Available at http://www.nhc.org.za/.

National Heritage Council. South Africa. 2012. *Critical reflection on heritage.* Pretoria. National Heritage Council.

NRF. See National Research Foundation.

National Research Foundation. 2012. Indigenous Knowledge Systems. [Online]. Available at: http://www.nrf.ac.za/projects.php?pid=45 [Accessed 10/07/2013].

Posey, D.A. 1996. Indigenous rights to diversity. Environment, 38(8): 7-9 & 37-45.

Scarangella, L. 2004. Indigenous Knowledge and Ethics. *Nexus.* 7: 88-120.

South Africa. 2004. Biodiversity Act, no 10 of 2004. [Online] Available from: http://www.info.gov.za/gazette/acts/2004/a10-04.pdf [Accessed 01/05/2013].

South Africa. 2009. National policy on South African living heritage. First Draft, 1 February. Department of Arts and Culture.

UNESCO (n.d.) Infokit 2011. identifying and inventorying. [Online] Available from: http://www.unesco.org/culture/ich/index.php?lg=en&pg=00451 . [Accessed 01/07/2013].

---

[i] As an example, within the Christian religion (and indeed in most religions) the notion of "do unto others as you would have

[ii] This should be seen against the plethora of bills and acts that govern the ethics of research in medical and environmental areas, for example.

[iii] Two examples illustrate potential conundrums. Firstly in the African ethical realm of 'uBuntu' inclusion is encouraged and accepted, yet western research often does not 'include' the community in the research process, and the act of 'participation' is conceived only from the point of view of the researcher – the community 'participates' in his or her research, but the research does not 'participate' in the community. Secondly, in many African communities, strong lines of patriarchy and autocracy are practiced – seen by many western searchers as an anathema to the liberation of women, the rights of the individual and the democratic process. Seen from 'within' the community, however, these areas may not be problematic. Munro's personal experience in this area speaks to how Ethics committees do wrestle with this conundrum.