Ethics review and conversation analysis

Jeffrey P Aguinaldo
Wilfrid Laurier University, Canada

Abstract
In this case study, I address the procedural ethics of conversation analysis (CA) and the collection of naturally occurring mundane interactions. I draw from the challenges that emerged from the institutional ethics review of the HIV, health and interaction study (the H2I Study), a CA project that sought to identify the practices through which normative assumptions of HIV and other health conditions are produced in conversations. Consistent with CA’s preference for naturally occurring interactions, the H2I Study collected and analysed everyday telephone calls involving people living with HIV. This article offers practical strategies CA researchers might use to navigate two ethical concerns raised about the collection of naturally occurring mundane interactions. The first questions the merits of collecting naturally occurring mundane interactions. For those unfamiliar with CA, the specific advantages of analysing naturally occurring mundane interactions may not be self-evident. This places an evidentiary burden on CA researchers to warrant the collection of this type of data. To address this concern, I suggest demonstrating in ethics applications the analytic value of CA using publicly available interactions. The second concern questions the use of verbal consent necessary for the collection of naturally occurring mundane interactions. Like most CA research, the H2I Study required flexible informed consent protocols appropriate for spontaneous and unpredictable interactions. Drawing from within and outside the CA literature, I offer three rationales for the use of verbal consent. This article is written as a practical resource for conversation analysts seeking approval from their research ethics board (REB) and for REBs who might be unfamiliar with CA research. This article contributes to a small but growing body of literature that documents not only...
the kinds of challenges CA researchers encounter from institutional ethics review, but the specific procedural ethics they may employ to secure ethics approval.

Keywords
Institutional ethics review, conversation analysis, naturally occurring data, interaction, verbal consent

Conversation analysis (CA) is the methodology par excellence for the analysis of interaction. CA seeks to identify how everyday actions (such as greetings, complaining, inviting, requesting, advising and so on) are accomplished in and through talk. Eschewing the use of researcher generated data gathered from interviews and focus groups, CA favours the collection of naturally occurring interactions as the primary source of data. Analysis typically involves repeated inspection of recorded audio or, increasingly, video interactions to discern the orderliness of talk. Those wishing to engage with the methodology of CA must take care when navigating institutional ethics review, particularly when confronted with a research ethics board (REB\(^1\)) unfamiliar with CA.

There is a small but growing body of literature on the ‘ethics in practice’ (Guillemin and Gillam, 2004) of interactional research, such as CA. This literature has highlighted the difficulties that arise when ethics protocols designed for qualitative interviews are used in the collection of naturally occurring interactions (e.g. Paoletti, 2014). Some have argued that institutional ethics guidelines fail to consider the contingencies that inform ethics protocols when delivered interactionally and that greater attention should be paid to how interaction works before ethics protocols are devised (Speer, 2014; Speer and Stokoe, 2014). Less attention, however, has been given to the ‘procedural ethics’ (Guillemin and Gillam, 2004) of CA. In this case study, I offer practical strategies CA researchers might use to navigate institutional ethics review for the collection of naturally occurring mundane interactions.

I draw from the challenges that emerged from the institutional ethics review of a CA project, titled *the HIV, health and interaction study* (the H2I Study). The primary goal of the study was to identify the practices through which normative assumptions about HIV and other health conditions infuse everyday interactions and the ways those practices necessitated disclosure (or concealment) of one’s HIV status. Consistent with CA’s preference for naturally occurring interactions, the H2I Study collected and analysed everyday telephone calls involving people living with HIV (PLH). The study recruited PLH who were then equipped with a digital recording device paired with their cellphone and required to record their incoming and outgoing telephone calls of their choosing. The study was eventually granted ethics approval, but not without difficulties. Rather than focus specifically on REB feedback to the H2I Study,
this article addresses two ethical concerns that have more general relevance for the collection of naturally occurring mundane interactions for CA research.

The first questions the merits of collecting naturally occurring mundane interactions. Increasingly, REBs consider the scientific merits of a study to ensure it will produce valuable knowledge (Binik and Hey, 2019; van Den Hoonnaard, 2011). REBs see fit to comment critically on research design, questions posed and data collected as part of ethics adjudication (Lincoln and Tierney, 2004; Tierney and Blumberg Corwin, 2007). One standard practice when seeking ethics approval is to draw upon an existing body of literature to warrant methodological decisions. However, some have argued that the epistemological and methodological orientations held by REB members often inform the process of ethics review (van Den Hoonnaard, 2011). For those unfamiliar with CA, the specific advantages of collecting and analysing naturally occurring mundane interactions may not be self-evident. This places an evidentiary burden on CA researchers who must then employ additional strategies to gain ethics approval. As I was asked by a colleague, ‘why not just interview people about their interactional experiences?’

The second questions the informed consent procedures necessary for the collection of naturally occurring mundane interactions. The H2I Study recruited participants to record their interactions during times and in settings of the participants’ choosing. This necessitated recruited participants to enlist others to be recorded as part of those interactions and outside of the researcher’s immediate purview. There are, of course, straightforward procedures commonly used to obtain signed consent from research participants recruited into a CA study who would then record their interactions (e.g. Ten Have, 2007: 79). There remains the issue of obtaining informed consent from those with whom recruited participants interact for a recording. One solution is to restrict data collection to those who can provide signed consent (e.g. Jackson, 2018). That would, however, limit access to the range of interactions and the breadth of interactants that constitute the lives of the recruited participant. Like most CA research, the H2I Study required flexible informed consent procedures appropriate for spontaneous and unpredictable interactions.

**Naturally occurring mundane interactions: Why not just interview people?**

As a strategy to warrant the collection of naturally occurring mundane interactions, CA researchers might demonstrate short analyses of recorded interactions from public media. Some discursive researchers have suggested this strategy to justify their methodology of choice to adjudicating committees (Wood and Kroger, 2000) though, more recently, others have noted that the use of public media requires consideration. For example, informed consent and privacy have emerged
as salient ethical concerns associated with the use of social media for research purposes (Boyd and Crawford, 2012; Sugiura et al., 2017). Conversation analysts in particular should be attentive to interactional data collected from television media that may have been staged or edited (Sidnell, 2010). Nevertheless, restrained and careful use of these data could demonstrate the analytic upshot of collecting naturally occurring mundane interactions.

By way of illustration, consider extract 1, which captures a disclosure of an HIV positive status in interaction. The extract represents a conversation taken from the MTV documentary, *Me, Myself and HIV*, which followed the lives of young PLH. In this extract, Paul (P), a 21-year-old deejay and aspiring hip hop artist living in Lusaka, Zambia, is in the studio of famous recording artist and producer Slap Dee (SD). Just before the extract, Paul played his demo recording for Slap Dee presumably in the hopes of cultivating a business relationship or record deal. On lines 1 and 3, Slap Dee positively assesses Paul’s recording and, on lines 4–5, proceeds to inquire about Paul’s musical inspiration.

**Extract 1**

1. SD: sounds tight.
2.                 (0.2)
3. sounds (really) tight.
   .
   .   ((cut in recording))
   .
4. SD: wut- (. ) what ↑are you wri:ting about. what are you sing’in
5. P: a[bout. what’s your main concept.
6. SD: sure.
7. P: I’m gonna be open with- with you guys. I mean (0.5) um: I’m
8. a hip hop and R an B artist
9. SD: y[ih.
10. P: [produ[cer
11. SD:    [sure.
12. P: en um: (. ) I mean. I’m HIV positive.
13.    (. )
14. okay, .hhh so I’m: _I’m tryin’ to bring out that_.

The extract was transcribed using Jeffersonian transcription notation commonly used by conversation analysts to denote interactional phenomenon such as in-breaths, exhales, pauses, cut-offs, overlapping talk and intonation (see Hepburn and Bolden, 2017). These notations allow for observations that would not be possible from orthographic transcription.

Notice how Paul’s HIV status was occasioned. Slap Dee’s information-seeking questions (lines 4–5) make relevant a response about Paul’s musical interest and
inspiration. Slap Dee’s questions, however, place Paul in a precarious situation. Because his music is based on his experiences as a person who is HIV positive (lines 12–14), Paul must decide whether and how to reveal his HIV status when answering Slap Dee. The prepositional content of Slap Dee’s questions does not explicitly ask Paul about his HIV status. But on this occasion and among these interactants, the decision to disclose or conceal one’s HIV status becomes relevant for Paul.

The precariousness of Paul’s position is not based on some a priori theory about HIV-positive disclosures, but on Paul’s displayed interactional practices that convey the negative dimensions of disclosing HIV. Paul does not straightforwardly respond to Slap Dee’s questions with an answer that takes for granted any normalcy of sharing an HIV positive status (e.g. ‘My music is about my experiences living with HIV’). Instead, Paul prioritises announcing his HIV status as news and does so as if to convey that news as bad or problematic. Paul withholds a response after Slap Dee’s first question (‘What are you writing about?’) where a response is due. At the second interactional slot where his response could again be issued (near the completion of ‘What are you singing about?’), Paul begins but then abandons his turn prefaced with ‘well’ (line 6), which is often used to forecast answers that are not so straightforward (Schegloff and Lerner, 2009). It is only at the third interactional slot (near the completion of ‘What’s your main concept?’) that Paul takes the floor. He characterises what he is about to disclose as not commonly shared (‘I’m gonna be open with you guys’). He further delays his disclosure with silences and perturbations, and with an elaboration (‘I’m a hip hop and R and B artist. . . producer’). These details convey a reluctance to tell and frame his eventual announcement of his HIV status (line 12) as bad news (Maynard, 2003).

These interactional details are not trivial and analyses of them offer something new to our understanding of the social realities of HIV. Paul’s talk reflects stigmatising assumptions about HIV and as such, provides access to the specific interactional practices through which negative inferences about HIV (i.e. as bad news) are produced in situ, disseminated and normalised. Such details are not likely to have been collected from researcher generated data. In a qualitative interview, or completing an AIDS-related stigma survey, Paul would have likely reported an openness or ‘positive attitude’ towards his HIV status, corroborated by his willingness to take part in a reality-television show specifically about HIV. And yet, despite how Paul might himself report his own attitudes towards HIV, direct observations of Paul’s interaction reveal his displayed orientation to the negative dimensions of announcing his status. One might build an argument that negative inferences about HIV pervade not only from ‘negative attitudes’ but through the structural organisation of everyday talk.
Still further, these initial observations take up the call to understand the role that HIV negative people play in creating the conditions within which PLH are compelled to disclose or conceal their HIV status. One’s HIV status does not only arise out of one’s personal decision to disclose, but as an immediate response to the local interactional context. Of course, much more can be said about the extract. But the point here is to demonstrate that an analysis of naturally occurring mundane interactions can allow for observations that would not be possible from researcher generated data.

**Verbal consent**

REBs commonly treat signed consent as the ‘gold standard’ for ensuring voluntary and informed participation in research. Some claim, however, that signed consent ‘can unnecessarily color interview or ethnographic situations, transforming encounters that are routinely more informal and exploratory into unnecessarily official and legalistic exchanges’ (Haggerty, 2004: 404). Others point to the potential harms of signed consent. For example, when used in research collaborations with Indigenous communities, signed consent fails to appreciate cultural beliefs of reciprocity, ongoing negotiation of trust and respect for community representatives as cultural authority (Davison et al., 2006). These concerns draw attention to the importance of developing consent protocols appropriate for the research context.

Verbal consent may be better suited for the collection of naturally occurring mundane interactions that are spontaneous and unpredictable. Initial submission for ethics approval of the H2I Study proposed that recruited participants solicit and record verbal agreement from their interactants ‘to be recorded for the purposes of a university study on health and interaction’. Recruited participants would be instructed to answer fully any of the interactant’s inquiries about the study’s goals, university affiliation, use of the data and respect for confidentiality. Although eventually approving the use of verbal consent for interactants, the REB required a rationale for its use on the grounds that the recorded contributions of the interactants would be analysed no differently than those of recruited participants. This feedback suggests an unequal status of verbal consent versus signed consent. In response to this feedback, I offer the following three rationales.

First, CA shares a kinship with other well-established observational methodologies, and it is within the ethical frameworks for these, rather than for interview or survey methods, that CA data collection should be considered. For example, Duneier (1999), in his acclaimed ethnographic study *Sidewalk*, observed and recorded the lives of (mostly) unhoused black men who worked as book vendors on the streets of New York City. Duneier established a close research relationship with a local book vendor, Hakim, who was fully informed of the study. He vouched
for Duneier and served as gatekeeper to the book vendors’ lives. Duneier recorded the everyday interactions of the book vendors and their customers sometimes without their knowledge. Book vendors sometimes volunteered to record street interactions when Duneier was unavailable. Duneier did not obtain permissions from participants during data collection, but rather at the time of publication outputs and only when they included identifying information. To my REB, I argued that recruited participants in the H2I Study functioned as gatekeepers who granted access to their social worlds. These gatekeepers served as representatives of their communities and negotiated informed consent with their interactants.

Second, it is not uncommon to forego signed consent to collect institutional calls for research purposes. Speer and Stokoe (2014) identified a number of consent-gaining procedures designed to minimise the disruption to an institutional call. Informed consent could be obtained using a pre-recorded information message played before a caller is connected to an institutional call-taker. A simple consent-gaining sequence could be used immediately before the main business of an institutional call, which would require either a caller’s tacit approval by continuing with the call or an explicit ‘yes’ confirmation. Speer and Stokoe propose verbal consent and/or debriefing of the research could be completed after the main business of the call is concluded at which time participants would be fully aware of what would be shared for the research. These procedures provide a precedent for the use of verbal consent to record mundane interactions.

Third, recorded individuals themselves are acutely aware of the ethical issues associated with their participation in research and show during interaction the terms by which they agree to be recorded. Mondada (2014) found that recorded research participants change the delivery of their talk (e.g. tone, or speed), displace the action from the view of the camera, or remove talk from the range of the microphone (by lowering voice, whispering, etc.) to mark talk that was delicate or sensitive and thus in need of anonymisation. Others have shown that participants in institutional CA research sometimes curtail the delivery of confirmation checks and verbal agreements to consent in order to get on with the business of the interaction. Researchers have used these insights to sway an REB to remove ethics procedures that participants themselves deemed unnecessary (e.g. Tennent and Grattan, 2020).

Taken together, these three rationales, and the literature from which they stem, challenge the assumption that signed consent is a requirement for all data collection. Verbal consent can be ethically acceptable with proper safeguards in place to protect confidentiality and when there are only minimal risks associated with the data collection (Ells and Gutfreund, 2006). That said, verbal consent introduces its own unique challenges. In particular, the grammatical construction of verbal consent can make opting out of research a dispreferred action (see Speer and Stokoe, 2014). Still further, verbal consent procedures might also bring about a form of
‘reactivity’ akin to that which might occur from the awareness of being recorded (Speer and Hutchby, 2003). These challenges are a matter of empirical investigation that the methodology of CA is uniquely positioned to identify and redress.

Conclusion

This case study is written as a practical resource for conversation analysts seeking approval from REBs and for REBs who might be unfamiliar with CA research. This article contributes to the body of literature that has sought to facilitate fair and informed institutional ethics review for methodologies – such as community-based research (Tamariz et al., 2015), feminist research (Halse and Honey, 2005) and decolonising methodologies involving Indigenous people (Davison et al., 2006) – that have often presented unique ethical challenges. In developing strategies for navigating ethics review, this article foregoes a ‘critical’ stance towards regulatory ethics and offers solutions for those who wish to pursue the collection of naturally occurring mundane interactions for CA research. Commentators have called for greater representation and diversification of qualitative expertise in REBs to alleviate at least some of the frustrations reported by qualitative researchers (van Den Hoonnaard, 2011). In practice, however, it would be less likely for CA researchers to encounter an REB with CA expertise.

In practical terms, REBs need to provide ample space in ethics forms or allow face-to-face meetings to demonstrate the merits of CA data collection and to make the case for seemingly unorthodox consent procedures. Researchers need to recognise the roots of REB expectations and REB reviewers ought to be aware of the range of methodological perspectives that require altogether different ways of realising research ethics. Finally, CA researchers should document not only the kinds of challenges they encounter through institutional ethics review, but also the specific procedural ethics they employ and the successes of securing ethics approval. CA researchers must develop and share rationales that work within the confines of REB expectations and assumptions. As procedural ethics pertinent to CA are documented in journals and other professional forums, successful strategies to manoeuvre through ethics review may facilitate ‘best practices’ that CA researchers and REBs alike may draw upon and adapt.

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**ORCID iD**

Jeffrey P Aguinaldo [https://orcid.org/0000-0002-2744-5515](https://orcid.org/0000-0002-2744-5515)

**Notes**

1. The terms Institutional Review Board and Research Ethics Committee are often used in the US and UK respectively.
2. I distinguish between participants recruited into a study (‘recruited participants’) and those with whom they interact (‘interactants’).

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