STATEMENT OF THE AMERICAN FOLKLORE SOCIETY ON RESEARCH WITH HUMAN SUBJECTS

The American Folklore Society: The American Folklore Society, founded in 1888, is an association of people who create and communicate knowledge about folklore. The more than 1,200 members of the Society today are scholars and teachers at colleges and universities, professionals in arts and cultural organizations, and community members involved in folklore work. The purposes of the Society are to stimulate and encourage interest and research in folklore in all its aspects; to aid in the dissemination of the results of such research; to promote responsible application of such research in the broad variety of settings in which folklorists work; to publish and distribute publications, reports and journals; and to serve as a bond among those interested in the study of folklore.

Folklore and folklorists: Folklore is the body of traditional art, literature, knowledge, and practice that is disseminated largely through oral communication and behavioral example. Every group with a sense of its own identity possesses and shares such a body of traditions which may be called *folklore*. Folklorists are trained scholars who undertake to record, describe, catalog, analyze, and explain such traditional knowledge and expression and to disseminate the products of this research in books, articles, films, recordings, museum exhibitions, and display events.

Folklore research: Folklore research is conducted to record and describe traditional art, literature, belief, material objects, and custom. Folklore research is ethnographic and participatory. Folklorists are instructed in traditional culture by the members of ethnic, occupational, religious, and other groups. The folklore being studied may be relatively public (festival, community dance, musical performance) or relatively private (family story, quilt making, home recipe or remedy).

In either case, the folklorist needs to build rapport with community members in order to describe the traditions and to learn how and why they are created and maintained and how and under what conditions they are performed and transmitted. Such fieldwork takes time and depends upon the development of a trusting relationship between folklorists and community members.

Folklore research is not conducted in laboratories or offices. Folklore research is not carried out with testing instruments, standardized questionnaires, or "control groups." Folklorists are not experimentalists or clinicians. The people with whom folklorists work are not selected from a pool, are not randomly chosen, and they are not subordinate to some experimental design. Folklore fieldwork is conducted in the public and private spaces of a community.

Folklorists are guests in such communities. They can only work successfully at the invitation of and with the collaboration of the members of that community.

Bio-medical clinical and experimental models are inappropriate models for folklore research. Folklorists build relationships with people in order to learn about their ways of life and art. Not infrequently, these relationships last a lifetime. The people with whom folklorists work are not

“human subjects”; they are artists, performers, hosts, teachers, and often, over time, they come to be friends. They help the folklorist understand their culture and its expressive forms.

The knowledge that results from folklore research is not quantitative but overwhelmingly qualitative. On occasion, a folklorist may employ a questionnaire or other survey instrument at the initial stages of research, but these are rapidly abandoned in favor of close conversation, careful observation, and prolonged participation. Folklorists seek to be educated by the people with whom they work. Consequently, folklorists seek instructions, demonstrations, explanations, commentaries, reflections, and reminiscences.

There is almost no folklore research that can be conducted using a pre-formulated set of questions. As folklorists learn more about the traditions that are the focus of their research, the kinds of questions they ask will necessarily change. Each response provokes new and unanticipated questions, each question leads to new areas of inquiry. In folklore and other ethnographic research, the questions to be asked cannot be known or formulated in advance. In many respects, folklore research is a type of investigative journalism; but it is deeper, longer lasting, and more responsible: the bonds established between the researchers and community members are more personal and enduring.

FOLKLORE RESEARCH AND THE PROTECTION OF HUMAN SUBJECTS:

Expedited review: Most folklore research is eligible for expedited review. As noted in the Code of Federal Regulations, Title 45, Public Welfare; Part 46, Protection of Human Subjects (henceforth 45 CFR 46), folklore research falls into at least two of the “Categories of Research That May Be Reviewed by the IRB through an Expedited Review":

> (1) “Research that presents no more than minimal risk to human subjects.” “Minimal risk” means that “the probability and magnitude of harm or discomfort anticipated in the research are not greater in and of themselves than those ordinarily encountered in daily life or during the performance of routine physical or psychological examinations or tests” (45 CFR § 46.102). Folklore research presents no more risk to human subjects than any sustained, deep, and wide-ranging conversation about cultural beliefs and social practices.
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> (2) “Research on individual or group characteristics (including, but not limited to, research on perception, cognition, motivation, identity, language, communication, cultural beliefs or practices, and social behavior) or research employing survey, interview, oral history, focus group, program evaluation, human factors evaluation, or quality assurance methodologies.” (Category 7 of “Categories That May be Reviewed through an Expedited Review”).

Documentation of informed consent: Folklorists inform their consultants about the aims and methods of research. The nature of the relationships that folklorists build with their consultants, however, is such that a written, signed, legally effective document would be inimical to the relationship upon which folklore research is based. Folklorists cannot go as guests into people's home communities, build trust and friendships, and then present a legal document for signature. Nor can they ask for signatures to be witnessed.

Informed consent is given orally, and possibly can be recorded on audio- or videotape, but introducing a written legal document into the folklorist-consultant relationship would generally prove an insult to the consultant and bring folklore research to a halt. Institutional review boards should alter or waive the requirements for written informed consent in the case of folklore and other forms of ethnographically based research.

There is clear justification for this position as well in the Federal regulations: "An IRB may approve a consent procedure which does not include, or which alters, some or all of the elements of informed consent ... or waive the requirement to obtain informed consent provided that ... the research could not practicably be carried out without the waiver or alteration" (45 CFR § 46.116). "An IRB may waive the requirement for the investigator to obtain a signed consent form for some or all subjects if it finds ... that the research presents no more than minimal risk of harm to subjects and involves no procedures for which written consent is normally required outside the research context" (45 CFR § 46.117).

Confidentiality: Folklorists document folk traditions. They do not destroy such documentation but preserve it in their own files, in archives, and make it known through publications and exhibitions. Folklorists inform consultants of identifiable materials prior to publication and exhibition and obtain written consent for the placement of materials in public archives. Folklorists guard the confidentiality of their consultants when such confidentiality is requested. In most, instances, however, consultants want their contributions to research to be made known. They want to be acknowledged for their contributions and be recognized as community artists and experts in local traditions.

In such cases, the folklorist acknowledges their contributions in books, articles, exhibition catalogs, and displays. However, the folklorist would keep confidential such information as might place the consultant "at risk of criminal or civil liability or be damaging to the subject's financial standing, employability, or reputation" and would forewarn the consultant that such information might not be kept confidential were records subpoenaed as part of some legal action.

Student class projects: Folklore courses in universities often require students to establish relationships, collect folklore, and interview consultants as part of the instruction in the theories and methods of folklore research. Such classroom assignments are educational and are not intended to result in a "systematic investigation, including research development, testing and evaluation, designed to contribute to generalizable knowledge." They do not constitute "research" in any sense intended by the section of 45 CFR § 46.102 just cited, and should be exempted from institutional review. It should be left to class instructors to inform the students of their ethical responsibilities and oversee the assignments that are a part of course curricula.

Code of Ethics of the American Folklore Society: The American Folklore Society has its own code of ethics that spells out the responsibilities of folklorists to those studied, to the public, to the discipline, to students, and to sponsoring organizations and governments. What follows is the American Folklore Society's statement on folklorists' responsibilities to those whom they study:

- In research, folklorists' primary responsibility is to those they study. When there is a conflict of interest, these individuals must come first. Folklorists must do everything in

their power to protect the physical, social, and psychological welfare of their consultants and to honor the dignity and privacy of those studied.

- Where research involves the acquisition of materials and information transferred on the assumption of trust between persons, the rights, interests, and sensitivities of those studied must be safeguarded.
- The aims of the investigation should be communicated as much as is possible to the informant.
- Consultants have the right to have their identities remain confidential. The right should be respected both where it has been promised explicitly and, as much as possible, where no clear understanding to the contrary has been reached. These strictures apply to the collection of data by means of cameras, tape recorders, and other data-collecting devices, as well as to data collected in interviews.
- There shall be no exploitation of individual informants for personal gain. Fair return should be given them for all services.
- There is an obligation to reflect on the foreseeable repercussions of research and publication on the general population being studied.
- The anticipated consequences of the research should be communicated as fully as possible to the individuals and groups likely to be affected.

Source: http://www.afsnet.org/aboutAFS/humansubjects.cfm