

Ethics and rights in language documentation, revitalisation and archiving

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Frameworks for language research



Ethical
research

Advocacy
research

Collaborative
research

Empowering
research

(Cameron, Frazer, Harvey, Rampton, and Richardson 1992)

Ethical research – research **on**

“... there is a wholly proper concern to minimize damage and offset inconvenience to the researched, and to acknowledge their contributions. ... But the underlying model is one of ‘research on’ social subjects. Human subjects deserve special ethical consideration, but they no more set the researcher’s agenda than the bottle of sulphuric acid sets the chemist’s agenda.”

(Cameron, Frazer, Harvey, Rampton, and Richardson 1992, p. 14-15)

Advocacy research – research **for**

“... characterized by a commitment on the part of the researcher not just to do research on subjects but research on and for subjects. Such a commitment formalizes what is actually a rather common development in field situations, where a researcher is asked to use her skills or her authority as an ‘expert’ to defend subjects’ interests, getting involved in their campaigns for healthcare or education, cultural autonomy or political and land rights, and speaking on their behalf.”

(Cameron, Frazer, Harvey, Rampton, and Richardson 1992,
p. 15)

Collaborative research – research **with** the use of interactive or dialogic research methods, as opposed to the distancing or objectifying strategies positivists use. Community members participate as agents working together with researchers.

(Cameron, Frazer, Harvey, Rampton, and Richardson 1992, p. 22)

Empowering research – research **by**

“In this model: (a) ‘people are not objects and should not be treated as objects.’ (b) ‘Community members have their own agendas and research should try to address them’ (c) ‘If knowledge is worth having, it is worth sharing.’”

(Cameron, Frazer, Harvey, Rampton, and Richardson
1992, p. 24)

Dwyer's five principles:

1. **Do no harm** (including unintentional harm)
 - ❑ e.g. Anonymity? Payments?
 2. **Reciprocity and equity**
 - ❑ The research relationship must be *consultative, continuously negotiated, and respectful*
 3. **Do some good**
 - ❑ for the community as well as for science
 4. **Obtain informed consent beforehand**
 - ❑ Written, oral, recorded, videoed ...
 5. **Archive and disseminate data and results**
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Specific principles

- Many universities or other organisations have their own 'statement of ethics' or 'code of ethics', e.g. SOAS, University of Malaya
(<https://umresearch.um.edu.my/docs/librariesprovider57/umrec/code-of-research-ethics.pdf?sfvrsn=2>)
 - Many professional bodies have a 'statement/code of ethics', e.g. Linguistic Society of America
 - Local organisations, e.g. Cultural Centres or Indigenous NGOs may have specific ethical statements also
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SOAS statement on ethics

- Abide by principles laid down by Committee on Standards in Public Life: selflessness, integrity, objectivity, accountability, openness, honesty, leadership
 - Be informed of legal requirements, including local and international law and agreements especially any UK legislation (e.g.. Data Protection Act) and codes of practice of professional bodies, societies or associations, eg. ASA, AAA
 - Should recognise need to identify, declare and take steps to avoid conflicts of interest, eg. no misuse for personal gain
 - Take account of personal and national disparities in wealth, power, legal status of researcher, political interest
 - Be sensitive to differences between civil, legal and financial position of national and foreign researchers
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- Be responsible for design, methodology and execution of research
 - Plan research to have demonstrated validity
 - Disseminate research findings at earliest opportunity to increase public knowledge and understanding, subject to protection of intellectual property rights
 - Clarify any intellectual property rights at outset of project
 - Appropriately acknowledge and credit all contribution to project
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- Do not publish or communicate other's research findings without express permission
- Consider ethical acceptability and foreseeable consequences of research -- consider possible impact of findings on research subjects, informed uncoerced consent is required, "must inform subjects in readily understandable terms about aims and implications of research", respect right of individual to refuse to co-operate and withdraw participation
- Protect subjects against foreseeable physical, psychological or social harm or suffering caused by participation, especially for minors and elderly

Ethics approval

- Language research typically requires ethical approval because it involves working with human beings
 - Proposals may have to be submitted to university committees before any research starts – this is true at SOAS
 - “Protection of human subjects”
 - What ethical problems do you need to address in your research statement – that is, in planning your research?
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Ethics permission

- A privilege, not a right
 - Will you need official consent from community leaders (e.g. chief, elders, political bodies, school councils)?
 - How do you build trust? – a prerequisite
 - Sincerity is necessary, but usually not sufficient
 - Intermediate contacts who are already known and trusted in the community
 - Invest time building relationships with people
 - Beware of the effects of power asymmetries
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Informed consent

- When you find people willing to work with you, you must obtain *informed consent*
 - Advance understanding of what you are doing, and what they will be asked to do (but ...)
 - Be specific
 - Freedom to withdraw at any time
 - Overt agreement to participate
 - Must be documented – SOAS has a form for this, but making a recording is also valid
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Informed consent?

Method

The data

Data for this study comes from a total of 10 naturalistic direction giving interactions. For the purpose of this study, pedestrians inside the University of Malaya campus were stopped by the researcher and the researcher's collaborator and asked for route directions to a residential college within the university. To capture the pointing gestures, the conversations were video-recorded using a professional DSL camera (Canon 700D) from a distance of five meters. Additionally, the verbal components of the interaction were audio-recorded using a mobile phone recorder, which was visible and held by the direction requester during the interactions. The audio recordings were made to supplement the video-recordings, ensure a better sound quality and keep back-up data. It is important to note that the direction givers (DG's) were not aware that the interactions were being recorded and were only informed about the audio and video recordings after the interactions had taken place. To ensure alignment of speech and gestures, after recording all data, the video and audio recordings were synchronized manually using a video editing software known as ScreenFlow 5.0.

Written, oral and third party consent

- Ethical review committees often want to see a signed, contract-like document
 - Not appropriate to many research situations
 - Only certain people can give consent
 - What if people don't read and write?
 - Can create rather than relieve suspicion - "signing away rights"
 - Oral agreements may be held in higher esteem
 - Reading a prepared statement?
 - Third party consent – applies to minors/children, and in some cultures
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Oral consent

- Have a natural conversation where you explain everything, ask for permission
 - This is an important conversation to have – it's not just for the committee
 - You need to judge the success of the communication, their ability to give consent
 - You can have natural conversations first, then ask to record a less natural version as evidence
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Informed consent: possibilities and limits

- record only with consent of all parties
 - check and discuss content of recordings, notes, dictionary entries, ... with other speakers and community members
 - show preliminary results (edited video, draft dictionary, texts with translations)
 - have linguistic publications approved ...
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Informed consent: questions

- Can you see any problems or challenges in putting these principles into practice?
 - What are the most important ethical issues and principles in your own research?
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Compensation

- How do you compensate people for the time and expertise they share with you?
 - Monetary payment is common
 - By the hour/session/etc.
 - Presentation style matters
 - Pay well, but not so much that it creates the potential for coercion
 - When working with different people, keep “fairness” in mind
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Non-monetary compensation

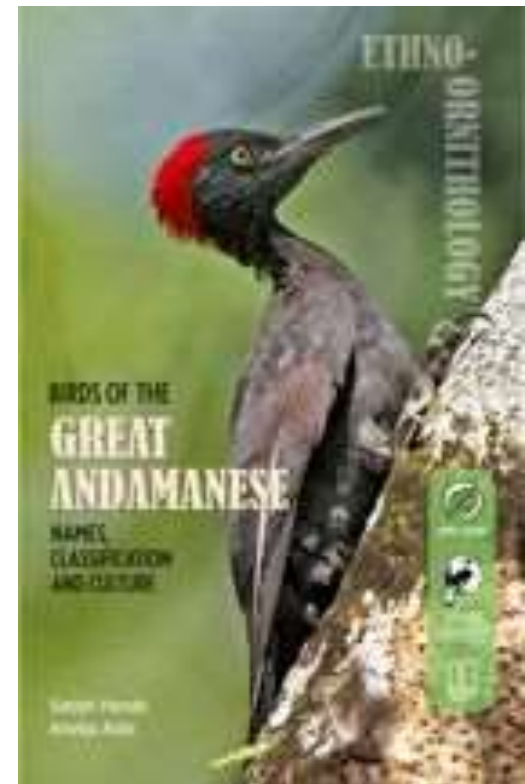
- Some people may not want to accept money
 - Other ways to compensate people
 - Buying food, medicine
 - Doing housework, helping in fields or with shopping, writing letters, other small jobs
 - Find out how you can be useful
 - You may want to do this even if you are also paying them
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Collaborative research and ethics

1. Linguists and community members
 2. Linguists and other disciplines:
 - ❑ Ethnobotany, Ethnobiology, Orthithology, Ecology, Music(ology), Anthropology, Archaeology, Sociology, Development Studies, Political Science, Law ...
 3. Intra-disciplinary collaboration
 - ❑ Descriptive Linguistics, Applied Linguistics, Sociolinguistics, Educational Linguistics, Language Planning, Linguistic Typology, Sign Linguistics ...
 4. International collaboration
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Examples

- ‘Pots, plants, and people’
 - Documentation of Bainounk knowledge systems, West Africa (Friederike Lüpke, SOAS)
- ‘Uses of Arctic plants’ – Lenore Grenoble and Simone Whitecloud
 - (ecological and evolutionary biologist, member of the Lac du Flambeau Anishinaabeg tribe, trained in medicinal plant uses by her uncle)
 - Combines types of collaboration



Challenges of interdisciplinary research

- Institutional structures
 - Ethical review panels and funding bodies may impose structure of a Principal Investigator with set research aims
 - Publishing outlets may not recognise interdisciplinary work
 - However, funding bodies increasingly ask for interdisciplinary collaboration.
 - Communicating across disciplinary boundaries
 - Different terminology and research traditions
 - e.g. ‘subjects’, ‘informants’ or ‘consultants’?
 - “What is it that you linguists do?”
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‘Giving something back’ – reciprocity

- Not just a copy of recordings/videos
 - Information about other communities’ revitalisation efforts, successes, tactics (cf. Yamada 2007)
 - Language activists often feel isolated – little access to academic literature
 - Lack of knowledge about revitalisation of other languages
 - Train and mentor local linguists and language planners
 - Any other ideas?
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Rights

- Distinguish intellectual property rights (IPR), copyright, access and usage rights
 - These are subject to:
 - 1. Laws of country where research takes place
 - 2. Laws of researcher's country
 - 3. International law
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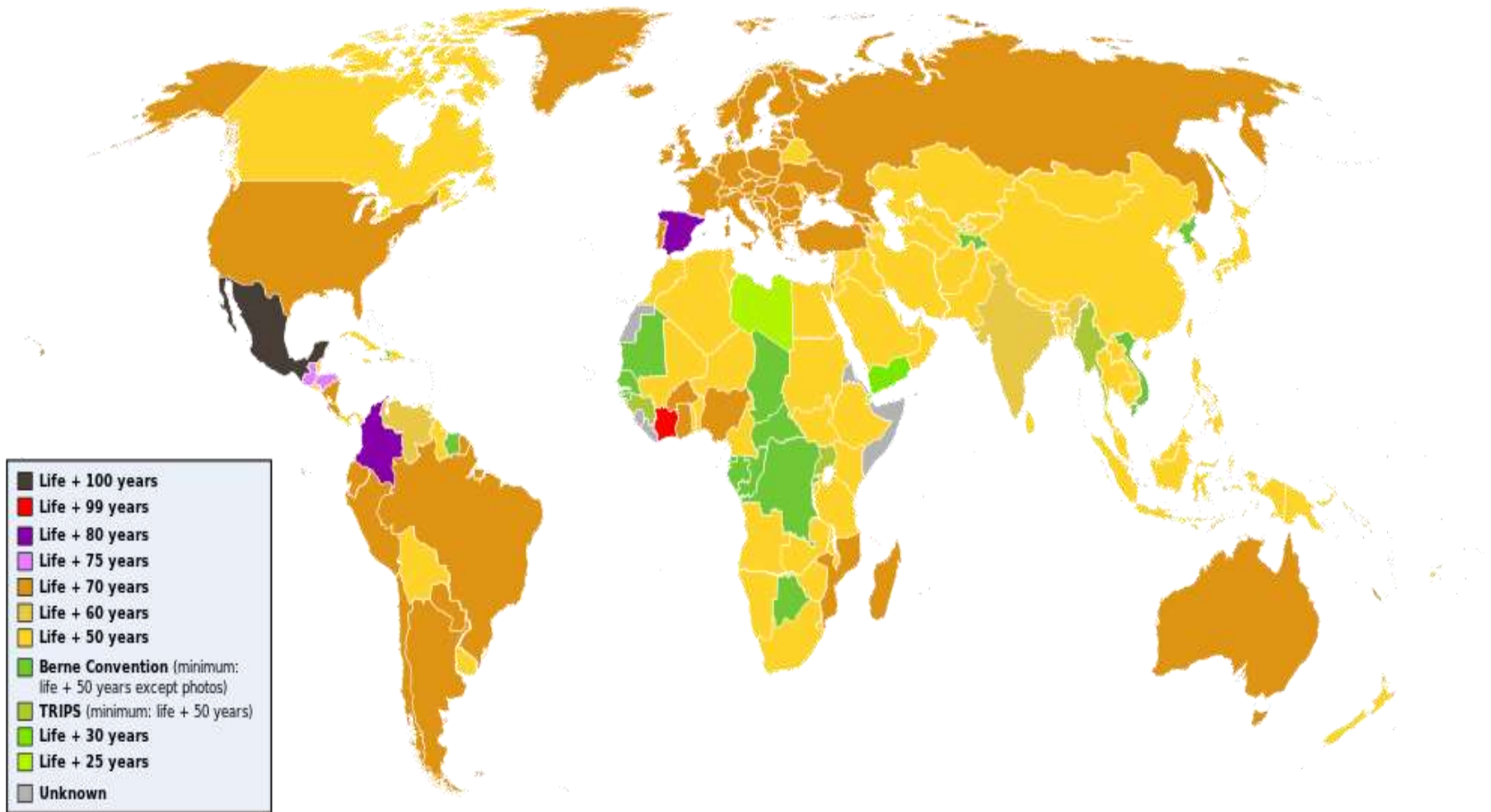
Intellectual property rights

- "Intellectual property refers to creations of the mind: inventions, literary and artistic works, and symbols, names, images, and designs used in commerce." (WIPO)
 - Begins at origin (point of recording) and requires informed consent of all parties and of parents of minors
 - Types of consent: written/verbal/third party
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Copyright

- Relates to ownership and distribution -- varies for different kinds of materials, e.g.. literary works vs sound recordings vs images and films vs databases
 - Is a form of property law and relates to money and economic interest primarily -- as such copyright can be inherited, given away, or sold
 - Exclusive: e.g. publisher
 - Non-exclusive: e.g. archive + author
 - Scope of copyright protection
 - Original work, fixed in a tangible medium
 - Only expression, not ideas, procedures, ... as such.
 - Many common misconceptions about copyright law – check with local resources, e.g.. Library
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World copyright terms



Moral rights

- independently of the author's economic rights and *even after the transfer of said rights, the author shall have the right to claim authorship of the work* and to object to any distortion, mutilation or other modification of, or other derogatory action in relation to the said work, which would be prejudicial to his honour or reputation (Article 6(1) of the Berne Convention, emphasis added)
- moral rights must be asserted in writing to have any effect

Archiving

- An archive is a trusted repository with a collection policy and a commitment to:
 - appraise the value of certain materials
 - preserve selected items
 - make known their existence
 - enable access to them (or their 'content')
 - Archives have a catalogue that presents metadata (data about the data in the archive), often in a standardized format
 - Archives have access management protocols
 - Many funders now require that projects archive their materials
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Protocols for access and use of data

- Most archives offer **graded access**, ie. degrees of access based on the nature of the materials and the types of users
 - Fully open vs. fully closed vs. partially open
 - Partially open criteria: speaker-based, materials-based, user-based
 - E.g. ELAR
-

Archive access management

URCS

- Universal – resource available to all, e.g. online
 - Register – resource available to registered users
 - Closed – resource not generally available (embargoed, “black box”)
 - Strict – resource available to users who have been given *individual* access rights for that resource
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Types of archives

Archive types

1. Classified according to the types of material:

- ❑ **Physical** (analogue) archives – contain paper records, tape recordings, physical objects, e.g. Smithsonian Institution, British Library, Bibliothèque nationale de France
- ❑ **Digital** archives – contain digital files only: audio-visual, text, still images, maps, e.g. ELAR at SOAS, TLA at MPI Nijmegen, AILLA at UT Austin
- ❑ **Mixed** archives – contain analogue and digital materials, e.g. AIATSIS in Canberra, CLA at UC Berkeley, ANLA at UAlaska Fairbanks

2. Classified according to scope:

- ❑ **International** – world-wide or multi-country coverage, e.g. ELAR, TLA, BL, BNdeF, AILLA
 - ❑ **National** – cover one country, e.g. AIATSIS
 - ❑ **Regional** – cover an area in a country, e.g. CLA, ANLA
 - ❑ **Local** – cover a town or community, e.g. local museums
 - ❑ **Personal** – records of an individual or family
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Large international digital – ELAR at SOAS



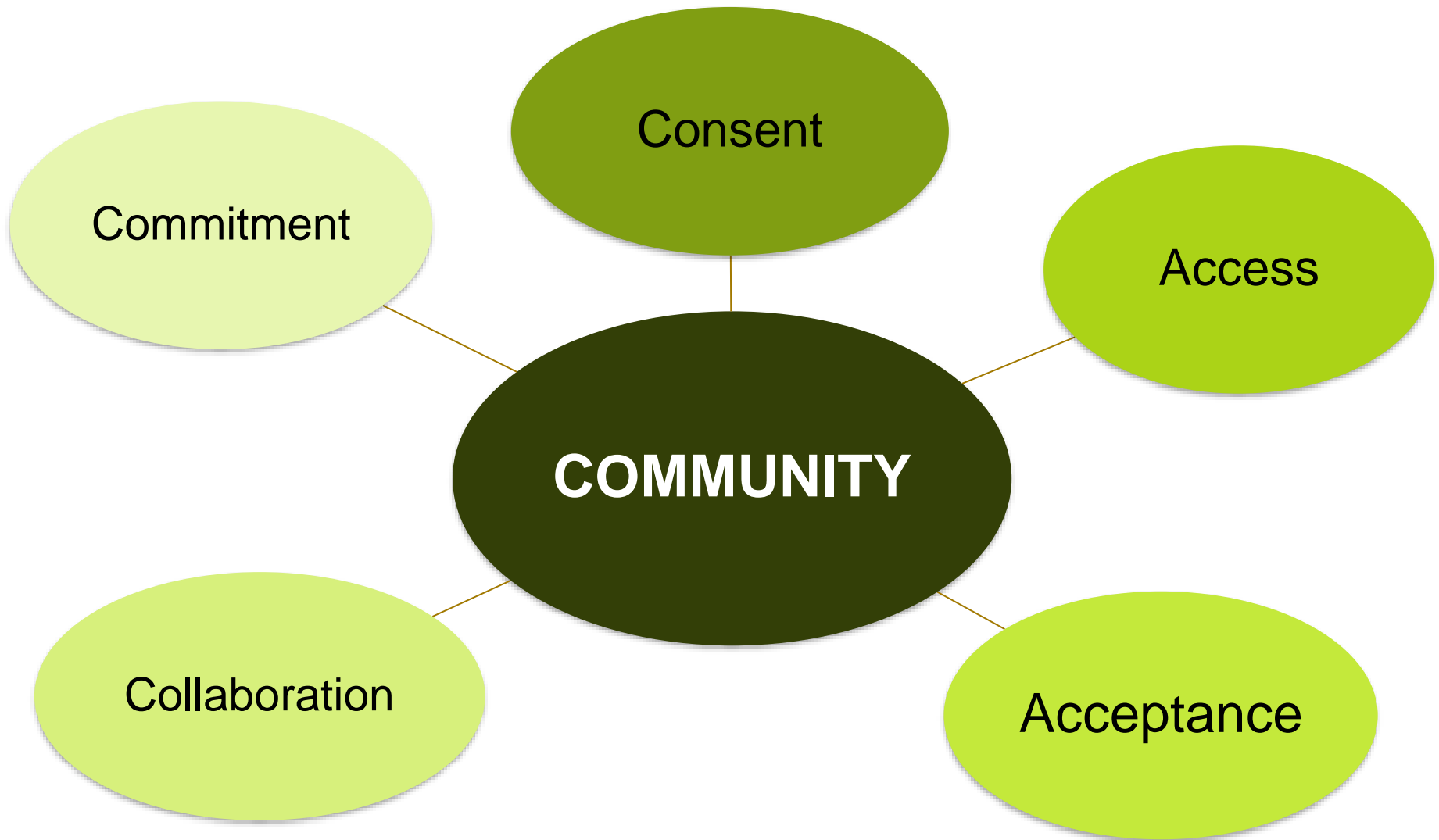
Large international digital – DOBES at MPI



Intellectual property rights

- Laws vary from country to country
 - Legal copyright resides in design / analysis (value-added effort) rather than words / raw data
 - It does not necessarily protect language consultants' ownership of their contributions
 - Some researchers hide behind legal ownership to avoid sharing data
 - 'my recordings / transcriptions belong to my university'
 - Some rights and obligations may clash
 - e.g. acknowledgement vs anonymity
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Summary: challenges



Summary: Responsibility to ...

Individual
research
participants

Communities

Students and
colleagues

Scholarship

Public

Summary: ethical issues

- Place priority to human subjects
- Not to be merely seen as data sources
- No coercion in cooperation or decisions → informed consent should be obtained from all research participants
- Fairness to the speech community
- Acknowledge the contribution of participants.



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