

Contemporary Comment

Covert Ethnography in Criminology: A Submerged yet Creative Tradition

David Calvey*

Abstract

This paper argues that covert ethnographic research has a legitimate and innovative voice in criminology, despite the increasing regimentation of ethical governance in social research. It also stresses that covert research has had a somewhat submerged and maligned history due to its perceived ethical transgression and is in need of rediscovery. It is argued that covert research, on closer inspection, has both a vibrant and diverse corpus of studies beyond the limited number of exemplars popularly associated with covert research. This paper explores the wide range of covert ethnographies in the study of deviance, criminality and illicit subcultures. It takes a critical stance on the appropriateness of an overly strict adherence to informed consent, and suggests that ethical safeguards can stifle creative forms of criminological ethnography. The paper contends that, although covert ethnography clearly occupies a niche position in criminology, it is a necessary part of the criminological imagination.

There is a classic fear and fascination with covert research in criminology. It is a highly emotive and controversial area of study. The most common fear is around the justification of deliberate deception.

Turning to the more populist definitions, Holloway in *Basic Concepts for Qualitative Research* usefully defines covert research as ‘research processes in which researchers do not disclose their presence and identity as researcher and participants have no knowledge of their research identity’ (1997:39).

Bulmer, who has written extensively on covert research, usefully defines covert research as:

research situations where the real identity of the observer as a social researcher remains secret and entirely unknown to those with whom he or she is in contact. The investigator purports to be a complete participant and is in fact something else (1982a:252).

* Dr David Calvey is a Senior Lecturer in the Department of Criminology and Sociology at Manchester Metropolitan University in the UK. He is a member of the British Sociological Association and the European Group for the Study of Deviance and Social Control. He is also on the editorial board of the journal *Qualitative Research*. He has published widely and given numerous conference papers and guest lectures on covert research in the social sciences. He teaches undergraduate and postgraduate courses in deception studies and ethnographic methods. His covert ethnographic work on bouncers in the UK night-time economy attracted a wide range of media attention on publication and has been subsequently quoted and reprinted in various methodology textbooks. Email: d.calvey@mmu.ac.uk.

The choice of doing covert research is particularly frowned upon in the current climate of increased ethical regimentation and regulation, resulting in covert research being marginalised and sanitised out of research bids. A conventional wisdom forms around covert research, which simplifies and glosses over its complexity and diversity.

For me, covert research has both a clear place, albeit submerged, in the history of criminological ethnography and a creative future voice, albeit disruptive. For me, covert research should ultimately be part of the criminological imagination, despite the increasing policy-informed orientations of the discipline, and also be part of its standard methodological toolkit, despite the general adherence to forms of quantitative methodology. For me, covert research deserves greater recognition and appreciation in the wider criminological community.

Bloor and Ward in *Keywords in Qualitative Methods: A Vocabulary of Research Concepts*, an introductory textbook, suggest that the covert tradition is not currently vibrant, stating:

Although covert qualitative research projects are still sometimes undertaken, the controversy surrounding covert methods has probably made such studies less common than they were previously. So it should be no surprise that our exemplar studies are drawn from the 1960s and 1970s (Bloor and Ward 2006:45).

There lies the rub: a dedicated collection on covert studies in current criminology is not commonly available. What we have is a diaspora of covert work across a wide variety of social science disciplines, which is very difficult to chart. The majority of debates about covert work are submerged in generalised books on research ethics. What we do have is what I describe as the 'usual suspects' in covert research or the familiar classic exemplars, which are often instructively held up as examples of 'poor ethics' (Calvey 2008). The classics would be popularly seen as Erving Goffman's *Asylums* (1961), Laud Humphreys' *Tearoom Trade* (1970), David Rosenhan's 'On Being Sane in Insane Places' (1973) and Stanley Milgram's *Obedience to Authority* (1974).

Turning to the history of covert ethnography in criminology, which is clearly not an exhaustive account, many of the early studies of deviance embraced covert methodology in different ways. A number of distinguished participant observation studies, which now might be classified as 'auto-ethnographic' or as 'retrospective participant observation', clearly contain covert elements, such as Polsky's *Hustlers, Beats, and Others* (1967) and Irwin's *The Felon* (1970). A much-cited early criminological covert classic from the famous Chicago School tradition is Cressey's *The Taxi-Dance Hall: A Sociological Study in Commercialized Recreation and City Life* (1932), which became an influential study of sex work within the context of urbanisation. The study was conducted over a five-year period, from the observations of a team of investigators in Chicago's underground dance halls. Colosi (2010) links such early work to her covert study of contemporary lap dancing in the UK.

Turning to a more contemporary context, there is a rich and eclectic submerged diaspora of covert studies in criminology that are not always referred to as part of the conventional covert literature. Hence, several significant studies are not regularly discussed; indeed, some are omitted or at best glossed over. This covert corpus needs to be recovered and shared. Let me turn briefly to some of these covert studies to demonstrate their diversity.

Two outstanding pieces of covert research work on juvenile delinquency in the UK are Patrick's *A Glasgow Gang Observed* (1973) and Parker in *View From the Boys: A Sociology of Down-Town Adolescents* (1974). Pearson has been very forthright about his covert role in

researching crowd behaviour and football hooligan subcultures since the mid-1990s in the UK. A 2009 journal article by him was provocatively titled *'The Researcher as Hooligan: Where "Participant Observation" Means Breaking the Law'*, and involved the researcher in pitch invasions and being regarded and treated as a fellow hooligan by the participants. Pearson defines his methodological approach as:

My research into the behaviour of football crowds has been ethnographic in nature, conducted through the methodology of intensive participant observation, much of which was carried out covertly. The intention was to immerse myself within the field in order to gather undistorted data (as much as is ever possible) about how football fans and/or hooligans behaved (2011:5).

Scheper-Hughes, in medical anthropology, conducted a controversial study of illegal organ trafficking, which was to have an impact on medical policy and resulted in a considerable amount of media coverage in the US. Scheper-Hughes (2004) explored the 'back door transplants' in the global economy by outlaw surgeons, kidney hunters and transplant tourists. It is important to recognise that her primary method was open-ended key informant interviews with a wide range of collaborators, but she also took on several important faked roles in what she describes as an 'undercover ethnography' to access delicate information. Hence, she briefly posed as a kidney buyer in a suitcase market in Istanbul and also travelled incognito with a private detective from Argentina investigating organ theft from inmates in a locked state facility for the profoundly mentally retarded. She posed as the relative of a patient looking to purchase or broker a kidney with sellers and brokers in person and over telephones. Observationally, she sometimes visited transplant units and hospital wards unannounced, posing, if anyone inquired, as a confused friend or family member looking for another part of the hospital. She mixed this with introducing herself to medical staff as a doctor doing international research, but not stating the nature of her doctorate.

Within police studies, Holdaway's (1984) *Inside the British Police: A Force at Work*, was based on the author's 11 years' service with the police force, while still in uniform as a sergeant and based in a busy urban police subdivision. Young (1991) in *An Inside Job: Policing and Police Culture in Britain*, similarly provides an insider covert account while serving as a police officer in Newcastle and Northumbria spanning 33 years.

In *Live Sex Acts: Women Performing Erotic Labor*, Chapkis (1997) explores the life histories of commercial prostitution in northern California and Amsterdam. Part of her insider account involved becoming a certified massage therapist and participating in the sexual services industry herself. Chapkis sensibly views 'engagement, complexity, and contradiction as resources for, rather than simply impediments to, good research' (2010:483). Hence, the liminal and rather ethically blurred condition of the covert researcher is what Chapkis would usefully describe as a 'productive tension', not a methodological horror to be glossed over. I found myself on similar liminal ground exploring bouncers and their illegal and deviant subcultures in the night-time economy of the UK (Calvey 2000, 2008).

It would be erroneous to view danger and risk as endemic to covert research as if overt research were strangely immune from it. There is an established diverse literature on danger and risk in fieldwork (Belousov et al 2007; Nordstrom and Robben 1995; Lee 1995; Lee-Treweek and Linkogle 2000). Anthropologists and sociologists working in dangerous overt settings, often remote, describe a range of extreme experiences including robbery (Inciardi 1993), rape (Moreno 1995) and political conflict (Sluka 1995). Similarly, criminologists undertaking fieldwork with 'deviant' subcultures describe threats to their personal safety in a range of settings, including among football hooligans (Armstrong 1993),

white fascists (Fielding 1982) and drug dealers (Ward 2010). Hence, attention to strategies that can safeguard researcher safety and emotional wellbeing are central in these accounts.

In short, covert research is often treated as an antithesis to open and overt research, which is a very simplistic duality. Many authors have recognised that there is not a clear and polarised divide between overt and covert research (Bulmer 1982a; Herrera 1999; Hilbert 1980). The debates about covert research are philosophically embedded in long-standing debates about the role, place and management of ethics and ethical dilemmas in social research. The debates about covert research have historical roots. A wide variety of topics related have been previously discussed including secret observations (Roth 1962), disguised research (Denzin 1968; Erikson 1967) and investigative social research (Douglas 1976).

More recent debates on the value and role of covert research include Bulmer (1982b), Miller (1995), Herrera (1999) and Spicker (2011). Although collectively robust, such debates have occupied a fringe and peripheral position in criminology. Miller (1995) cogently argues for a reconsideration of what he calls 'the least used method', claiming 'the study of crime invites and sometimes requires the covert method as does examination of the clandestine nature of many faces of the formal social control apparatus' (1995:103).

The standard contemporary debates, which have structured much discussion on covert research, have centred on informed consent in various guises, which drives standard research practice. Professional codes typically inform and guide various social science disciplines. Most in criminology take a standard view on covert research: it is frowned upon and the object of disapproval, in different ways. It is commonly characterised as what I loosely term a 'last resort methodology' (Calvey 2008). The standard position then views covert research as violating the principle of informed consent by using deception. The rationalising tendencies of the ethical review boards deny ambiguity in the research relationship, which is problematic in ethnographic real-world research. Most sensible researchers are not against informed consent per se, but are sceptical of the pervasive 'one-size-fits-all' mentality. Wiles et al (2007) elegantly refer to the duality of informed consent facing researchers as 'following rules or striking balances'. There is a dedicated critical literature on informed consent in the social sciences (Sin 2005; Wiles et al 2006; Schneider 2006; Marzano 2007; Librett and Perrone 2010), with many researchers viewing informed consent as partial, dynamic and shifting. Indeed, for Punch, absolute consent is an impracticable ideal and forcing it 'will kill many a research project stone dead' (1986:36). Homan (2001) sensibly argues that informed consent more realistically 'lapses' into assumed consent in many research settings.

Librett and Perrone (2010), based on their research work on undercover police officers and recreational drug users in dance club settings in the US, argue that there is a 'fundamental disconnect' between what the typical ethical review board perceives as protecting privacy and the ethnographer's practical view of trust and partnership with their research participants. For Librett and Perrone, review boards mandate informed consent and an oversight process than can compromise confidentiality, which has 'greatly affected contemporary ethnographic research' (2010:729).

Research governance needs to be realistically relaxed, not removed, for in-depth research into a range of criminological topics. Some topics like the study of crowd behaviour and public disorder, which are standard topics for criminology, are often difficult to achieve in standard overt ways and require types of flexible covert 'bystander' approach. In such opportunistic circumstances, gaining informed consent is impractical and hence rather naive to formally adhere to.

There have also been recent wider and critical debates around the bureaucracy of ethical regulation (Bosk and de Vries 2004; Israel 2004; Hammersley 2010). For Murphy and Dingwall, professional ethical regulation is necessary, but it needs to be more sensitive and fit for purpose. They argue that 'it is time to reclaim research ethics from the bureaucrats' (Murphy and Dingwall 2007:2231). For them, the anticipatory regulatory regimes developed for the governance of clinical and biomedical experimental research 'threaten the survival of ethnographic research' (Murphy and Dingwall 2007:2224).

Zachary Schrag (2010) in his book *Ethical Imperialism: Institutional Review Boards and the Social Sciences, 1965–2009* provides a historical analysis of the development of research governance through institutional review boards ('IRBs'), which are broadly similar to the UK's Research Ethics Committees ('RECs'). He argues, broadly, along with a range of previous critics (Dingwall 2006, 2008; Haggerty 2004; Hammersley 2009, 2010; Reed 2007; Stanley and Wise 2010), that the biomedical model of research governance, which has traditionally framed and bounded the debates, has spread and is not well suited to social scientific research. Hence the ethics of social scientific research have not been adequately assessed in their own specific terms and problematics. In *Behind Closed Doors: IRBs and the Making of Ethical Research* (2012), Laura Stark usefully reminds us that modern IRBs are a situated product of time and place, having been first rather defensively conceived in 1953 as Clinical Research Committees ('CRCs') in the US and exported to other countries.

Because of these significant concerns some universities are admittedly encouraging more flexibility in ethical research governance by constituting discipline-specific ethics committees rather than institution-wide IRBs and RECs. This is a sensible and productive move for ethnographic research in criminology. It does not mean that 'anything goes', but it might open up certain criminological areas and topics for innovative investigations.

Van Den Hoonaard (2011) in *The Seduction of Ethics; Transforming the Social Sciences*, elegantly outlines the inappropriate imposition of the medical model on the social sciences as part of the current ethics regime. Based on his own professional experience and interview data with various members of ethics review boards from 49 universities in Australia, Canada, England, South Africa and the US, he attempts to develop a pragmatic and alternative 'system of ethics that speaks to the needs of social researchers' (Van Den Hoonaard 2011:xii). He and others have recently called for an 'ethics rupture' in research governance, which would open up thinking about alternative ethical praxis and frameworks. Some universities are currently encouraging more flexibility in ethical research governance by constituting discipline-specific ethics committees, rather than institution-wide versions, which is productive.

For Katz (2006), many fieldworkers risk becoming IRB outlaws and 'underground ethnographers' under strict ethical regimes. Katz argues that 'the very rational for fieldwork is often unpredictability' (2006:500). For Katz, 'the requirement for preauthorization condemns most participant-observation fieldwork to an underground existence' (2006:500). Carol Rambo (2007) reflects on her experience of censorship, when her controversial auto-ethnographic article 'An Unloaded Gun: Negotiating the Boundaries of Identity, Incest, and Student/Teacher Relationships' was accepted for publication but then blocked by her IRB as 'unethical'. Although I have some scepticism over forms of vanity ethnography, I salute her bravery in pushing the academy's envelope as to what and how taboo and controversial topics can be creatively explored.

In terms of future developments, virtual and cyber-ethnography bring both challenges and opportunities to criminology. In the cyber world — which is very different from traditional fieldwork locations — online locales, communities, populations and spaces are

fair research game. The questions of privacy, harm, ownership, censorship, legality, illegality, and informed consent have not gone away and, if anything, are more difficult to regulate in this diffuse and fragmented environment. Consequently, various researchers from different fields have become concerned with internet methodology and, in particular, the ethical dilemmas, moves and tactics involved in researching this new locale in a more dedicated manner. Cyberspace has, in many ways, become what I describe as a 'covert playground' (Calvey 2008), where social researchers typically 'lurk' in order to explore this area. Sometimes these areas can be controversial ones around sexual deviance and extreme lifestyles. It appears that the traditional obsession over informed consent is obviated, which has become a concern for some researchers, in their ongoing attempt to develop specific internet ethics and protocols for various ethical dilemmas (Rosenburg 2010).

Covert research should not simply hide away in the closets of criminology or be quietly handed over to journalists, undercover police or security personnel by drift or design; it should be celebrated and supported. The hypersensitivity around ethics fuels moral panics about institutional accountability and promotes an exaggerated view of the research harm done to participants, who thus need sustained protection.

On closer inspection, there are few examples of purist covert research work in criminology, with a reality being the use of covert methods combined with other overt methods. In such mixed strategies, covert research seems to be treated as complementary, credible and hence accepted. Spicker (2011) is critical of the misconceived, restrictive and stereotypical view of research by ethical boards, which basically constructs an ideal type. Furthermore, Spicker stresses 'the rules which are being applied to covert research are based in concerns about a marginal set of special cases' (2011:131). What we end up with then, is an exotic, romanticised and exaggerated view of covert research and thus a rather heroic view of covert researchers as (inevitably) unethical. Often covert researchers ethically self-regulate and display 'a different kind of ethics' (Ferdinand et al 2007). This is not to say that covert research is a methodological panacea; clearly it is not. It seems as if the adverse reaction to covert research is based on research extremity — as if, to put it bluntly, all covert research results in the harm and brutalisation of both the researcher and the researched. This is a crude generalisation. Covert research, although not always appropriate, should be seen as a much more ordinary part of the methodological toolkit.

Many ethnographers, within standard overt roles, typically use what could broadly be referred to as concealment practices, wittingly and unwittingly, throughout their research. This is not the same as deliberate deception and is not treated as such. Nevertheless, elements of covert tactics and ambivalent moves routinely saturate ethnographic work. Thus, a strictly maintained polarised divide between overt and covert research strategies, and the attached moralisations, is crude and unrealistic. The picture is rather more akin to a complex continuum.

The sensitivity, vulnerability and illegality of topics should be a potential incitement, not an inevitable barrier, to the careful use of covert research work. This might require greater risk of ethnography at the edge (Ferrell and Hamm 1998). Sometimes, the means can justify the ends. This was clearly the case with the very controversial *Living with the Dying* (1976) by Buckingham et al, which was a covert study of terminal cancer patients in Canada. Obviously any choice of research strategy, and particularly covert, is about appropriateness. This is certainly not a licence for heroic and cavalier research, but sensible and professionally undertaken covert work. As Mitchell states: 'Secrecy in research is risky but necessary business. If the social sciences are to continue to provide substantive, enduring insights into human experience, timid inquiry will not do' (1993:54).

Criminology would be impoverished without covert research work. Covert research has been and still is commonly accused of suffering from forms of partisanship and going native. To trade on Howard S Becker's famous paper, 'Whose Side are We On?' (1967), taking a covert side as an ordinary member of the natural setting can and does result in managing situated ethical dilemmas in the field. This should not preclude covert ethnographic work from making a sustained and imaginative contribution to criminology.

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