ETHICAL AND DEMOGRAPHIC RESEARCH
General reflexions and situation in France

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This paper will treat ethical questions and deontological problems specific to a particular type of researcher in social sciences: the demographer. After an overview of definitions (ethics, morality and deontology), we shall treat the deontological situation of the demographer as a researcher collecting and using data gathered from other human beings. Here, we are concerned with exploratory sociodemographic surveys and not, therefore, the production of censuses and civil records. Some examples linked to recent surveys (Gender and Generation Surveys (GGS) ; Longitudinal studies of children (ELFE); Survey of migration between the Senegal and Europe (MAFE), etc.) will illustrate our purpose. They will enable us to address pragmatically the questions of enlightened consent and communication of results. Finally, we shall introduce the main elements of the French context.

1. Ethics and deontology for demography

1. 1. Ethics, morality and deontology.

It is impossible to speak about ethics without specifying the relations that exist between ethics, morality and deontology.

Ethics (from Greek ηθική [επιστήμη], " moral science ", from ήθος, " place of life; habit, morals; character " and from Latin *ethicus*, morality) is at the same time a normative and practical discipline which devotes itself to saying how beings should act (Moore 1903; Mackie 1977).

General ethics establishes criteria to judge if an action is good or bad and to judge the motives and consequences of an act. By its very purpose, ethics is therefore a practical activity: it is not a question of acquiring knowledge for its own sake, but of making us capable of acting in a responsible way.

If morality is in general linked to an idealistic tradition which differentiates between what is and what must be, ethics is linked to a materialist tradition which tries only to improve reality by a reasonable quest for the happiness of all. In practice, both notions are often confused, even if their connotations differ slightly: morality refers most often to principles guiding judgement, while ethics defines guidelines for action.

The principles of ethics have their foundations in the moral philosophy of Kant whereby the moral law we have within us compels us to do our duty, independently of any consequence which might result from our actions. For instance, according to Kant, one should not lie to avoid a murder, because the obligation to tell the truth is absolute and tolerates no exception. The canonical formulation of the Kantian categorical imperative, stemming from moral law, appears in Kant (1785 and 1788): " Act in such a way that you treat humanity, whether in your own person or in the person of any other, always at the same time as an end and never merely as a means to an end".

One of the criticisms of the categorical imperative concerns contradicting duties : in this case, they must be organized into a hierarchy to avoid paradoxes produced by the categorical imperative.

One of the main concerns of ethics applied to research today, is, first, to describe the conflict of values which each have their legitimacy, then, second, to organize these values into a hierarchy to determine a line of conduct.

Deontology is a concept forged by Jeremy Bentham (Bentham 1834, II, p. 29-30): "Deontology is derived from the Greek [and means] the knowledge of what is right or proper; and it is here specially applied to the subject of morals, or that part of the field of action which is not the object of public legislation. As an art, it is the doing what is fit to be done; as a science, the knowing what is fit to be done on every occasion.".

This term is nowadays reserved for explicit, codified and collectively acknowledged public forms of professional ethics. Deontology is therefore the explanation of a professional ethic, made up of more diffuse, more discreet, more empirical, more pragmatic forms (Terrenoire 1990, p. 10). For Padieu (1990, p. 49), the central idea is that deontology is what regulates the relations of a profession with what is outside it. The corollary being that there is no exogenous deontology without appropriation, there is no endogenous deontology without acknowledgment.

Besides, translating these terms into another language (English, German, Russian…) suggests new nuances which are inherited from philosophical traditions, on one hand, and from different ways of practicing research, on the other. Our presentation will comment briefly on these nuances from a table.

1. 2. The ethics of the demographer as professional ethics

Is there a specific ethics of the demographer or should we rather speak about ethics common to different social sciences, or even to all scientific research?

Several disciplines in human and social sciences share the same ethical questionings concerning their methods. Hence, researchers in the humanities have pondered the value to be attributed to individual testimony and to collective memory when establishing historical and social facts. The historian Marc Bloch (See Gérard Noiriel, « Le statut de l'histoire » in *Apologie de l'histoire. Cahiers Marc Bloch*, 1997, n°5, p. 7-21), the sociologist Maurice Halbwachs (*La mémoire collective*, Paris, PUF, 1950) and the philosopher Paul Ricoeur (*La mémoire, l'histoire, l'oubli*. Paris, Seuil, 2000) all addressed this question, for instance.

The question of the ethical and deontological dimensions arises for researchers when they base their research on the behaviour of other human beings, taken individually or in group, even if, in sociology or in demography, the question is not raised with such acuteness as in medical research, in the case of therapeutic trials for instance.

Many studies consider that the first ethical questionings concerning scientific research on human beings date from the Nuremberg trials (Seltzer, 1998). They had more immediate and more direct consequences in the domains of the epidemiology and health, and later in demography. In fact, when demographers focus, for instance, on new forms of life, on lives extended by medicine, "they do so especially with the intention of understanding these phenomena […] When they become involved, the moral dilemmas have already been resolved (or brushed aside) further upstream. Unlike doctors, psychologists or social engineers, demographers do not have to deal with bodies or souls; nobody's fate is in their hands […] their purpose is not to know an individual life and even less to modify it, but to make an overview of all the lives which compose a population " (Héran 2006, p. 103).

Finally, demographers must satisfy several deontological requirements: they must follow the deontological principles of every researcher in terms of quotation and publication, those of the civil servant when it comes to maintaining confidentiality, and those of the statistician who deals with quantitative data. These requirements are also laid down in charters or codes of ethics to be found in Internet.

2. Demographic ethics and collection of data

It is when demographers collect quantitative or qualitative information on individuals that they are most confronted by requirements of an ethical order.

Some questions among those of a very pragmatic nature:

1. How to choose the individuals to question,
2. How to make contact with these individuals,
3. How to inform them, and in what readily understandable form,
4. How to collect information considered to be sensitive by legislation or perceived as such by the respondents,
5. How to manage the respondents' data protection rights,
6. How to comply with institutional and legal obligations: for instance, in France, the requirements of CNIL (Commission nationale Informatique et Libertés), the French data protection agency founded by the loi Informatique et Libertés and, in a number of countries and organizations, the various committees of ethics (Doucet, 2002).
7. If necessary, how to transfer data across borders.

Besides, for certain types of data collection, specific questions arise. For instance, when the respondent is a child, is consent of one or of both parents needed? From what age and in what form is it necessary to record the minor's consent also? In the case of longitudinal collection or a multi-wave survey, must consent and information be renewed and how?

The notion of consent is now central to the ethics of collecting scientific information on other people: " the subject is a fellow being that the researcher acknowledges as another self ", is another possible formulation of the Kantian categorical imperative. Researchers must therefore ask themselves, from the respondents' viewpoint, what the participants need to know to understand the meaning of the project and its interest for the public good. Once the persons concerned have been informed, their consent must be freely given, i.e. resulting neither from threats, nor from promises of unjustified reward, nor from pressure of an authority or institution. This is an area where vigilance is necessary, since the researcher's status confers a certain power of influence. Consent is linked to a particular project, and is not more broadly valid: consent must be renewed if the project undergoes major modifications. Except in cases where response is obligatory (for instance for a population census), subjects must also be well-informed of the voluntary nature of their responses. Moreover, it is not forbidden to conduct research among persons for whom the voluntary and enlightened aspect of consent is debatable (for instance, children under 18, wards of court, etc). In such cases, it is possible to envisage *consent by proxy* (i.e. by the person with legal responsibility) and an *assent* by the subject who, without being able to give legal voluntary consent, can understand the meaning of their participation in the research. Obtaining voluntary consent goes hand in hand with the guarantee of confidentiality. Researchers are responsible for guaranteeing the privacy of information gathered from respondents who must be informed as fully as possible about the future use of these data, the persons who will have access to them, and the date of their destruction.

Demographers must, of course, observe the three major principles of modern ethical rules. First, the principle of *respect for the person* whereby persons are autonomous agents (and those whose autonomy is limited must be protected), which follows directly from the Kantian imperative and leads to the notion of enlightened and free consent. Then, the principle of *benevolence* whereby it is necessary, on the one hand, to protect persons and strive for their well-being, i.e. to assess precisely the risks and consequences of a research project, and, on the other hand, to inform the persons involved. Finally, the principle of *equality* whereby each individual has a chance to be selected in a given population. This is a requirement of both justice and scientific rigour in terms of representativeness and minimization of bias.

The principle of benevolence takes a particular form in the social sciences, and notably in demography. Indeed, the benefits of research are collective and expressed above all in terms of increased scientific knowledge. In return, there is no individualized feedback. But aggregate results should be presented to the respondents concerned as soon as possible.

The third principle (principle of equality or justice) requires a minimal general consensus on the non-remuneration of participation in research. In line with the Kantian inheritance, which does not link the price of the object to the dignity of the person, remuneration is rejected in favour of payment of expenses or of compensation if considered necessary for the success of the research project (Chippaux 2004, p. 113); remuneration may produce bias in answers.

Even if they appear universal, these principles raise problems when populations of other countries and other cultures are studied. What rules should we apply to conduct a survey in another country? If western ethics is based on objective, universalist and individualist Kantian morality, implying that the individual takes precedence over nature and over the group, demographers may nevertheless meet populations in which the consent of the group or of the village chief is primordial. From this perspective, Chippaux (2004) wonders about the pertinence of transposing these ethical rules to Africa and about the question of the multiplicity of ethics. Individual and written consent has a different resonance in different cultures. The relative nature of questions considered as "sensitive" is another potential issue, along with that of the respect for the legal constraints affecting both the countries where information is collected and those which collect it.

3. The legal and institutional context of demographic research in France

In France, research in demography is supervised by different authorities. In recent years, growing attention has focused on the ethical dimensions of collecting socio-demographic data, but without giving rise to systematic upstream examination of research projects by committees of ethics, as is sometimes the case in Canada for instance, in a certain number of universities and research centres (H.Doucet, on 2002). Codes of ethics (such as that of the French National Research Agency, ANR) and committees of ethics do indeed exist (for instance in the CNRS[1], in IRD[2]), they are advisory, not decision-making and cover all research activities, not specifically the humanities and social sciences (so INED does not have one); in fact, their reflexion primarily concerns general principles and, when more applied, focuses above all on biological and medical research.

When demographers in France wish to collect data from a population, they must nonetheless respect a certain number of legal and institutional obligations.

Any constitution of a directly or indirectly nominative computer file must be declared to the French data protection agency (CNIL): this is generally the case for the socio-demographic statistical surveys which require a sampling frame that it sometimes indirectly nominative, even if it is destroyed and the collected data are analysed in a completely anonymous way.

For demographers conducting a survey by questionnaire, CNIL plays another role: it oversees the conditions under which questions considered as "sensitive" may or may not be asked. Article 8 of the personal data protection law, amended on August 6th, 2004, points out in effect:
"It is forbidden to collect or to process data of a personal nature which reveal, directly or indirectly, racial or ethnic origins, political, philosophical or religious opinions, or the trade union membership of respondents, or which relate to their health or sexual life". This ban can be lifted under certain conditions, notably when the respondent gives written consent, and when the survey is considered to be of general interest.

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[1] Centre National de la Recherche Scientifique (http://www.cnrs.fr/fr/organisme/ethique/comets/index.htm)

[2] Institut de Recherche pour le Développement (http://www.ird.fr/fr/ccde/sommaires/comite.htm)

Finally, certain demographic research surveys lie within the scope of public statistical surveys and have therefore to be examined by the CNIS (National Council of Statistical Information).

Our paper will specify this legal framework and will recall the impact of its application for some recent French sociodemographic surveys.

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