

The Ethics of Digital Writing Research: A Rhetorical Approach

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A researcher is studying discursive constructions of identity in an online discussion forum. Because this forum is publicly available on the Web, she decides she does not need permission from discussants to use their posts. For three months, she conducts an observational ethnography, reading messages posted to the forum, but not writing any herself. She is an unseen researcher whose presence is unknown because unannounced. She justifies her invisible presence as her way of observing the writing practices of online community members in a more naturalistic way. Is this an ethical research practice?

A teacher-researcher conducts a case study of several students' remediation of genres in the multimedia compositions they created for class. When presenting his research at a conference, he shows, with his students' permission, the complete video files for students' digital autobiographies. In these digital autobiographies, students incorporated photographs, videos, and sound clips of friends and family members — and, in some cases, the family members are providing sensitive personal information about their lives. While the researcher has the permission of the students who created the multimedia compositions, does the researcher have any ethical responsibilities to the “third parties,” the family members represented aurally and visually in these digital works?

A researcher studying young adults' Web blogs notices that several blog writers have expressed suicidal feelings. Because she does not know the names or emails for many of the authors, she decides not to try to direct people toward resources for help as she would had students written such disclosures in, say, a live, face-to-face forum such as her classroom. When encountering distressing information like suicidal tendencies in texts on the Internet, what ethical actions, if any, should a researcher pursue?

We begin with these scenarios to illustrate some of the practical ethical questions facing researchers who work with digital texts and who study writing and writers in digital environments. Some of these ethical dilemmas have analogs in face-to-face (F2F) research. Some are unique to what we are calling “digital writing research.”¹ By “digital writing research” we mean research that focuses on (1) computer-generated, computer-based, and/or computer-delivered documents; (2) computer-based text production; and (3) the interactions of people who use computerized technologies to communicate through digital means. Because of the increasing digitization of writing in educational, institutional, and social contexts, all composition

researchers, not just computer and writing specialists, need to consider ethical approaches to digital writing research.

Our field — which we broadly define to include rhetoric/composition, computers and writing, and technical/professional communication — has published quite a lot on research ethics in general (e.g., Anderson “Simple”; Charney; Mortensen and Kirsch), but not very much on *digital* research ethics. Other than a handful of notable exceptions (e.g., Clark, Gurak and Kastman, Gurak and Silker, St. Amant), most of the research and discussion about digital research ethics is happening in other disciplines, not in our field — or at least not in our published forums. What is particularly odd to us about this is that digital research, particularly research that involves the Internet and other online spaces, is fundamentally composition research. That is, while psychologists, for example, may be studying the interactions of participants in an online self-help forum, they are also studying *writing* and *writers* because almost all communications that occur on the Web occur in writing. As rhetoric/composition teachers, scholars, and researchers we have much to contribute to discussions of ethical approaches for researching and understanding digital texts, digital writers, and interactions in digital spaces.

In this article, we examine some of the problematic ethical issues that researchers face when doing digital writing research. Through analysis of scenarios like the ones presented above, we show how studying writing in digital environments poses distinct ethical problems and issues for researchers. We suggest that rhetoric/composition as a field has something distinctive to offer discussions of Internet research ethics across a number of fields of research — in particular, this: rhetoric/composition provides a productive, systematic approach to invention for research. We offer one such inventional system here — what we are calling a *casuistic-heuristic* approach — useful for making tough ethical decisions. This approach could be applied more broadly to all kinds of research, not just digital writing research. But we think that it is a particularly useful procedure for addressing the complexity of digital writing research. A casuistic-heuristic approach grounded in rhetorical principles will not generate a set of simplistic answers to the

issues raised by the contextual scenarios above. What it will do, though, is offer a procedure for identifying the ethical complexities and for helping researchers make sound ethical decisions. Actually, we think that most researchers in our field already *do* apply casuistic thinking in their approach to research: the art of rhetoric by its very nature teaches us the importance of audience and of situational circumstances; the field of composition teaches us to be attentive to individual writers as persons. Our attempt here is to articulate more explicitly a heuristic framework for casuistic thinking in relation to digital writing research.

In the first part of our discussion, we consider some of the current approaches to ethical decision making for research projects, examining the federal regulations governing human subjects institutional review boards (IRBs) and the *CCCC Guidelines for the Ethical Conduct of Research in Composition Studies*. These sorts of guidelines are important and useful (and, in the case of the IRB, required), but they may not be sufficient for researchers working in digital environments and considering digital contexts where boundaries between concepts such as public/private and researcher/participant are often blurred. In the second part of our discussion, we offer a rhetorical procedure for making ethical decisions — describing the casuistic heuristic that we are using to develop our approach and explaining the role of rhetoric in ethical decision-making. Finally, in the third section, we apply the heuristic to a few cases, focusing on cases illustrative of ethical decisions digital writing researchers may face early in the process of their research when determining what type of research they are conducting.

1. INSTITUTIONAL AND ORGANIZATIONAL APPROACHES TO RESEARCH ETHICS

“No set of rigid rules can ever capture the subtlety of ethical situations that arise.”
(Bruckman, *Ethical*)

According to Title 45, Part 46 of the United States Code of Federal Regulations (45 CFR 46) and according to most colleges’ and universities’ research policies, researchers working with human subjects must obtain approval from an institutional review board (IRB) in order to ensure

the protection of human subjects and to ensure that research is conducted in an ethical manner.² The ethical principles guiding IRB policies were established in 1979 in the government-commissioned *Belmont Report* and codified a few years later in 45 CFR 46.³

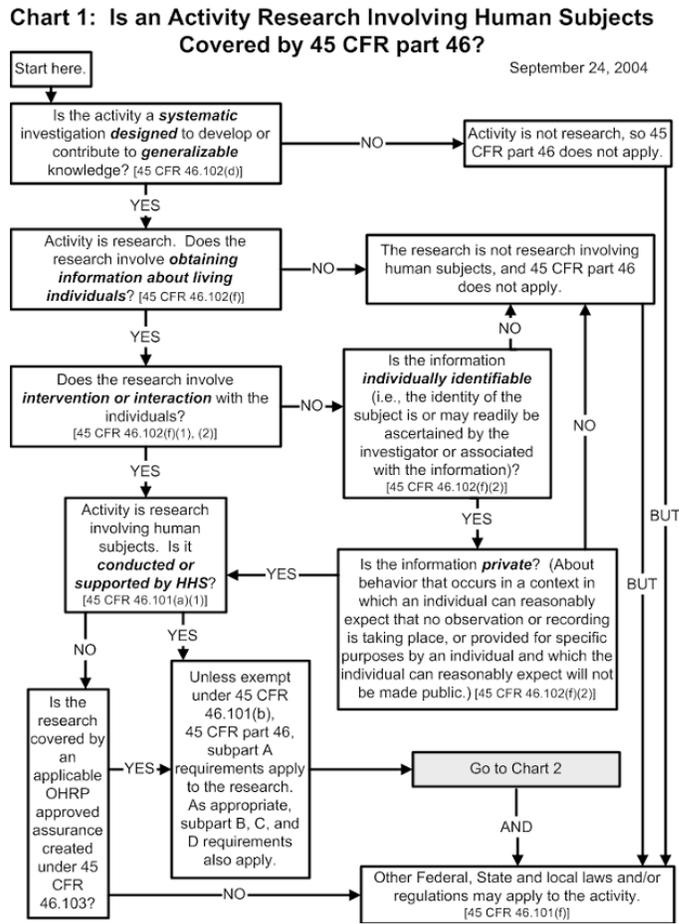
When researchers first submit their research protocol to an IRB, the board administrator or a designated board member determines whether the study is eligible for review and if so at which level of review. To be eligible for review, the activity being conducted needs to be designated “research” and it needs to involve human subjects, as defined by 45 CFR 46. (Since the federal Office of Human Research Protections [OHRP] has provided written guidelines to help researchers and IRB administrators and board members determine whether an activity is research involving human subjects and since most researchers in the field of rhetoric/composition are familiar with these guidelines and practices, we will not review these procedures in any detail here.)⁴

In 2004 OHRP summarized these guidelines into “Human Subject Regulations Decision Charts.” We would like to take a moment to focus on these decision charts and the ethical framework they provide, because the initial determination of whether or not a researcher is working with human subjects (and is thus eligible for IRB review) is an essential ethical question, one that underlies how a researcher will proceed with the rest of the research study.⁵

The key questions OHRP specifies for determining whether or not research involves human subjects are summarized in the first chart (see Figure 1). The first question an IRB reviewer needs to ask, according to these guidelines, is whether or not someone is conducting research: “Is the activity a systematic investigation designed to develop or contribute to generalizable knowledge?” Answering NO takes the research study literally off the chart and out of the IRB process because, as the box says, “Activity is not research, so 45 CFR part 46 does not apply.” If the answer is YES, then there are more questions to answer. It is in these follow-up questions that we see a binary approach for addressing ethical questions that may not address the numerous uncertainties researchers face, particularly when conducting digital writing research. For

example, the seemingly straightforward question, “Does the research involve obtaining information about living individuals?” isn’t that straightforward. In relation to digital research, there is a question of what it means to be a “living individual.” If one were studying avatars (pseudonymous characters created in role-playing spaces such as gaming sites and MOOs), one is collecting information on what HotPurple56 is doing, but is HotPurple56 a living individual? The character is created by a flesh-and-blood person whom the researcher may never know how to identify, but as the work of Sherry Turkle and others have shown, “virtual” characters are often felt to be as “real” if not more real to other online participants than people they meet in F2F settings. From the research point of view, it is not so easy to determine whether an avatar is a “living person” or a fictional character or art object that might then be subject to a different kind of use ethic.

FIGURE 1: OHRP Decision Chart 1



The next set of questions is even more difficult to answer in regards to online spaces: “Does the research involve interaction or intervention with individuals?” What does it mean to “interact” or “intervene” in online spaces? If a researcher reads and observes a discussion forum but never posts himself, is that “interaction”? If it seems not to be, we check NO and move on to the box that asks, “Is the information private?” Because an online discussion forum that isn’t password-protected or group-restricted is publicly available to anyone with access to the Internet, the communications would not seem to be private, thus a NO response which then leads back to the “Activity is not research involving human subjects.”

Thus, in the strict framework of this decision-making chart, researchers studying any publicly available web texts, provided they are not conducting interviews or posting comments themselves

to the sites (obvious interactions), are off the chart and will most likely be told by their IRB administrator that their research does not need to be reviewed. At the University of Massachusetts, Amherst, during the years when Heidi served on the board, this was indeed how digital research was viewed: Any interaction? NO. Any private information? NO. So off the chart and out of the process. But, as we noted above, clear cut yes-no answers are hard to come by in online research and there are many more issues that need to be considered — such as how do the persons who created and/or participate in a particular online forum view their interactions: as published texts, as personal communication, or as some hybrid of the two? And, what is a researcher's relationship to the site(s) of study and what ethical obligations might the researcher have to persons at the site?

On the one hand it may seem that we're being overly critical in pointing out the limitations of what is meant as a rough guide to help IRB administrators and committee members determine if a study needs to be reviewed at all. After all, such a guide cannot explicitly address all possibilities in research. Further, we recognize from our years of serving on IRBs that if a study is designated for review by an IRB, the process of review is much more nuanced and less binary than this initial chart for determining review shows. But because there are potentially serious consequences in this decision chart — or, more accurately, in being deemed ineligible to be on the chart — we feel it important to bring attention to the initial process of determining review. As the Association of Internet Researchers (AoIR) *Guidelines for Researchers* points out, whether one thinks of online research as the study of texts or the study of persons brings with it a whole different set of epistemological assumptions, shaping how one proceeds with research. Our concern is with the chart as a guiding tool: it is not sufficiently nuanced; it is too formulaic to qualify as a heuristic.

Besides not being helpful as a heuristic for ethical decision-making, the yes-no formula of the chart may shape researchers' relations to their research in ways that may have unintended consequences. For example, one of our opening scenarios was based on the reported experiences

of Susannah Stern, who conducted a study of adolescents' personal web sites. When she submitted her study for IRB review, the IRB told her that her research was not eligible for review because it did not involve work with human subjects. This put Stern in a frame of mind that she was working with texts, not persons. Because of the hermeneutic approach to which she restricted herself, Stern did not contact the adolescents or any adults potentially connected to the youth when she read what she termed "distressing information" like the following, posted by one of her research subjects:

One night in 10th grade, I was finishing with work . . . so I wandered all the way down to the road . . . Not many cars drive on that road, but I saw a huge truck coming towards me. As it got closer, I felt like stepping out in front of it. Instant death. But I'm a coward. Later I cried myself to sleep because I had missed my chance to die. (284)

Later in the study, when Stern decided to add interviews to her methodology and upon receiving IRB approval for her modified research (which was now deemed to be human subjects research because of intervention of the interview), she contacted the adolescent who wrote the above statement to request an email interview. She received an email back from someone else who had taken over as the site's web administrator, telling her that her friend who had run the site (the adolescent quoted above) had committed suicide. Stern was, understandably, shaken by the news. She realized that had she been thinking of her research as involving human participants she would have proceeded differently. By being shunted too quickly to NO ("The research is not research involving human subjects, and 45 CFR part 46 does not apply"), her understandings of her ethical obligations as a researcher were curtailed.

Granted, the federal regulations and the IRB process were set up with biomedical research in mind, and thus are not as easily geared to the nuanced difficulties posed by digital research, such as the hazy distinction of what is public and private on the Internet, the searchability of networked communications, and the increased representational potential of integrated media. But when we turn to the ethical guidelines in diverse fields of study we also find similar limitations.

For example, the *Code of Ethics* for the American Sociological Association says that, “Sociologists may conduct research in public places or use publicly available information about individuals ... without obtaining consent” (Section 12.01(c)). This statement strikes us as highly problematic, especially so because it does not provide an explicit discussion of the Internet or World Wide Web and the problems of defining what is “public” in online environments. Indeed, that is one of the key questions for Internet-based research: What constitutes a published (or public) document on the Internet?

Our own organizational statement about research ethics — the *CCCC Guidelines for the Ethical Conduct of Research in Composition Studies* — also has its limitations for digital writing researchers. In 2000, the Executive Committee of the Conference on College Composition and Communication approved *Guidelines for the Ethical Treatment of Students and Student Writing in Composition Studies*, the first organized attempt by CCCC to provide guidelines for its members similar to those provided by other organizations (such as ASA, AERA, and APA). In 2003 CCCC extended these initial guidelines, approving the *Guidelines for the Ethical Conduct of Research in Composition Studies*. The preambles to these related and very similar sets of guidelines state:

These guidelines apply to all efforts by scholars, teachers, administrators, students, and others that are directed toward publication of a book or journal article, presentation at a conference, preparation of a thesis or dissertation, display on a website, or other general dissemination of the results of research and scholarship.

As researchers and members of CCCC, we welcome the increased awareness and emphasis upon ethical practice advocated by the guidelines because the guidelines raise important issues for consideration that are applicable to all researchers.⁶ However, within the text of the guidelines there is little explicit mention of the complexity of many ethical decision-making practices, especially for digital writing research. Rather than provide a framework for how *to make* ethical decisions, the *CCCC Guidelines*, despite statements in the document to the contrary, at times veer toward prescriptive recommendations that gloss over many of the complex ethical decisions

researchers must make. As digital writing researchers working with multimedia and in online spaces, we find aspects of the *CCCC Guidelines* problematic, particularly because of the clear-cut distinction they seem to make between published/unpublished texts and public/private communications. This is perhaps best evidenced by guideline G, the first paragraph of which is excerpted below:

G. Quoting, Paraphrasing, and Reporting Statements

In their publications, presentations, and other research reports, composition specialists quote, paraphrase, or otherwise report unpublished written statements only with the author's written permission. They quote, paraphrase or otherwise report spoken statements only with written permission or when the speaker uttered the words in a public forum. Composition specialists always obtain written permission to use a spoken statement they believe was made in confidence with the expectation that it would remain private. (np)

When working with print compositions the distinction between published and unpublished may be easier to make: students' papers written for class are not published (although they are copyrighted), a letter sent between participants being studied is unpublished, conversations recorded at a workplace meeting are private, oral presentations recorded at a F2F public convention are public. But what about digital media? Are students' web sites "published" on the web? What of blogs or supposedly "public" discussion forums? Does a researcher need individual permission to quote, paraphrase, or otherwise report such publicly available communications? And is that communication really in a "public forum"? That is, are all sites and communication formats on the web public?

As numerous Internet researchers have shown (e.g., Bassett and O'Riordan; Frankel and Siang; Stern), participants in online spaces do not always perceive their communications as public. The *CCCC Guidelines* acknowledge that certain spoken statements may carry with them the expectation of privacy, but what of written statements, particularly those in a more talk-like medium such as in online chat rooms or text-messaging? Of course no ethical conduct policy can possibly address each and every type of situation that researchers may encounter — and we would not expect one to. The authors of the *CCCC Guidelines* recognized the limitations of any

one set of guidelines when they included the recommendation that, “Composition specialists are encouraged to seek additional ways beyond those identified in these guidelines to assure that they treat other people ethically in their research.” And we appreciate that policy guidelines need to articulate clear statements of value: they must establish ethical parameters and presumptions — not always an easy task within a large professional organization whose members practice a broadly diverse range of research methodologies. To augment these guidelines we, as a diverse field of researchers working in diverse contexts and with diverse methodologies, need to begin to develop more in-depth discussions of *procedures* for determining ethical conduct, particularly in complicated, newly emerging areas like digital writing research. Given all the questions such as those above (and we provide just a small sampling), *how* does one decide?

2. THE ROLE OF RHETORIC IN ETHICAL DECISION MAKING: CASUISTRY

“Casuistry is unavoidable.” (Jonsen and Toulmin 329)

We advocate a *rhetorical, case-based approach* to ethical decision making that uses rhetorical principles of invention and analysis in order to address the tough ethical questions facing researchers studying writing in digital environments. What does rhetoric have to do with ethics, the art of moral reasoning? The art of rhetoric provides a procedural mechanism — an inventional approach or inquiry strategy — for making ethical decisions.

For this discussion, we will draw on one treatment of ethics that we find particularly helpful for addressing issues in digital writing research: the casuistic ethics of Albert R. Jonsen and Stephen Toulmin from *The Abuse of Casuistry*. While there are many approaches to ethics, we find that the casuistic approach is particularly strong in two areas. First, it has a strong conceptual connection to rhetoric; it explicitly acknowledges how communication practices and invention are helpful (essential, really) to the art of making moral judgments. Second, it is an approach designed to address precisely the kind of difficult, borderline ethical questions facing digital writing researchers.

What exactly is casuistry?⁷ Like “rhetoric” and “sophistry,” “casuistry” is one of those historically degraded terms. In popular parlance casuistry has become synonymous with “moral laxity” — coming up with good moral reasons to support whatever you feel like doing (aka, moral rationalizing). But in the early histories of the Christian and Rabbinic traditions (in the early centuries of the Common Era), casuistry emerged as an important form of theological reasoning about difficult moral questions — and by the time of the 16th and 17th century it was a well established and respectable form in Christian theology and Western philosophy.⁸

Jonsen and Toulmin explain how the casuistic approach works:

the general principle is first exhibited in an obvious case and only then in other cases in which circumstances make its application increasingly less clear. The initial cases are those in which common agreement of all theologians and moralists supports the conclusion: there is no room for serious diversity of opinion about what is the right course of action. As the subsequent cases become more complex, the resolution becomes more uncertain, and the discussion expounds the debates that commentators have carried on about them. [. . .]This technique of marshaling, comparing, and contrasting “probable opinions” became a central feature of casuistry [. . .](155)

The cases about which there is common agreement, called “paradigm cases,” establish clear examples of right and wrong. The cases arising from the Nuremberg trials are paradigm cases — i.e., clear cases of abuse in the realm of research ethics — and also represent the beginning point of modern research ethics.⁹ The “cases of progressive difficulty [are] constructed by the addition of complicating circumstances to the paradigm cases” (Jonsen and Toulmin 253). In other words, you build from the simple and obvious to the complex and unclear. For cases that are unclear — what we might call “problematic cases”¹⁰ — there needs to be thorough dialogue about the circumstances of the case. We will return later to this point about the importance of “thorough dialogue” when addressing tough cases — it is key to the overall approach we propose.

How does casuistry apply to digital writing research situations? We can easily think of paradigm cases, clear examples of when a research behavior would be considered unethical. One such infamous case is that of the male psychiatrist who pretended in online forums to be Joan, a young woman with disabilities (Van Gelder). In the course of his “research” (which lasted four

years until he was exposed by the journalist Lindsay Van Gelder), many women developed intimate friendships with Joan, confiding in her frequently, and they reported being extremely distressed by the deception. The example of Joan is a paradigm case because it is clearly unethical for a researcher to pretend to be someone he is not when engaging in such intimate interpersonal discussions with others. But in a public forum for communication like a blog or a public discussion forum, as we asked in our opening scenarios, is it unethical simply not to announce one's presence? Such a situation presents a more problematic case where the researcher needs to consider the context more fully. The media and information studies researchers E.H. Bassett and Kathleen O'Riordan discuss just such a problematic case in their analysis of the online discussion forums at Gaygirls.com, a web site dedicated to building an action network of lesbians and of raising public awareness about the lesbian community. As Bassett and O'Riordan describe, the web site owners stress activism, publicity, and visibility, and the bulletin board is headed with a statement making clear that "all messages posted automatically become information in the public domain." But from their reading of the posts to the bulletin boards, Bassett and O'Riordan also realized that for many participants the site served as "a semi-public space." Because of these varying perspectives of the forums, Bassett and O'Riordan were unsure how to proceed with their research, a point we will return to below.

Overall, a casuistic approach acknowledges the general principles and maxims one needs to follow in the process of deciding right conduct (e.g., "do no harm"), but also insists that these principles should not be applied in simplistic or dogmatic ways to the complexity of human experience. On a general level these principles have moral imperative, but they do not answer with certainty problematic ethical questions related to the specifics of particular cases.¹¹ In other words, we can all accept the validity of "do no harm," but at the same time we must recognize the complexity of figuring out what "harm" means for any particular study in regards to particular human participants. Once we move past "the simple paradigmatic cases to which the chosen generalizations were tailored" (Jonsen and Toulmin 8), we must apply a different kind of

thinking, one that takes into account the circumstances of each specific case — and, most importantly, the distinct needs, conditions, and wishes of human participants. Here is where rhetoric has much to contribute.

Casuistry does not deny the importance of general principles. General ethical norms or truths can be developed — like the *Belmont Report*'s principles of respect for persons, equity, and justice — but given the complexity of human experience there are always situations in which figuring out how to apply a general principle is not obvious. It's not that the principle is flawed. Rather, it is in the nature of human experience to be complicated — and new situations always arise (e.g., digital research) that create confounding ambiguities. Casuistry insists that we acknowledge those complexities and ambiguities. In fact, casuistry argues that it is *immoral* to apply principles in an undifferentiated way to all cases. From the standpoint of casuistry, being moral *requires* that we acknowledge distinct circumstances and make nuanced judgments.

We can see the distinction between a generalized and a specific, problem-oriented approach to research ethics if we compare the CCCC statement on research ethics to the AoIR guidelines on *Ethical Decision-Making and Internet Research*. As we have discussed, the *CCCC Guidelines*, as a policy document, operate on the level of general maxims; they do not acknowledge particular circumstances that researchers are likely to encounter. The AoIR guidelines are characterized by questions and problem-posing statements rather than by declarative statements. The AoIR guidelines are not entirely casuistic in their approach, but they ask particular questions that acknowledge problematic circumstances (e.g., “Are chat rooms public spaces? When should researchers obtain consent for recording conversations in a chat room?”). While the AoIR guidelines themselves do not provide clear answers, they do provide useful prompts and questions, identifying the problematic issues facing researchers. As an example of a policy document, the AoIR Guidelines operate quite differently from the *CCCC Guidelines*; the two guidelines represent, in effect, two different approaches to writing policy: one that articulates clear operating principles, parameters, and boundaries to guide a field more generally; the second

that raises questions and prompts for researchers to consider. As we hope we've made clear, both approaches are needed. However, what is also needed is an approach for thinking about *how* to make ethical decisions, which is where we find casuistry potentially useful.

We want to draw one final important point from Jonsen and Toulmin. One implication of their casuistic ethical theory is that we should not approach ethical judgments from the point of view of a scientific analysis that aims to arrive at certainty. Ethics should not be treated as a *science*, but rather as a practical *art*. Jonsen and Toulmin explain this distinction in their discussion of Aristotle's ethics:

Aristotle, for instance, questioned whether moral understanding lends itself to scientific systematization at all ... Far from being based on general abstract principles that can at one and the same time be universal, invariable, and known with certainty (he argued), ethics deals with a multitude of particular concrete situations, which are themselves so variable that they resist all attempts to generalize about them in universal terms. In short, Aristotle declared, ethics is not and cannot be a science. Instead, it is a field of experience that calls for a recognition of significant particulars and for informed prudence: for what he called *phronesis*, or practical wisdom. (Jonsen and Toulmin 19)

Ethical reasoning requires a different form of intellectual engagement than that of scientific analysis. This kind of engagement — what Aristotle calls *phronesis*, or the art of practical judgment — is not one that is easily described. But it is precisely the form of reasoning (or “invention”) that one finds in the art of rhetoric. Jonsen and Toulmin describe “the heart” of this form of reasoning:

The heart of moral experience does not lie in a mastery of general rules and theoretical principles, however sound and well reasoned those principles may appear. It is located, rather, in the wisdom that comes from seeing how the ideas behind those rules work out *in the course of people's lives* [emphasis ours]: in particular, seeing more exactly what is involved in insisting on (or waiving) this or that rule in one or another set of circumstances. Only experience of this kind will give individual agents the practical priorities that they need in weighing moral considerations of different kinds and resolving conflicts between those different considerations. (Jonsen and Toulmin 314)

In short, ethical decision making requires attentiveness to “people's lives” — and to the complexities, differences, and nuances of human experience, including the researcher's own experiences. Here is the explicit connection to the researcher's relationship with research participants. One cannot conduct research based only on ethical rules; one must apply a kind of

wisdom that recognizes how “the rules work out in the course of people’s lives” and be willing to “weigh moral considerations” based on that factor: the effects on real people.¹² We know that most researchers in the field of rhetoric/composition, particularly those working within the tradition of feminist research methodology, are well aware of this particular ethic — believe it, embrace it, and practice it. However, despite this awareness, we want to caution that this ethic of care for participants can be obscured or elided in any ethical system that formalizes ethical decision making, such as casuistry.

We take from our overall discussion of casuistry two key points for researchers: First, circumstantial details matter. The researcher cannot make ethical decisions by general principles alone; ethical reasoning has to proceed through some kind of analytic consideration of the *particular circumstances of the case* — and, for research projects, those circumstances pertain to the lives of real participants involved in the study. Second, casuistry and rhetoric can function together as tools to assist that kind of analytic consideration. In the next section, we describe how that might work.

3. ETHICAL INVENTION FOR DIGITAL WRITING RESEARCH

“The Internet blurs traditional categories like ‘professional’ versus ‘amateur,’ ‘published’ versus ‘unpublished,’ and ‘public’ versus ‘private.’ Existing rules for the ethical conduct of human subjects research that rely on these categories are thus difficult to extend to this new medium.” (Bruckman, *Ethical*)

Ethical judgment requires a different kind of intellectual process than the kinds of analytical procedures that are typically used in scientific, biomedical, or quantitative social science research. To put this another way, the methods that many science researchers use to *conduct* their studies are not well suited to addressing the ethical questions *related to* and *raised by* those studies — and we shouldn’t expect them to be. As we have argued, ethical reasoning requires a different mode of analysis, one involving *phronesis*, or practical judgment. But how does one do that kind of analysis? What procedures are involved? We believe that casuistry, repurposed as a heuristic for rhetorical invention,¹³ provides a systematic approach to invention that can assist researchers’

ethical reasoning and help them arrive at a “probable judgment” about the ethics of a particular research project. In the discussion that follows we will show how this casuistic-heuristic procedure might work for digital writing researchers. At the heart of this heuristic is a basic principle of rhetorical invention — “considering audience.” We believe that audience considerations need to be the starting point for ethical inquiry into research practice.

Considering Audiences

A rhetorical approach to research ethics begins by viewing research involving human participants as fundamentally a *communication* situation, not a laboratory or experimental situation. This might seem like an obvious point, but it is a perspective largely missing in federal regulations governing IRB procedures. IRB guidelines tend to treat human subjects as just that — *subjects* — whose consent must be obtained, but who exist passive as objects of study and who do not contribute in any dialogic way to the design of the research and who do not help shape the nature of the interaction between researcher-researched. With the move to postmodern and critical research practices and with the increased emphasis in composition studies upon participant involvement in research, researchers are increasingly and appropriately concerned with checking and developing their research findings with the persons and communities with whom they work. The not-insignificant shift by many researchers (especially working from critical and/or feminist frameworks) to replace the term “subjects” with “participants” or “persons” (e.g., Anderson, “Simple,” Herrington and Curtis, Kirsch) represents an effort to identify human subjects as co-makers of knowledge, communicating agents who can interact with the researcher and influence the design and dynamic of a study-in-progress.

Given the rich work in our field and in other fields on researcher-participant relations and the co-construction of knowledge, it may seem odd for us to use the term “audience” to refer to the research participants and professional colleagues. The traditional meanings of “audience” in rhetoric often view the audience as a fairly passive recipient in the communication process rather than as a contributing participant. As James Porter points out, this conception, “while at times a

useful fiction, is theoretically and pedagogically incomplete, and ideologically and politically problematic as well. Such a conception isolates rhetor from audience, thereby creating a political division that privileges the rhetor with access to knowledge (and hence, truth and power) and that places the audience in a nonparticipatory subordinate role” (*Audience* xi). Our view of audience is more social, dialogic, and interlocutory. In an ethical communication situation, the rhetor (or researcher) engages the audience (or multiple audiences) throughout the communication process. The audience is viewed “as an interlocutor, as a source of knowledge, and as a necessary participant in the construction of discourse” (Porter, *Rhetorical Ethics* 67-68). By using the term “audience” here, we seek to make explicit the connection between research and rhetoric. In addition, we want to emphasize that researchers need to consult not *only* with research participants but with multiple audiences and groups, *all* that will be actively involved in shaping the researcher process. But determining just exactly with whom one should consult and engage in the research process is complicated.

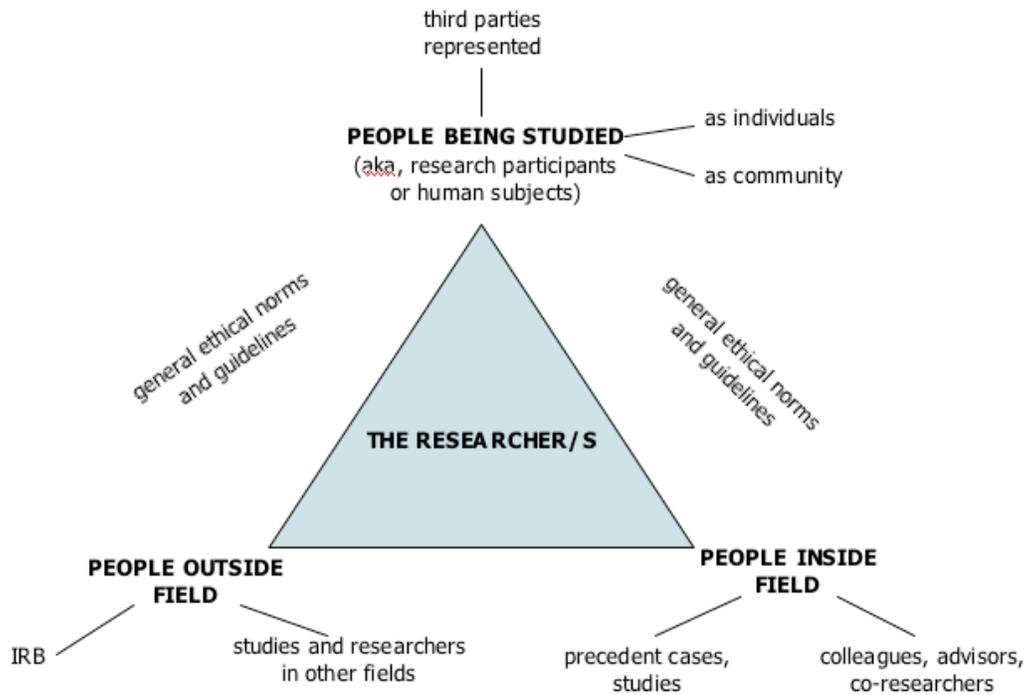
The *CCCC Guidelines for the Ethical Conduct of Research in Composition Studies* provide some guidance in this area in recommending that researchers consult with institutional agencies (Guideline A: Compliance with policies, regulations, and laws), other experienced researchers and published research studies (Guideline B: Maintaining Competence), and with the individuals in the research study (Guideline G: Quoting, Paraphrasing, Reporting Statements). But with digital writing research, particularly online research, determining these multiple audiences can be more difficult, as has been noted in regards to AoIR guidelines. For example, there can often be competing guidelines put forth by institutional agencies, particularly international agencies if research involves global systems and crosses geographic and cultural borders (see Beatrice Smith, *in press*, for a detailed discussion of her efforts to conduct an ethnography of a global IT company). The broad global reach of the Internet can be seen as an advantage to researchers in connecting with a wide variety of audiences, but researchers must be aware that “broad global reach” means that they have to be aware of multiple legal restrictions and ethical codes other than

simply their own. Being attuned to audience includes the need to understand the differing community norms and laws that shape those citizens' lives and that shape ethical research practices. To cite another example, with the increasing ease in which digitization enables the integration of multiple media and with the move to online publishing, composition researchers must consider the ethics of representation fully. Rather than only quoting from an interview transcript, researchers can also include audio and video clips more easily, enabling readers/viewers of the research reports to see and hear others in potentially more problematic ways.

In addition, although the *CCCC Guidelines* and the IRB decision charts treat research participants as autonomous individuals (urging the informed consent process for individuals and for members checking with individuals), the communities within which participants interact are often just as much the focus of research as individuals. (In face-to-face ethnographies, it is important for researchers to negotiate not just with individuals but with members of the community as well.) For digital writing research it is particularly important not to think solely individualistically but also collectively because often as a result of conducting and publishing research, the nature of an online community can be changed, either through the researcher's interactions with participants or through the effect of publicizing the site.

Thus, given these complexities, we advocate consultation with multiple audiences in what forms a triangulation of perspectives for ethical decision-making. Figure 2 identifies the audiences whom a researcher should seek to consult and consider when trying to engage in ethical decision-making. In the center is the researcher(s); at each corner are the audiences, identified first in terms of broad categories and then divided into more specific sub-categories.

FIGURE 2. Triangulation of ethical decision-making: Whom should researcher(s) consult and/or consider?



In addition to the general groups listed in the *CCCC Guidelines* — research participants, peers in other disciplines, peers in field — this diagram also includes third-parties represented in the works studied and the individual researcher(s). Although we do not advocate a completely personal approach to ethics, we do recognize that it is the researcher who must weigh and consider the hybrid and multiple perspectives of others, integrating those into his or her own understandings of how best to proceed. Within any given case what may “feel” right to one person may not to another, so it’s important as well to engage in self-reflective practice, as a number of researchers have advocated (see Fine; Herndl; Herrington, “Politics”).

The ethical problems of consulting with too few audiences is exemplified in Susannah Stern’s research of adolescents’ web sites and their suicidal ideations, the study we discussed earlier. When initially setting out to conduct her study, Stern notes how she allowed the ethical perspective of the IRB to overdetermine her understandings of her research. In a manner of speaking, she turned to only one corner of the triangle, and in doing so, cornered and thus narrowed her understandings of the ethical approaches she should consider. She describes feeling

upset not only at the news of the death of a young person, but also upset at herself for not engaging with more perspectives for how to proceed ethically. Had she consulted other precedent cases (e.g., studies of adolescents in F2F contexts) and had she consulted the research participants themselves, she would have approached her ethical decision-making processes differently.

Like Stern, many online researchers must decide how to approach their study and thus where to locate themselves in terms of the groups or audiences whose perspectives they will consider. David Clark, a technical communications researcher who studied the online and F2F communications of an organization, was told by the IRB that reviewed his research that the online communications he was studying were considered published texts and thus he did not need consent to observe or quote them but that he *would* need participants' consent to observe and quote the F2F meetings. When comparing the differing expectations for online and F2F research, Clark decided to go beyond the IRB recommendations and seek (with IRB approval of his study modifications) the same permissions from both F2F and online participants because he felt online participants should be treated equally to F2F participants. But Clark was not content to simply ask permission to research from the systems administrator of the online discussion forum, because as he explains, "I can't assume that a system administrator has the experience, knowledge, power, or authority to speak for the entire group, and I should not, if only because doing so might jeopardize my material relationship with my participants" (253).

In addition to considering the audiences directly involved and participating in the research process, researchers need to consider those who may be impacted by the research and represented in the research publication but are not necessarily research participants. This is particularly important in multimedia compositions when considering *third-party representation*, the ethical representation of persons whose voices, words, images may be included in a research participant's composition. Because many of our cases so far have been about online research, we want to discuss a case involving print publication of digital images and third-party representation. When Heidi reported on a qualitative study of students' remediation of genres when composing

for the Web (Edwards and McKee), she decided to include screen captures of pages from students' web sites. On these pages, students included pictures of themselves and of family members and friends. Even though students had given her permission to reproduce their work and to include screen captures of their sites in her published reports, Heidi did not feel comfortable including the photos of the other people in the screen captures. She debated deleting the images for the screen capture, but realized that doing so would change the design and visual/verbal impact of the page. She considered trying to contact the third-parties for permission, but that seemed cumbersome, particularly given that she was co-authoring a chapter based in part upon her research two years after the interviews were completed. Heidi considered substituting another picture, sort of like a visual pseudonym for third parties, but decided (rather quickly) against that. Certainly when reporting on text-only work researchers often create pseudonyms or leave blanks when participants mention third parties, but it somehow felt to Heidi more of a violation to change someone's picture than to change their name. (She imagined Kathy, one of her research participants, looking at the screen capture in the chapter and seeing above the photo-caption on her web site "my boyfriend" a picture of someone other than her boyfriend.) What Heidi decided to do, in consultation with research participants, was to keep the actual pictures of third parties, but to blur the images slightly so that people who knew the person would recognize him or her, but for someone who did not it would be difficult to distinguish the person too clearly. What is key to this example is that Heidi was trying to consider multiple audiences in the process, working within copyright and human subjects guidelines, but also pragmatically focused on what would work for her research process. She had to figure out how to present the data needed to make her research point, while at the same time striving to respect not only her research participants but also the third parties represented in the research participants' multi-modal works.

Consulting with colleagues in the field is also an important aspect of making ethical research decisions. We saw an example of this process on the Writing Program Administration listserv (on June 20, 2005), when a researcher asked members of the list whether it would be ethical of her to

use an excerpt from a personal letter written by a colleague in a commentary she was writing. She posted her inquiry to the WPA listserv group and received numerous replies, comments, and suggestions from writing program administrators and researchers in the field, including one by a member of the committee that developed the *CCCC Guidelines for the Ethical Treatment of Students and Student Writing in Composition and the CCCC Guidelines for the Ethical Conduct of Research*. The consensus of the list was that she should definitely seek the writer's approval to use the excerpt. However, the ensuing list discussion went beyond the researcher's immediate question to consider the nuances of more problematic cases. This is a perfect example of casuistic discussion — and, overall, of the kind of deliberative process that we advocate.

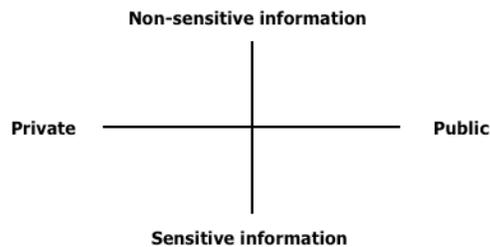
The above examples are, we hope, illustrative of some of the ways in which researchers need to consult and engage with multiple audiences when seeking to make ethical decisions throughout the research process. We will now move to discussing several exploratory heuristics — what we might consider common *topoi* for digital writing research — that will help researchers when considering ethical approaches to conducting (and to evaluating) digital writing research.

The Public/Private *Topos*, the Sensitive/Nonsensitive *Topos*¹⁴

One of the fundamental issues involved in digital writing research involves the question of public versus private space. On the Internet the notion of “published” is radically problematized, disrupted, rendered obsolete even; there is no bright line distinguishing between “public” and “private” discourse. The Internet consists of a broad continuum of discourse types (ranging from those intended for wide distribution to those intended for private or personal use). Different forums operate by distinctive customs and particular conditions of use (e.g., community norms and customs, writer intentions and expectations, degree of sensitivity of the information). On the Internet, there are a variety of types of forums with different degrees of public access — and even within a single type of forum there may be differing participant norms and expectations. Here is where a casuistic-heuristic approach can be useful.

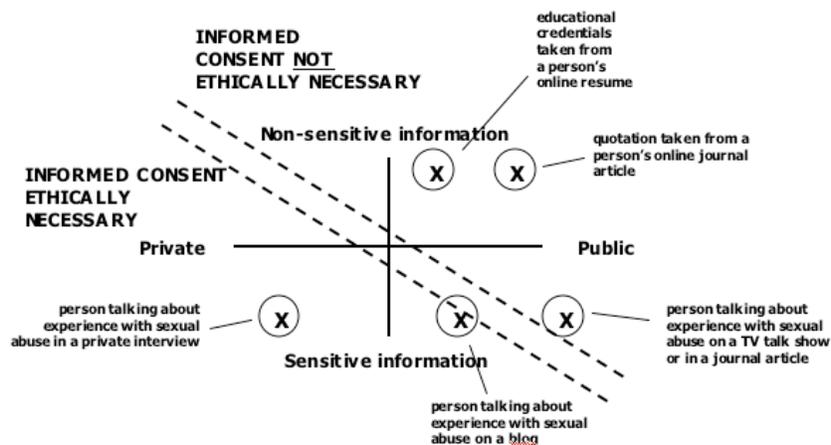
Media and communications researcher Malin Sveningsson recognizes that the public-private dichotomy is not by itself adequate for making ethical judgments in the realm of the Internet (see also Stern 275-276). The researcher must also look at the nature of the study, the kind of information collected, and how “sensitive” that information is for the participants. Figure 3 represents Sveningsson’s way of mapping these considerations.¹⁵

FIGURE 3. Sveningsson grid for mapping research data (56)



In Figure 4 we take Sveningsson’s basic grid and map case types onto it.¹⁶ In doing so we are expanding the grid for use as a heuristic for a casuistic approach to addressing the public-private question.

FIGURE 4. Mapping types of interactions with research participants (adaptation of Sveningsson)



In Figure 4 we have divided Sveningsson’s grid into two zones cutting diagonally through the chart (named in all-caps and demarcated by the dashed lines): the zone where informed consent is

definitely necessary (private-sensitive information) and the zone where it isn't (public-nonsensitive information). However, notice that there is a fault line between those two zones — the borderland area of tough cases or difficult decisions doesn't disappear entirely — it never does. There will *always* be a gray area; that is the nature of ethical decision making about complex situations. Second, we have plotted on the grid five different communicative events where a researcher may conceivably collect data — e.g., a person writing about their experience of sexual abuse on a blog; information taken from an online journal article, etc.

What does this mapping strategy demonstrate? Most importantly, it shows that neither the public-private continuum nor the sensitive-nonsensitive continuum by itself is a sufficient basis for deciding whether informed consent is necessary. A researcher must take both continua into account (in more complex ways than the YES-NO of the IRB charts) — and this mapping provides an example of how both perspectives can be applied simultaneously. Rather than use the YES-NO approach, a researcher (or IRB member) can use such a grid as an investigative tool for considering whether informed consent is necessary, an important, preliminary ethical decision in any research process. A researcher can also use the grid, in the write-up of the study, to explain and justify the ethical choices that she has made in the project.

This is not the only type of heuristic grid possible, of course. A researcher could take any set of binaries and map them as continua against one another to explore other sorts of case-based distinctions. For instance, we could map the person-author binary against the sensitive-nonsensitive binary to generate a slightly different map, one that would allow us to make other sorts of case-based distinctions, as we will next explain.

The Author/Person *Topos*

We have already discussed how a clear-cut published vs. private writing binary is not a useful distinction for Internet- and particularly web-based writing. The same problem applies to the author-person distinction.¹⁷

Some regard the Internet as a vast storehouse of available writings to be harvested freely by any and all researchers.¹⁸ Amy Bruckman, a computational media scholar, claims that the tendency to view all writing as authored is a feature of humanities research. When she emailed officials at the National Endowment for the Humanities (NEH) to ask them how the NEH determined whether a project should receive IRB approval, the officials told her that “the NEH has always interpreted the human subjects regulations as not applying to them.” This is a dangerously facile dismissal of human subjects ethics, we feel — and one that fails to acknowledge the distinctive nature of the online digital dynamic. Not all postings to the Internet should be treated like books in a library.

However, some online digital writing clearly operates according to print analogs. If we wanted to use ideas from a Larry Lessig editorial published in the *Wired* online magazine in a research article we are writing, nobody would have any trouble viewing that editorial as a formal publication by an author who has professional legal expertise on digital copyright. We do not have to secure Lessig’s informed consent. We do not have to secure IRB approval for using that article, even though Lessig is alive and clearly a living and breathing person. It’s simply not an issue for human subjects consideration, because in this context Lessig is clearly an *author*. And as an *author*, a different set of ethical concerns kick in at this point: ethical and legal issues regarding copyright and fair use of another’s work. As a matter of scholarly ethics, we are obliged to credit Lessig’s contributions to our work (by citing it on our references page); we are supposed to use quotation marks to designate when we copy his exact words. Under U.S. Copyright Law, the Fair Use provision allows us to quote selectively from the editorial without securing permission. However, if we plan to quote extensively from the piece or even reproduce it in its entirety, we would need to secure permission from the copyright holder (probably either Lessig or the publishers of *Wired*). In this situation, Lessig’s work is subject to a set of ethical and legal guidelines that are not typically a matter of concern for IRB ethics.¹⁹

However, let's imagine a different kind of publication venue: If Larry Lessig posts on a blog about, say, abuse he experienced as a child or if he is a participant in an online chat support group for people who have family members with cancer, then in effect he becomes a different "Larry Lessig."²⁰ He is writing personally, not in his professional role as a legal scholar — and in such a situation, human subjects concerns may pertain, we would argue. To use his postings in such a forum as an object of study for our own research would likely require us to secure his informed consent because of the sensitivity of the topics discussed. Were we studying adolescents and not adults discussing such sensitive topics, we would think that such research would move from the realm of the probable regarding informed consent to the required, simply because of the age of participants and because of how some young people (as well as some adults for that matter) may perceive their writings on the web as private, rather than published.

Clearly when considering digital research we quickly move from more clear, paradigmatic cases (work in an online journal is published) to complex cases that are not so clear (youth posting on blogs). To delve into this complexity and, to be honest, murkiness, let's begin by noting that *all* postings on the Internet and World Wide Web, of any sort in any venue, are pieces of writing in a tangible format — and, as such, they are copyrighted from the point of their creation (at least according to US copyright law). In that sense, then, there is no "person only" designation for digital writing research. The author-person binary is itself an inaccuracy, or at least it is if our object of study is people's online postings. In terms of most digital writing research, there is no such thing as "person." The continuum should instead develop along the distinctions of author-person vs. person-author. As Amy Bruckman succinctly puts this complication, "Most work on the Internet is semi-published." In this respect, the ethical guidelines governing fair use of others' writing *always* apply, and the ethical guidelines of securing informed consent *may also* apply.

Bassett and O'Riordan make the important point that "The Internet is not simply a virtual space in which human actors can be observed," the Internet is not just a space where persons

congregate to work or play, as they would in a classroom, a park, or an office. It is also simultaneously a site for “cultural production of texts,” a communication medium and publishing venue for writers. This murkiness is built into the nature of the medium and the wide variety of uses that have evolved within the medium. Conventional print-oriented views (like the NEH view above) and IRB-oriented category systems don’t work here. For instance, Bassett and O’Riordan acknowledge that there could be two conflicting views about how to treat web-based chat rooms:

One view is that a chat room is a space and the dialogue is between people in it, all of whom are due the protection accorded them under the human subjects research model. There are variations on this that consider what kind of space it is, how private it is, and how much protection the virtual subjects should be accorded, but the dynamic is the same. The second view often takes a more direct route; the dialogue you have is a text, it’s in the public domain, and therefore, aside from considerations of copyright, is available for reproduction.

It is the “variations” of use and venue that take us into the realm of problematic cases and casuistic ethics.

A number of problematic cases, including the ones we’ve presented from Bassett and O’Riordan’s work, are considered in the online collection *Internet Research Ethics*, a set of papers given at the Conference on “Computer Ethics: Philosophical Enquiries,” at the University of Lancaster in 2001. Even though the authors in these papers do not explicitly invoke casuistry as their ethical method, they do practice casuistic analysis in their detailed discussions of research practice. To draw from Bassett and O’Riordan again, they consider in some detail the ethical choices they made when deciding whether to use pseudonyms or not when referring to discussion participants at two web sites they researched: the activist web site Gaygirls.com (that we mentioned earlier) and Independent Media Centre (IndyMedia.org).

Bassett and O’Riordan point out that a web site such as the IndyMedia.org is both a public and a private space: IndyMedia.org is clearly a news medium, a kind of public form, but it also includes email and chat technologies in which posters provide personal information. Bassett and O’Riordan argue that even though there is often sensitive information that could prove harmful to the posters, “this is a political forum in which activists choose to make visible the political events

in which they feel involved or which they consider important.” Bassett and O’Riordan feel that such sites are clearly intended to be public — and thus researchers do not need to seek informed consent from the participants on such lists to refer to postings.²¹

Bassett and O’Riordan move into grayer area with their study of the pseudonymous Gaygirls.com web site. The authors describe their decision:

not to disclose the actual name of the web site primarily because of the way participants used the particular section that we analysed. Although clearly in the public domain, the participants’ use of this section indicated that they perceived it as a semi-private space. They used confessional postings and stratified their audiences by discussing “other” audiences to whom they would not communicate this information, thus implying that they had specific assumptions about who would use the web site. ... There was an illusory sense of partial privacy because the participants constructed utterances that they stated they would not convey to certain audiences such as their family.

Bassett and O’Riordan’s decision to seek informed consent is based on a rhetorical analysis of the site: Who is the implied audience for the postings in the chat space? Because the postings presumed that the chat space was private, Bassett and O’Riordan honored that “illusory sense of partial privacy.” Bassett and O’Riordan also distinguished between the overall web site and the particular online discussion forum that they were studying. While the web site overall might be considered public, they regarded the specific discussion forum as private, noting that the participants “constructed the forum as a ‘place’ away from where they lived.” (Bassett and O’Riordan also consider that perhaps their decision to use pseudonyms was unethical because it could “contribut[e] to the homophobic myth that LGBT identity is something to be ashamed of.”)

The question of author vs. person cannot be answered based only on the type of venue in question (e.g., public news outlet vs. private chat space), as it often is for print and traditional broadcast venues. On the Internet venues vary widely — and, aside from that, expectations and customs vary widely even within the same type of technology venue. (The chat space for IndyMedia.org operates according to different expectations than the chat space for Gaygirls.com.) We believe that community customs, expectations, intentions, and habits must be honored.²²

In addition, we need to factor in, as do IRB members when reviewing research, the potential risks involved to participants in a proposed research study.²³ Risks that composition researchers often need to consider are risks to privacy (where something a participant says or writes can be linked to that individual), risks to participants' relationships with others at the site being studied, and risks of reprisal (legal and/or social) for the disclosure of private information. The latter risk is one of particular concern for digital writing researchers because often in the context of an online discussion forum or other online writings, people may discuss more private information that they don't anticipate will be read by many other people.²⁴ That is, people may communicate in digital contexts expecting a degree of privacy. Thus, to treat their written and multimedia communications as published texts and to treat them as authors would be potentially unethical.

Using the same type of mapping that we used with the public/private and sensitive/non-sensitive continua in Figure 4, we could generate another casuistic-heuristic map for the author-person continuum. Or we could layer in considerations of technology type, degree of closeness/distance between researcher and participants, precedent studies in a field, or a number of other variables. We could map researcher-participant relations (ranging from human subject in experimental design to fully collaborative research partner) with regard to sensitive and non-sensitive (the more collaborative the research process and the more input a research participant/collaborator has in the shaping of methodologies, data collected, and results reported, the more sensitive information may perhaps be discussed). We could map the specific cultural understandings, beliefs, and practices of groups (or individuals) conducting the research and those being studied so as to articulate more clearly and then locate similarities and differences relating to such issues as conceptions of public-private spaces, ownership of texts, and the role of digital technologies in communication. And we could map technological constraints shaping the contexts in which the research is conducted. For example, whether a web site is rewriteable/reviseable like a Wiki or proprietary and static like most sites on the Internet today; whether a site is a .com or .edu and the varying genres and media in a site. And we could map the publishing venues for

research — print-based refereed journals, online refereed journals, institutional reports, popular presses.²⁵ Again, such heuristic grids do not generate answers — but they do allow for exploration of problems through comparative analysis. The benefit of the procedure for researchers is to situate the complexities of their own study both on a value grid and in comparison to other types of studies. We realize too, of course, that this type of case-based mapping is not limited solely to digital writing research, but we find it particularly useful for such research because of the multiple contexts, communities and individuals involved, including technological contexts.

CONCLUSION

The casuistic-heuristic approach we have offered here falls somewhere between two common approaches to research ethics: the formulaic approach and the personal approach. In the formulaic approach, the researcher relies on general principles (“do no harm”) and YES-NO tree diagrams to deal with ethical questions on the level of generality. Digital writing researchers discover pretty quickly that this approach does not help them very much, as many of the general principles and YES-NO decisions do not apply very clearly in the digital realm.

With the personal, aleatory approach, the research often falls prey to ad hoc particularism (“here’s what I did in my research study, here’s how I made my ethical choices”), often with little reference or connection to the work of others. A description of one’s own research project and its methodology and ethical issues, while interesting and productive as a *case* for ethics, is not per se an *approach* to ethics. Case descriptions are certainly useful in raising researchers’ awareness of the problems involved and, by analogy, in advising their decisions, and, in fact, there’s a need in our field for greater sharing and dissemination of these cases, but cases per se they do not provide a systematic approach for *how* one should make ethical decisions. They can lead to a kind of ethical relativism that sees every new case as distinct. One of the moves we are making in our approach is to provide a systematic, taxonomic, and *rhetorical* procedure for addressing ethical

issues, that allows researchers to recognize the particular circumstances of each case at the same time they can situate that case in relation to other cases and other perspectives on that case.

We have had two goals in this article: First is to recognize the complexity of ethical decision making in regards to digital writing research. At the same time that we want to encourage critical awareness of the complexities of digital writing research, we don't want to make the process seem impossibly daunting or to disable worthy research projects. Ethics is complex, but not impossible.

Our second goal has been a productive and procedural one: to make the complexity manageable, to provide some tools and procedures that researchers can use to critically interrogate their research designs, to carefully examine their relationships with research participants, to help them make ethical decisions, and, finally, to enable them to persuade others (e.g., IRBs, their colleagues in the field) that they have made sound ethical judgments regarding their research design. The advantage of a rhetorical approach to digital writing research is that it can be simultaneously critical/exploratory and productive. It recognizes continua, nuances, gray areas, and a range of possibilities that go beyond the simple yes-no, at the same time that it provides a systematic basis for making sound ethical decisions.

We have tried to articulate ethical decision making as a process of inquiry rather than as an answer to a question (a product). Whether a particular study is ethical or not depends on the nature of the process by which the researcher engages the ethical issues and the participants. We see research ethics as a continuous process of inquiry, interaction, and critique throughout an entire research study, one involving regular checking and critique; interaction and communication with various communities; and heuristic, self-introspective challenging of one's assumptions, theories, designs, and practices. The art of doing research well requires building this form of rhetorical-ethical process into one's entire research practice. We believe that, with its emphasis on process and production, the field of rhetoric/composition has much to contribute, of procedural and productive value, to ethical decision making for digital writing research.

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ENDNOTES

¹ We prefer the term “digital writing research” to the more common term “Internet-based research” for several reasons. First, the terms “Internet research” or “Internet-based research” typically refer to “the study of online behavior (what people do in virtual and mediated environments)” (Mann and Stewart) and to the use of the Internet as a means of collecting data about people. (In some studies, the Internet is used mainly as a tool for collecting data or to solicit research participants — the real focus of the research is the respondent’s “onground life,” not their Internet life. In other studies, the focus is the respondent’s “life on the Internet,” or what Maczewski, Storey, and Hoskins call their “virtual life.”) However, neither conception encompasses an important research focus of the field of rhetoric/composition — that is, the focus on a particular kind of Internet behavior called “writing.” Thus we use the term “digital writing research,” a term that also serves to acknowledge that not all digital writing and interactions occur on the Internet. For example, corporations and colleges have independent networked systems which researchers in our field study. Writers use computers as tools to produce print documents. Multimedia works are burned to CD rather than put on the Web. In addition, we also recognize that in this computer age almost *all* writing includes a digital component — as we collaborated on this print article we emailed and shared Word files, viewing digital text through the interfaces of our computers, and exchanging and submitting the manuscript in digital form as well. Increasingly, regardless of our areas of specialization, our teaching and our research, and our students’ and colleagues’ writing and research, increasingly involve the digital. Thus, we see the term “digital writing research” as encompassing much of what is done under the rubric of “Internet-based research,” but as also having a broader focus.

² Both of us have served on human subjects IRBs —Heidi at the University of Massachusetts, Amherst and Jim at Purdue University. In general we both support the IRB process — while not necessarily supporting how some institutions develop and implement IRB policies. We see the *potential* value and importance of IRBs as providing an ethical check from outside the researcher’s disciplinary realm. However, we also recognize that ensuring IRB compliance is only *one* aspect of conducting ethical research. Simply complying with an IRB does *not* mean a researcher has finished considering ethical issues. We also recognize that the biomedical bias of the IRB process is problematic for many researchers in compositions studies.

³ The principles guiding human subject IRBs rest upon three fundamental precepts:

Respect for Persons: Researchers must recognize the autonomy of research participants, especially by obtaining informed consent.

Justice: Researchers must ensure the equitable distribution of risks/benefits, so that one group of persons (e.g., prisoners, children in state institutions) is not bearing all of the risks of research.

Beneficence: Researchers must conduct research so as to maximize benefits for participants and to minimize risks.

Using these principles as a guide, IRBs ask researchers to explain the following: rationale for research, methodology, procedures for obtaining informed consent, risks to participants and how those risks will be minimized, benefits of study (for participants and for field of study), and means for protecting confidentiality. If an IRB determines that a proposed research study does not meet these principles, then the researcher will be required to modify the research protocol or to

refrain from conducting that particular research study altogether. (For more detailed discussions of IRBs in the field of rhetoric/composition, including the biomedical bias of IRBs, see Anderson, “Ethics”; Anderson, “Simple”; Banks and Eble; McKee; Mountford and Hunsberger; Powell and Takayoshi).

⁴ *Research* as defined by 45 CFR 46 is “a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge.” A *human subject* is “a living individual about whom an investigator (whether professional or student) conducting research obtains (1) data through intervention or interaction with the individual, or (2) identifiable private information. *Intervention* includes both physical procedures by which data are gathered (for example, venipuncture), and manipulations of the subject or the subject’s environment that are performed for research purposes. *Interaction* includes communication or interpersonal contact between investigator and subject” (45 CFR 46, section 102).

⁵ In this article we focus on how IRB administrators determine whether an activity is research. We do not consider as much interactions with IRBs once a studied has been marked for review, but certainly interactions with an IRB throughout an evolving research process impact the ethical decisions made.

⁶ The general principles laid out in these guidelines include discussions of the following: (A) Compliance with Policies, Regulations, Laws; (B) Maintaining Competence; (C) Obtaining Informed Consent; (D) Conducting Studies Involving Classes; (E) Recruiting; (F) Responding to Questions; (G) Quoting, Paraphrasing, and Reporting Statements; (H) Using Videotapes, Audiotapes, and Photographs; (I) Describing Individuals and Groups; and (J) Using Unpublished Writing Collected Outside of an IRB-approved Study.

⁷ Casuistic ethics should not be confused with “situation ethics,” according to Jonsen and Toulmin (272-273). While both approaches acknowledge the significance of individual cases and circumstances, they operate by different methodologies. Casuistry assigns a more important role to principles and maxims and to taxonomizing cases according to type, while situation ethics starts with cases and circumstances, not admitting the validity of general principles but proceeding only or mainly on the basis of “concrete but unique and isolated” instances (272).

⁸ Jonsen and Toulmin spend considerable time in their book explaining the historical “abuse of casuistry,” how it fell into disfavor in the 17th century and was eventually “lost” as a respectable form of moral reasoning. The decline of casuistry in European Western thought is very much connected (conceptually, politically, chronologically) to the decline of rhetoric at the same time.

⁹ Other paradigm cases include the Tuskegee Syphilis Study (1932-1972), in which 399 African-American men were intentionally not cured of syphilis so that researchers could track the progression of the disease; the Human Radiation Experiments at Los Alamos National Laboratory (1944-1974), in which federal researchers exposed test subjects to ionizing radiation without their informed consent; the Willowbrook Hepatitis Study (1963-1966), in which children with mental disabilities at a New York mental institution were intentionally infected with hepatitis; and the Milgram Study (1961-1962), in which the researchers, again without consent, caused people to believe they were inflicting intense bodily harm to others.

¹⁰ What does a problematic case look like? Jonsen and Toulmin discuss three key moral issues in the early Christian Church: the morality of usury, “allowable lying” (e.g., can you tell a lie to save someone's life?), and “allowable killing.” Just to take one example, the issue of “allowable killing” posed a deep ethical dilemma for early Christian theologians. The Fifth Commandment is unambiguous as a moral principle: “You shall not kill” (EX 20:13). From a strictly literalist standpoint within the Judeo-Christian tradition that would seem to end the discussion: Killing is never morally allowable, under any circumstances. However, Augustine was one of the early theologians who began to introduce distinctions, such as making room “for legitimate self defense” (219), as long as the act was “an unavoidable necessity, without malice or vengeance” (222-223). Roman law had a tradition of allowable self-defense, and in part the working out of the eventual Christian morality regarding self defense was based on the influence of Roman law. Thus began a tradition of developing allowable exceptions to absolute law based on extenuating circumstances, but also, importantly, based on the intersection of different cultural value systems: Christians were supposed to turn the other cheek (Jesus didn't say “sometimes”); Romans could defend themselves when attacked. When Christians and Romans decided to live together, they had to work this difference out. Addressing this ethical dilemma required (still requires, actually) significant moral dialogue across differing — in some senses, incompatible — cultural values. Here is where rhetoric and casuistry, working together, have a role in addressing the really tough questions that arise in any culture.

¹¹ The tough issues of ethics and equity lie in the exceptions and borderline cases. This is the realm where we, as a public, engage in casuistic thinking, by necessity. For example, criminal law in the United States operates by the general principle that murder is wrong, but it also acknowledges degrees of wrong based on questions of passion, premeditation, and intention. Criminal law recognizes mitigating circumstances: for example, a court of law might have to decide whether a defendant was guilty of murder or could be exonerated using the self-defense plea, the insanity plea, etc. These various pleas pertain to exceptions and mitigating circumstances of the situation. (For further discussion of the role of casuistry in modern society, including in discussions of such issues as abortion, stem cell research, and the 1991 invasion of Iraq, see Richard Miller's *Casuistry and Modern Ethics*.)

¹² We see a much stronger version of this principle in Seyla Benhabib's feminist communicative ethic, where she insists that we must avoid “generalizing the other” (159). Treating research participants as an undifferentiated collective, or applying general principles in simplistic or dogmatic way, or failing to account for the particular (and different) circumstances of their lives, is ethically irresponsible. Rather, Benhabib insists, “the standpoint of the concrete other ... requires us to view each and every rational being as an individual with a concrete history, identity and affective-emotional constitution” (159). With its basis in Aristotelian rationalistic analysis, the casuistic method of Jonsen and Toulmin tends not to be sufficiently attentive to questions of power (especially as related to gender, race, class, and sexual orientation); to culture differences; or to the ethics of relationships. For these sorts of questions, we would turn to critical research theory, to feminist research ethics, and to other forms of analysis and critique — and we are in the process of doing so in a larger study. For purposes of this article, however, we want to emphasize the contributions of the casuistic method as a tool for ethical decision making, particularly when so many of us in the field of composition are faced (either as researchers conducting our own studies or as colleagues/teachers advising others) with many complex cases presented by digital writing research.

¹³ As Janice Lauer (2004) points out, rhetorical theorists “differ over what rhetorical invention encompasses” (3). Our view of invention is a broad view that sees invention as including issues of problem definition, research inquiry, content development, and ethical decision-making — in other words, as including matters typically handled under the rubric of “research methodology.” Methodologies are discovery procedures and inquiry approaches that provide guidance to researchers. Pitching this point in traditional rhetoric terms, we would say that methodologies are heuristical “special topics” that the researcher applies to a question or problem. Such heuristics allow the researcher to approach complex questions systematically — and in a manner familiar to (and authorized by) other researchers in a field. As heuristics, they do not provide definite answers or certain outcomes, but they do provide a general frame for approaching a research problem or question. Thus, methodology belongs in the rhetorical canon of invention.

Of course many in the field of rhetoric/composition have noted that methodology is rhetorical (e.g., Brodkey; Herrington, “Reflections”; Herndl; Kirsch and Sullivan; Rickly) — by which they typically mean that methodology is reliant on language, on context, on perspective, on ideology, on researcher bias, on cultural bias, or on disciplinary forms of inquiry and argument. While we agree, we mean more than that. We believe that Methodology is part of the Art of Rhetoric. Methodology is “inside” rhetoric; how one discovers knowledge is part of the art, not prior to it.

¹⁴ Our use of the word *topos* (plural: *topoi*) of course derives from a rhetorical theory of invention, not from the concept of *topos* as used in mathematic set theory and computer science (see <http://en.wikipedia.org/wiki/Topos>). Although *topos* is a singular noun, we are using the term to refer to a binary set. Common exploratory topics that resemble the *topoi* that we are developing include: part/whole (viewing an entity/issue as part of something larger than itself or as itself a whole); one/many (viewing an entity/issue as a single whole or as containing many subparts); and static/dynamic (viewing an entity/issue both synchronically and diachronically).

¹⁵ On the Internet sensitive information is often shared widely (“published,” in a sense) via blogs and listservs, but that does not mean that the person posting that sensitive information would want it used in a research study. As Sveningsson says, “an Internet arena is public, but may not be perceived as such by its users” (57).

¹⁶ In mapping research cases, we follow mapping procedure similar to how Patricia Sullivan and James Porter map research onto the diagrams they present in *Opening Spaces: Writing Technologies and Critical Research Practices*.

¹⁷ What we say about “author” in this section also pertains to “artist.” The discussion of digital writing here includes visual as well as verbal artifacts — such as graphic designs and video creations. Both White and Bruckman (“Studying”) discuss this issue in terms of artists as well as authors. White for instance discusses the issue of researching graphical avatars. Should these online creations be considered as “art objects” or should they be treated as a behavior or manifestation of the person who created them? And does that make any difference, either in terms of formal IRB review or in terms of the larger ethical questions about the nature of the research?

¹⁸ Whitty discusses some problematic cases of social researchers simply pulling text randomly off the Internet without regard for harm to posters (209-210).

¹⁹ The questions of ownership, authorship, and rights to control and use digital information are significant issues digital researchers face — issues that are seldom if ever addressed through the

typical academic institutional review process. Copyright law is usually cited as the body of principles governing the use of online material, and a new area of law — digital copyright law — has even developed to extend copyright into the realm of the Internet and the World Wide Web. A researcher’s use of digital information or digital “writing” is further complicated by the fact that U.S. copyright law (in particular, the Fair Use provision) and human subjects research ethics (in particular, its central principle of informed consent) are fundamentally at odds. Must we always seek permission to quote from a person’s writing in our research? The answer is yes if the person is a research participant. The answer is no if the person is a published writer. In Internet venues like blogs, chat rooms, and email groups, the distinction between private writing and public writing is not so clear. Researchers have to consider (a) the continuum of discourse types (ranging from those intended for wide distribution to those intended for private or personal use) and also look at (b) particular conditions of use for given venues (e.g., customs, intentions, expectations). Few Internet ethics researchers have commented upon the ethical implications of the “digital copyright” issue (Lawson is one who has) — but this issue intersects the public-private dichotomy in an important way — and in fact creates some dilemmas for IRB review procedures. “Writing” in the copyright realm has a different legal status than does “data” in the IRB realm. When we use Internet writing, whether we decide that the human is an author or a person, we are still subject to copyright law, at least according to U.S. copyright law: All text on the Internet is copyrighted, at least according to U.S. copyright law. Whether it is public or private does not matter. Informed consent for digital writing research should probably also address the question of copyright and the researcher’s rights regarding re-use of that material: Is the human participant assigning copy rights, some or all, to the researcher?

²⁰ This is a hypothetical example only. We have no idea at all about Lessig’s personal experiences or about his family’s health situation — indeed, we know nothing about him personally.

²¹ Bassett and O’Riordan oversimplify when they assert that online postings are not copyrighted. It depends. Under U.S. copyright law, all writing, regardless of the medium, is copyrighted.

²² Can we reference a person’s home page without securing that person’s permission? Yes, if it is a professional-public home page (e.g., a researcher’s faculty web site). No, if it’s a private home page. But there could be other extenuating circumstances weighing in on the decision, such as particular use by the researcher. What is the researcher using the home pages *for* — and what degree of risk does that use pose for the person involved? If we are collecting quantitative data about how many academics list their degree-granting institution on their home pages, that seems to us like low-risk information. However, if we were doing a Freudian analysis of faculty home pages to determine degree of anal-retentiveness or a cultural-critical analysis to reveal racist tendencies or critiquing the design of online web resumes for an article, those uses have more harm potential and risk to participants (e.g., embarrassment, harm to person’s professional reputation). Such uses are more likely to require informed consent.

²³ The *Code of Federal Regulations, Title 45, Part 46 (45 CFR 46)* delineates degrees of risk: (1) no risk (anonymous surveys where there is absolutely no link between participants and the data they provide—even the researcher can not make such a connection); (2) minimal risk (which most composition research involves and which we will discuss below); and (3) maximal risk (intrusive psychological or medical procedures where the chance for physical or mental harm is high). In 45 CFR 46 “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.”

²⁴ Will Banks and Michelle Eble discuss this issue in depth. In “Digital Spaces, Online Environments, and Human Participant Research: Interfacing with Institutional Review Boards,” they describe Banks study of gay bloggers and his interactions with the IRB as he tried to determine how to conduct his research ethically and with the least risk to participants. As they explain: “Would Will’s published research bring attention to these bloggers by those who would not normally know about them and thus possibly create a conflict where none had existed prior to reporting the research in print or at conferences? Was the fact that these blogs were publicly available to any web-surfer significant evidence that the blogs were ‘public’ and thus not private or privileged communication? Or does the Web constitute such a huge and populous space that individuals can go virtually unnoticed, as individuals in “real life” (IRL) can, until called out by a published research report?” (11).

²⁵ Publishing in online, digital contexts where one’s report is more easily searchable and potentially more widely available than in print-based journals raises a number of ethical issues, centered not only around person-based research but also around issues of copyright.