

Doctoral School Annual Lecture 2024

"Artistic Research needs Ethics like a rip in the canvas."

Is free Artistic Research compatible with Academic Research Ethics?

Robin Nelson

Doctoral School
University of Malta

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Editor: Nicholas C. Vella

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29 May 2024 at the Mediterranean Conference Centre, Valletta, Malta

Foreword

he EU General Data Protection Regulation (GDPR) and Malta's Data Protection Act (2018) govern the processing of personal data in Malta. Although this legislation has not been designed specifically for research, all researchers are required to abide by GDPR rules. Organisations, including universities, that process personal data, or control its processing, are accountable for compliance with this legislation through their Data Protection Officers. At the University of Malta, committees are responsible to manage requests for data protection as well as ethics clearance to ensure that data processing and research activities are lawful, fair and transparent. These requirements align with the values which underpin *The European Code of Conduct for Research Integrity* (2023).

Although GDPR was not designed to impede research, the safeguard requirements for aspects of research related to the creative and performing arts may create challenges to management structures that need to provide ethical approval. With the new regulatory framework in place to allow Practice as Research PhDs to be undertaken at the University of Malta, it is likely that 'grey-zone' cases – in other words, practices that may be perceived as questionable or detrimental to the human subject, as performer or consumer/spectator – will increase.

It is in this spirit, and in the spirit of the Council of Europe's Manifesto on the Freedom of Expression of Arts and Culture in the Digital Era (2020), that the Doctoral School invited Prof. Robin Nelson to deliver this year's annual lecture at the University of Malta's Research Expo. The result was a short, thought-provoking, articulated message, a plea for institutions to recognise that communities of practitioners

can play a key role in breaking down the definition of what can count as acceptable research in the spirit of freedom of artistic and creative expression. Some debate ensued after the delivery but it is clear that change will be required in the make-up of the management structures to rise to the challenges that will no doubt arise. This is, after all, what is expected from us all if we embrace the key role played by the arts and culture as powerful means for maintaining constructive dialogue in democratic and open societies.

Nicholas C. Vella Director, Doctoral School

Doctoral School Annual Lecture Series

29 May 2024

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adapt the contentious, first words of my title from a remark by the film director, Alan Parker, who once observed that "film needs theory like it needs a scratch on the negative". Such a comment betrays a deep scepticism amongst some practising artists about what they perceive to be academic intrusions and constraints. Indeed, the history of the development of Practice (or Artistic) Research within Higher Education, is littered with resistances to academic protocols seen to constrain free artistic expression. Some artists, Stelarc, for example, have even claimed that Practice as Research produces bad art.¹

Evidently, this stand raises a number of quite fundamental questions: is free expression the purpose of art, or merely a Romantic/Modernist legacy? Have artists ever been entirely free from constraints? Is the purpose of Artistic Research the same as the aims of art? To address these questions meaningfully would take much longer than the twenty-five minutes available today. So I will cut to the chase and declare where I stand. First, since some of you may not be familiar with it, Practice as Research is:

- research undertaken through a practice, and in which the evidence primarily is the praxis (i.e., both object and method);
- praxis indicates theory imbricated within practice.

Though I am an advocate for research undertaken through arts practices, I hold it to be a "category mistake" to think that arts practice and Artistic Research are simply one and the same thing.

Being generally disposed to "both-and" thinking things together, however, I acknowledge that an art-space might be both a studio and a laboratory, and that an artefact might simultaneously be both an artwork and a research outcome. But to undertake research in an academic context, practitioner-researchers might "attend differently" to their creative project, understanding the protocols of the academy even as they might baulk against them. In what follows, I aim to illustrate some of the tensions between the more extreme "academic" and "artistic" positions and, hopefully, come to a provisional means of thinking them together.

The Research Ethics protocols of most universities include requirements to avoid harm and obtain (usually written) consent from all participants, including those whose words and/or images might appear in publications of any kind. The twelve-page, published protocols from the UK's Royal College of Art, for example, include:

Where possible, research should be designed to avoid any potential physical or non- physical (psychological) harm ... Non-physical harm can include invasion of a participant's privacy ... (3.2.1).

and

Researchers should carefully consider whether information that is revealed through the course of the research project should be disclosed to participants or to third parties, and if so, how (4.11).

I ask you now to imagine that you are a member of a University Research Ethics Committee presented with the following two Practice Research project proposals for consideration:

Proposal 1: This project proposes randomly to select somebody met by chance at a party. Unbeknown to them, I will follow them over the next fortnight, even if that means travelling abroad. Incognito, I will track them and take photographs which I will ultimately edit and publish in a magazine with an accompanying written text.

Proposal 2: This project proposes to kidnap somebody and hold them for 48 hours in an unknown venue. The victim will be willing in that s/he will previously have consented in writing on a form designed for the purpose. But s/he will not know if, when or where, s/he will be targeted.

Ponder these challenges and, later, I will seek your approval or otherwise. Meanwhile, I turn to a confession.

When the multi-arts, practice-based Department I headed for some years in Manchester first committed formally to engage in research, we did not have a Research Ethics Committee (REC). In the context

of the University, we recognised, of course, the need for such a body in the Sciences. In particular, we were located adjacent to a research-active Sport Science Department whose work involved experimenting on people, and we knew there were well-established protocols in this context. But initially, my colleagues took the view that, as we did not experiment on people or animals, we did not need another layer of bureaucracy.

But wait a minute: don't we work with people and impact on people in a number of ways? And aren't many of our innovative, experimental practices designed to shock and challenge people – indeed, to alter their perception? And, of course, once we had established an REC we realised there were all kinds of issues to be addressed, issues which have proliferated in the forty years since. These range from consent of the participants we actively work with in our projects to the recognition that, in some cultures, to take a photograph of somebody is the equivalent of stealing their soul.

And in respect of the latter, the whole question of cultural appropriation and the colonisation of other cultures with Western assumptions has in the past decades surfaced to become one of the more contentious epistemological and ethical issues in arts practice and research. Knowledge is no longer assumed to emerge simply in Enlightenment culture, validated by the scientific-rational mind. The 2020 Psi Summer School, for example, focused on 'the numerous and alternative ways of knowing that emerge from Black,

Global Majority and Indigenous cultures'. Appropriation occurs when artists - sometimes in ignorance - borrow elements from another culture without understanding or respecting its significance (Picasso's use of African masks may be a case in point). Obfuscation occurs when the practices of other cultures are overlooked. Both are ethically questionable. While some argue that artistic freedom allows for the open embrace of cross-cultural influences and inspiration, others point to a tendency to perpetuate stereotypes and disrespect the cultures being "borrowed". Striking a balance between appreciation and exploitation is a delicate task for Artistic Researchers, particularly in digital circumstances where so much "content" is readily available online, apparently to be freely used. But where artists' unwitting appropriation of other cultures or imposition of a dominant culture's perspective and values may remain questionable, a necessary condition of Research Ethics today precisely requires awareness of the power dynamics at play in borrowings.

Even at the less contentious level of achieving participants' consent, tensions are evident. Because artists often know the people they are to work with, familiarity may lead them to overlook risks and potential infringements. Further, a common resistance of artists new to an academic research context is the standard requirement to say in advance – typically on an application form – what the project will involve and what exactly they plan to put their colleagues through. Artistic researchers often want to say that they don't know what the project will entail because it involves a process of organic development.

I point out that, in all research domains, projects alter as the inquiry develops and that it is possible to make changes – even to amend the aims of the research. In an academic – as subtly distinct from an artistic – environment, practitioner-researchers need to have sufficiently thought things through in advance to advise participants of the kind of thing expected. If you cannot give a provisional account of what is involved, how can you secure participants' agreement and address any ethical issues?

But, once running, projects do indeed take unexpected turns. As I say this, I am haunted by projects I have experienced where risky practices have crept in. I recall arriving at a performance to find a young woman hung upside down from the lighting rig, her hair being used as a paint brush to decorate the floor. I think of my former PhD students who thought it might be instructive to pick up hitchhikers on the UK motorway network to collect travel narratives. These were not in the project proposals. I think of the Spanish company La Fura del Baus moving amongst the crowd wielding flame throwers and running chainsaws. It's enough to give one nightmares. These might be risky rather than unethical tactics but to take undue risks with the potential of harm is itself an ethical issue.

Informed, consenting participants are one thing but researchers need also to consider the general "experiencers". Much has been made over the past decades of the interactive, "comprovisational" nature of arts engagements in what previously had been considered relatively passive encounters. What are the ethical concerns regarding audience participation and interactivity? Indeed, what is at stake ethically if your work is specifically designed to take "experiencers" out of their comfort zone in, say, one-to-one encounters or virtual immersions. CREW, a Brussels-based digital media performance company I have worked with, discovered early on that having participants move in an actual/virtual environment when immersed (via a digital head-set) might induce nausea. Consideration, in respect of informed consent, had to be given: what is at stake artistically/experientially if an advance warning is given? What is at stake ethically if it is not?

One-to-one embodied encounters pose even greater ethical challenges. In 1974 in Naples (and elsewhere) Marina Abramović's **Rhythm 0** involved the artist standing for six hours in front of a table set with 72 objects, including scissors, a scalpel and a loaded gun. Abramović invited participants to do to her whatever they wished. At MoMa in 2010, Abramović sat for eight hours per day over three months, inviting individuals to sit in the chair opposite, face-to face in close proximity. Some wept; others laughed. At least one took off all her clothes and had to be removed by security.

My point here is that, had these been formal Artistic Research projects, there are inescapable ethical considerations, including those of personal safety – for the galleries, the artist and experiencers alike. Abramović puts herself under extreme physical and mental duress to jolt viewers out of ordinary modes of being

and patterns of thinking, but she is not alone amongst contemporary artists in testing boundaries to the limits of tolerance.

Thus far, I have drawn attention to some of the more challenging arts projects in respect of ethics. But there are many areas of Artistic Research which are not so left-field. Arts-Based Health Research (AHBR) has grown significantly as Practice Research has become formally recognised in universities. In "arts-for-health" domains, practitioners are dealing with patient-participants rather than volunteer experiencers and, accordingly the established protocols of medical ethics may apply. But the range of people involved (artists, researchers, patients), as well as modes of engagement which entail much more collaborative approaches, differ from traditional medicine. Arts-based Practice Research allows embodied, sensitive, and sensible encounters to emerge, in which the boundaries between artistic agency, professional positions, and even notions of evidence may be porous. Accordingly, a rethink of the typical research roles, and the corresponding rights and responsibilities of researchers, is required. It is not quite the territory of Abramović, but the notion of vulnerabilities – of both professional and patient – similarly emerges as a central ethical feature of what is sometimes termed "boundary work".3

Returning to the direct digital encounter in the virtual pluriverse, digital culture has thrown up additional ethical questions, particularly around the issues of sampling (or plagiarising, if you prefer). It is, of course a

given of ethical research practice that all sources are acknowledged and that "unattributed borrowings" are unacceptable. But the proliferation of source material and the ease of access and mixing makes attribution in the digital environment tricky. Indeed, some argue in the manner of Creative Commons that creative material cannot be owned by any individual. Poststructuralists might tell us there is nothing original in any case: it's all a matter of reconfiguring existing material. The possibilities of composition by Artificial Intelligence only serve further to complicate the issue in a virtual domain. As yet, traditional protocols in the academic world makes it incumbent upon Artistic Researchers – as in other domains – to know all, and to acknowledge all, borrowings. But will this stance ultimately sustainable under Al circumstances?

Towards some "tentative conclusions"

Having opened quite widely the slippery ethical terrain of contemporary practices, it is time to draw together a position in respect of Research Ethics in relation to Practice Research/Artistic Research and to offer some tentative "conclusions".

Some claim that the arts are a special case in respect of research approaches, but I resist special pleading because I believe the arts can stand as a knowledge-productive domain equivalent to any other in Higher Education. It is tempting, then, to sustain a hard line and say that Practice Research must simply be subject to the protocols of all academic research. But I think there is a difference between

Science Research and Artistic Research which is not yet fully reflected in university protocols, typically drawn from the sciences. Where "methodology" is concerned, it is historically understood to refer to the "scientific method", involving data derived from testable experiments and evidence-based rational arguments. But the academy has moved on, particularly in the last thirty years, from a scientific-rational approach in the wake of Positivism. This is not to say that scientific approaches located in this tradition are not valuable; it is to say that other methodologies augmenting "the scientific" are equally of value in respect of knowledge-production or – as I prefer – the ongoing process of knowing.

Qualitative approaches have long been accepted within the academy and Practice Research, as I see it, similarly constitutes an additional methodology in a spectrum. Just as I argue that it is a category mistake to see arts practice as co-terminous with Artistic Research, so Shaun May has argued that is a category mistake academically to judge Artistic Research by the criteria of empirical science. Indeed, Practice Research and Artistic Research, with their disposition to engage with the social concerns of the day by means of the full sensorium have much to bring to ethical dimensions of "the academy" in respect of sensitivities. As Pils Hansen recently summarises:

Engagement with ethics has increased as attention has shifted from artwork to artistic process; boundaries between creation and research have become porous; the precariousness of creative labour has become

visible; artistic and educational organizations have committed to equity, diversity, inclusivity, accessibility, and decolonization (EDIAD); and our awareness of interdependent relationships, care, and consent between humans and more than humans has grown.⁴

As I said at the outset, I distinguish between innovative artistic practice and arts research in an academic context but the situation is fluid. On the one hand artists who choose to operate in Higher Education should perhaps recognise that they will be bound by established academic protocols. But I am sympathetic to those artists who are employed today to teach the practice-based curricula of modern universities on the basis of their professional experience but whose frame of reference is the arts world and not the academy – and who may well not have been schooled in academic protocols. Thus, my first "tentative conclusion" is that, in the context of staff development, established university staff must be prepared to engage in a dialogic, educative process in respect of Artistic Research ethics.

Taking account of what has historically been dismissed as "the subjective" is a strength of somatic, collaborative, consciously-positioned approaches. Imagination is needed to address the challenges of the contemporary and to build a positive future for all. As far as Research Ethics is concerned, the ethical dimension, as much as the epistemological, is extended by the challenge of Practice Research, and the approach might, accordingly, be different. So, my second "tentative conclusion" is that an open-ness of approach to

Research Ethics is required, with a preparedness to refine and adapt protocols to meet needs as they arise.

A broad distinction of approaches in social ethics generally might be made between a "rule-governed cross-check" model and a "case-bycase deliberation" model. The first is more like obedience to a set of rules (the Ten Commandments, the tenets of the Koran or the Torah) where the latter is more akin to Levinasian ethics wherein each encounter has to be sensitively addressed.⁵ Ethics in Science, I suggest, can be approached largely by way of a rule-governed crosscheck precisely because the parameters are well-established and rules some legally binding - are laid down. In Artistic Research, in contrast, projects vary enormously and each throws up its own ethical issues. Thus, once a general awareness of what might be at stake (avoidance of mental or physical harm, participant consent, a dispositional to truthfulness) is recognised, projects must be individually considered. On the one hand, it makes ethical assessment in Practice Research more challenging; on the other, it makes it much more interesting. As practitioner-researcher, Dahlia Hosny remarks:

While there are no easy answers or universal rules, ongoing discussions and debates are crucial for fostering a more ethical and inclusive artistic landscape. As artists and audiences, it is our collective responsibility to engage in thoughtful dialogue and challenge our own assumptions.⁶

The process of ethics review in Practice Research, then, parallels the

epistemological approach I (and others) have advocated: informed critical reflection is key.

Another complication is that the academy has become increasingly risk-averse as society has become increasingly litigious. Fearful of repercussions, it may be that Ethics Research Committees today might be even more cautious than in the past. An extensive legal framework on Health & Safety, Risk Assessment and Data Protection (certainly in the UK) does not help. For example, the RCA Research Ethics document referenced above declares that, 'If there are any ethical dimensions to the research, a researcher is required to seek advice from the Research Ethics Committee before undertaking the project' (4.1). And, since it is hard to think of any project which does not entail some ethical implications, this is likely, in practice, to mean all projects.

In some universities (e.g., Manchester Metropolitan University, UK), the full Research Committee will not consider any proposal which does not have signed, prior approval of the Faculty Research Ethics Committee. The RCA code also includes the need for an assurance 'that they [voluntary participants] will not be asked to carry out any activity that involves risk' (8.1). I understand why the statement is there but wonder how constraining it might be on Artistic Research innovation. It may be that we should treat Research Ethics like Risk Assessment, giving proper consideration to potential issues, in advance but not seeking to eliminate all elements of risk or potential challenges. This is my third "tentative conclusion".

Time to put theory into practice

At the start of my talk, I asked you to consider, as an imaginary member of a University Ethics Committee, two projects.

Project 1: This project proposes randomly to select somebody met by chance at a party. Unbeknown to them, I will follow them over the next fortnight, even if that means traveling abroad. Incognito, I will track them and take photographs which I will ultimately edit and publish in a magazine with an accompanying written text.

Project 2: This project proposes to kidnap somebody and hold them for 48 hours in an unknown venue. The victim will be willing in that s/he will previously have consented in writing on a form designed for the purpose. But s/he will not know if, when or where, s/he will be targeted.

Let's be empirically crude and simply take a straw poll. Those in favour of approving Project 1 (the photographic stalking of a stranger)? Those in favour of Project 2 (the kidnapping of an individual)?

As anticipated, there were more votes in favour of approving Project 2 because the kidnapped person had given written consent whereas, in Project 1, the person chosen for stalking was unaware.

Both these are actual artistic projects, though not formally Research Projects. I'll take Project 2 first. It is Blast Theory's, *Kidnap* (1998), where people paid £10 to enter a lottery, the winners of which were to be kidnapped. Two winners were chosen, snatched from their workplaces and held in a secret location for 24 hours. The process was broadcast live over the internet. Here is one of the captives:



Screen grab from Kidnap (source: www.blasttheory.co.uk/projects/kidnap/)

You may be right to approve this project since the informed participant had given prior consent in writing. But what about potential physical and/or mental hardship? Even though she gave consent, does she look happy with her choice in the event?

Turning to Project 1, this is *Suite vénitienne* (1979) by French artist, Sophie Calle. In the 1970s, Calle met a man by chance at a party in

Paris and learned in casual chat that he was travelling to Venice. She followed him there and, disguised with a blonde wig, she stalked him around the city, photographing him without his knowledge. The public outcome of this project assisted by Jean Baudrillard, includes black and white photographs of the man, identified only as Henri B., and an accompanying text.



Is this project ethical? Does Calle infringe the man's privacy? Should she have sought permission prior to publication? What might the Royal College of Arts' Research Ethics Committee have to say about this project? You're ahead of me: it would not have approved it. But,

consider, had she forewarned the man about her plan to photograph him, the aesthetic aims of the arts project would surely have been compromised. Indeed, if it had worked at all, it would be a very different project. Later in her career in the 2000s, Calle taught in Higher Education institutions in Europe and in the USA and I can only speculate on the advice she gave to graduate students regarding Research Ethics.

I remain unsure whether to be delighted or anxious that, in my experience, practitioner-researchers will find a way to innovate and take risks whatever the protocols. Speaking of a later, similarly contentious, project, *L'Homme au carnet/Address Book* (1983)⁷ Calle acknowledged that she had gone too far: 'I think that for the guy it was very cruel', she observed. 'But if it had to be redone, I would redo it because the excitement is stronger than the guilt.'8

Research Ethics in the arts turns out to be something of a minefield. My final "tentative conclusion" is that a balance needs to be struck between sustaining a "blue skies", innovative – "let's see where this project takes us" – approach whilst respecting others and operating largely within established ethical frameworks. Practitioner-researchers need to recognise the perspective of corporate Higher Education institutions which have obligations under the law as well as established academic protocols, whilst institutions need equally to recognise that a narrow, rule-governed risk-averse approach to Research Ethics might stifle – debar even – truly innovative approaches.

In sum, free Artistic Research may well be compatible with Academic Research Ethics but only if open-mindedness and a disposition to be flexible on all sides obtains.

¹Stelarc. Address to research seminar, School of Communication Arts, University of Western Sydney, 2010.

²Online poster: Summer School 19th-23rd June 2024, Royal Central School of Speech and Drama, University of London & Northwestern University.

³ A. Laukkanen, L. Jaakonahu, H. Fast and T.-A. Koivisto, 2021. Negotiating boundaries: reflections on the ethics of arts-based and artistic research in care contexts. *Arts & Health* 14(3): 341-354.

⁴Call for Papers: Dramaturgy & Performance Working Group, Psi29, 2024.

⁵ For an insightful summary of Lévinas, see de Voss, Vida V. 2006. *Emmanulel Lévinas: On Ethics as First Truth*, MA dissertation (Philosophy), University of Stellenbosch – https://core.ac.uk/download/pdf/37321432.pdf, accessed 16/01/21.

⁶ D. Hosny, 2023, The Ethics of Art: Issues and Debates, https://www.linkedin.com/pulse/ethics-art-issues-debates-dahlia-hosny#:~:text=The%20ethics%20 of%20art%20is,shape%20the%20world%20of%20art.

⁷ In 1983, Calle found an address book on a street in Paris and photocopied the contents before returning it to its owner. She then began to contact people listed inside, asking to meet with them to discuss the book's owner with the aim of constructing his persona without meeting him directly. She published daily accounts of her ongoing meetings in the newspaper, *Libération*, between August and September 1983. The address book owner, Pierre Baudry, ultimately discovered what he took as an outrageous breach of privacy and threatened to sue *Libération*. He may have succeeded because, if nothing else, stalking is a legal

offence in most Western countries. In court, he backed off only when *Libération* agreed to publish a nude photo of Calle in retributive justice, as it were. Calle also had to agree not to publish *The Address Book* while Baudry was alive.

⁸ Cited in Butler-O'Neill, Lauren, "The Savage Detective: On Sophie Calle's *Address Book*" https://lareviewofbooks.org/article/the-savage-detective-on-sophie-calles-address-book/



Robin Nelson is the former Director of Research and Professor of Theatre and Intermedial Performance (2010 - 2015) at University of London (Royal Central School of Speech and Drama). He is now (in semiretirement) an Emeritus Professor. He is also an Emeritus Professor of Manchester Metropolitan University where he headed up the practice-based Department of Contemporary Arts (Dance, Theatre Music, Visual Arts, Writing and Integrated Arts). Twice an RAE/REF sub-panel member, he has himself published widely on the performing arts and media. Most recently (2017-21) he was an associate dramaturg Brussels-based CRFW's "Hamlet Encounters" project. Books include: Practice as Research in the Arts and Beyond: Principles, Processes, Contexts, Achievements (2022); Practice as Research in the Arts: Principles, Protocols, Pedagogies, Resistances (2013), Stephen Poliakoff on Stage and Screen (2011), and Mapping Intermediality in Performance (co-edited with S.Bay-Cheng et al.) (2010).



Doctoral School

University of Malta Msida MSD 2080

- um.edu.mt/doctoralschool
- **(+356)** 2340 3608/3254/4408
- □ doctoralschool@um.edu.mt
- f /umdocschool

