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Ethical Issues and Rights to Fieldwork Linguistic Data—A Lead Paper

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1. Introduction

I feel very honoured to be invited and to present this lead paper on an aspect of human rights that is often taken for granted, at this conference to honour Mr. Nyong Udoeyop. In this paper, I address the issue of ethics and rights to fieldwork linguistic data. Ethical behaviour is an important characteristic of scientific research. Ethical requirements of field-based investigations are somewhat complex, especially as there are many groups and individuals participating in fieldwork. Fieldwork involves interaction between the researcher, the community, the funding agencies, the educational institution, the tool developers, etc.

The researcher goes to the field specifically to get data. This involves consultation, collation, control, management, storage, and distribution of data. He uses different tools at different stages of the research, just as different categories of people process and use different forms of the data. Relationship with the community should be both respectful and reciprocal. The product should be acceptable to both the academic community and funding agencies. Field research should have some guidelines.

2. Fieldwork

Fieldwork is linguistic research carried out in a "field" context, where the language is spoken. It involves work in the normal context of the people who speak the language under study, e.g. Iko in Eastern Obolo, Akwa Ibom State, a classroom in a university, a market like the Ariaria Market in Aba, a village of huts in the ranges of the Obudu Cattle Ranch in Cross River State of Nigeria, etc. According to

Samarin (1967:1), Field Linguistics is "a way of obtaining linguistic data and studying linguistic phenomena". Field work can be defined as work that involves human participation beyond the investigator. It is research conducted by a person that involves either other people as in elicitation or observation. Part of this work can further involve introspection or the analysis of linguistic data collected by others.

Fieldwork is a social act and it therefore carries with it some social responsibilities toward the individuals, communities, knowledge systems and funding agencies involved in it (Geertz 1968, Czaykowska-Higgins 2002, Rice 2004).

Fieldwork methodology has changed from a non-cooperative model (research on a community) to cooperative methodology (research on, for and with a community). The fieldworker mediates between the speech community and his own community (an institution, a funding body, an archive, etc.). A fieldworker's interest in a language can be interpreted either in a positive or negative way. Negatively, his interest could mean threat to the community, invasion of the communities' privacy, exploitation, imperialism, etc.

There could be other negative effects. An outsider's sudden interest in the language may even be interpreted as threatening. They could believe that a record of their language may be sold to their enemies (if they have one). Sometimes the researcher may be seen as a source of wealth, and the community members may demand paid employment or assistance with medical costs and school fees. There may be cultural obligations on the linguist to make certain contributions to the life of the community, perhaps by participating in community events.

On the other hand, positively his interest could mean one or more things. Communities may have more positive expectations of the linguist, which may or may not be compatible with the linguist's own goals and desires. His

interest in a particular language could influence it to be revived. The speakers could begin to value and use their language if they see outsiders become interested in it. In fact, the publication of a grammar or dictionary could have an impact on their perception of their language for they will realise that their language too has an important grammatical structure. Such interest could even bring political benefit and recognition. The case of the the Sisaala-Paasaal in northern Ghana which was recognised as a District after the publication of the New Testament in 2002 (Raymond et al forthcoming).

Several issues are involved in fieldwork. The most important goals of field linguistics are: to produce a grammar, to produce a dictionary, and to compile a collection of texts. These materials can serve as a basis for producing pedagogical materials for teaching, language revival, cultural enrichment materials, provide background materials for research in other disciplines, and materials for comparative and theoretical research. A good description must be done with a solid understanding of the language being studied, as well as language in general. It is therefore very important to describe in as much detail as humanly possible, and this can be achieved with the cooperation of everyone involved in the fieldwork exercise.

2.1 Phases of Fieldwork

Fieldwork should be planned and executed in about three broad phases: the pre-fieldwork phase, the fieldwork proper phase and the post fieldwork phase. These phases can be defined by many factors like the aims of the project, duration, funding availability, etc.

2.1.1 Pre-fieldwork

This is the preliminary stage, and it covers such areas as: the choice of language, the project goals, funding, transportation, gifts, preliminary information, tool purchase, contact of local person(s), travel documents, insurance, etc.

2.1.2 Fieldwork proper

The fieldwork proper involves a number of activities to get the data like: elicitation, observation, interaction, participation in community work, training, etc. These activities are dependent on the framework of research adopted.

2.1.3 Post fieldwork

The post fieldwork phase involves the processing of data. Some of the activities in this phase include: the data management, identification, annotation, archiving, etc.

3. Linguistic Data

Linguistic data is a systematic, accessible collection of corpus, made up of: primary linguistic utterances and activities such as audio and video recordings of speech or written texts, secondary linguistic materials such as transcriptions, translations, annotations, glosses, metadata such as information about the speaker, the topic of a text, the genre.

Linguistic data form the empirical basis for the description of the language, grammars and other literary materials. It is a resource for the language community for language education, language maintenance and language revitalization for literary materials, traditions, etc.

The type of data collected is determined by the interest of the researcher, not the community. Linguistic data should be gathered directly from native speakers of the language under investigation. This is done through an intermediary language through translations of words, phrases, sentences, and texts in the target language, through the process of elicitation. The data has to be recorded. Elicited material have to be transcribed. A good knowledge of phonetic notation and phonology is very necessary.

4. Frameworks for Language Research

Camern et al 1992, explores the following three frameworks for doing language research in an ethical way:

1. Ethical Research

This is research 'on' social subjects. Damage and inconvenience to the researched are consciously minimised; and the contributions of the community are acknowledged. There is commitment on the part of the researcher to carry out the research, and human subjects deserve ethical considerations.

The fieldworker faces some major ethical issues regarding the choice of informant and his general relationship with him/her. The language informant is a kind of insider who fills in the gap for the researcher until s/he can cope with the language. S/he provides the researcher with the samples of the language either as boring repetitions or creations of constructions s/he is asked to provide. S/he may be required to explain some things. The informant therefore provides the corpus and checks the data accuracy. So s/he needs to be available. In fact, s/he might need to pass a certain test set by the researcher to qualify to be chosen. Should s/he therefore be paid or not? Should the researcher cheat/ deceive the informant? If he pays her/him, should he raise the pay after a while as an incentive?

Within ethical research model, ethics are of very great concern. They center around the informant who has the key to facilitate the linguistic research, the emphasis being really on ethical treatment of individuals.

2. Advocacy Research

This is research 'on and for' subjects. It involves commitment on the part of the researcher to carry out the research, and he goes beyond this to be involved in the subjects. The researcher uses her/his authority, skills and expertise to defend the interest of the community. For instance

s/he can get involved in health campaigns, revitalisation efforts, etc.

The researcher has responsibility beyond his/her own goals. He should be prepared to give back something to the community. If for instance a community does not have an orthography and can not therefore maximally implement an education policy like the National Policy on Education (NPA) in Nigeria, a linguist who is working on an aspect of the phonology of such a language should help design an orthography for such a language. Sutton & Walsh (1979), insists that the linguist has responsibility to the community and must therefore work for the speakers of the language of the community. Such work can cover even language awareness programmes in cases where it is low (Wolfram 1993). In other words, this framework extends ethical treatment of individuals to communities.

3. Empowerment Research

This is research 'on, for and with' the subjects. It involves dialogic and interactive methods. The interaction with subjects empowers them, as opposed to distancing strategies. In this model, the researcher goes beyond ethical treatment of individuals and communities to involving the speakers of the language and community in the research. A conscious effort is made to develop working relationship with the community and speakers who bring their knowledge, goals and even aspirations into the work. This implies that you empower the community by training them, so that they can work with you on the project. This model has been explored by the Hale and the Hinton 2001, Wilkens 1992, who developed it.

4. Ethics

Ethics refer to some kind of prescription and prohibition of activities in any society, in this case a research project. Field research involves a network of participants, have

responsibilities towards each other. It is necessary therefore for codes of conduct to be prescribed to define and guide a best-practice standard for all participants involved in a particular project. This has been done elsewhere and some examples include:

1. DoBeS Code of Conduct
<http://www.mpi.nl/DOBES/INFOpages/applicants/DOBES-coc-v2.pdf>
2. The EMELD Electronic Metastructure for Endangered Languages Data School of Best Practice
<http://emeld.org/school/>
3. General Ontology for Linguistic Description
<http://linguistics-ontology.org/>, etc.

5.1 Human Rights

There are basic rights and freedom to which all humans are entitled. Some of these include:

1. Rights to be free from governmental violations of the integrity of the person
2. Right to fulfilment of such vital needs as food, shelter, health care and education
3. Right to enjoy civil and political liberties, which include: civil rights, political rights, constitutional rights, copyrights, etc.

The United Nations Declaration on Human Rights states that: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood." (Article 1, 1948).

5.2 Copyrights

"Copyright" refers to the ownership and distribution of a particular work: who owns what aspects of the result and whether it is legitimate to distribute or publish the result. As a form of property, copyright can be inherited, given away or

sold" (Dwyer 2006:46). The players who have different kinds of rights to the different versions of data have copyrights, depending on what they are doing.

Copyrights cover economic rights (rights to reproduce, broadcast, perform, adapt, distribute the work); moral rights (rights to claim ownership, right to object to distortion/modification of the work), etc. The World Intellectual Property Organisation (WIPO) harmonises national intellectual property laws, and assist member nations in their implementation and promotion of the protection of intellectual property.

5.3 Ethical Responsibility Areas

There are three main important responsibility areas:

1. Ethical responsibilities which deal with participant relations, decision-making, guiding principles, etc.
2. Legal responsibilities which deal with legal Rights, intellectual property rights, copyrights, etc.
3. Practical responsibilities which deal with relationship with the communities, organising the project, running the project, etc.

The fieldworker has responsibilities to the community he is working on, and should deal with them in fairness and according to his conscience. The United Nations Universal Declaration of Human Rights- Article 1 states: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood." (1948).

The researcher has some responsibilities to the different categories of people he deals with in the course of his work. His relationship with them is crucial to his work. He should be transparent with all categories of people and let them be involved with the work in the way he said they will be. Agreements and contracts should be handled with care. There may be need for permission from individual

consultants and agreements with the community leaders regarding different aspects of the project right from the beginning. The issue of rights to different aspects of the project should be defined from the beginning. Different participants have different rights to different parts of the data. The speakers of the language, the annotator, the analysts, the archivist, the publisher, the academic institution and community, the funding agency, etc.

Having rights may mean different things, like: rights to see, rights to hear, rights to read, rights to financial benefits, etc. These different participants have different rights to different parts of the data indeed.

The language community and the individual speakers have the rights to the language. They are the owners of the language. In fact, they use it without having to study it because it is acquired, and they really take it for granted.

The annotator may or may not be the one who goes to the field, but he has access to: recorded original data, field notes, transcriptions, and the annotations.

The analyst and the archivist work on the annotated data and convert same to a format that can be stored in the electronic archive. They analyse the data and they have access to: the annotated data and the archived format of the data.

The publisher and the sponsors have access and rights to the publications, processed and analyzed data, articles, books, journals, etc. These are prepared by the different categories of people that deal with the data.

The academic institution and community have access and rights to recordings, the publications, etc.

In Figure 1, we present a picture of the potential owners of rights to different aspects of the data.

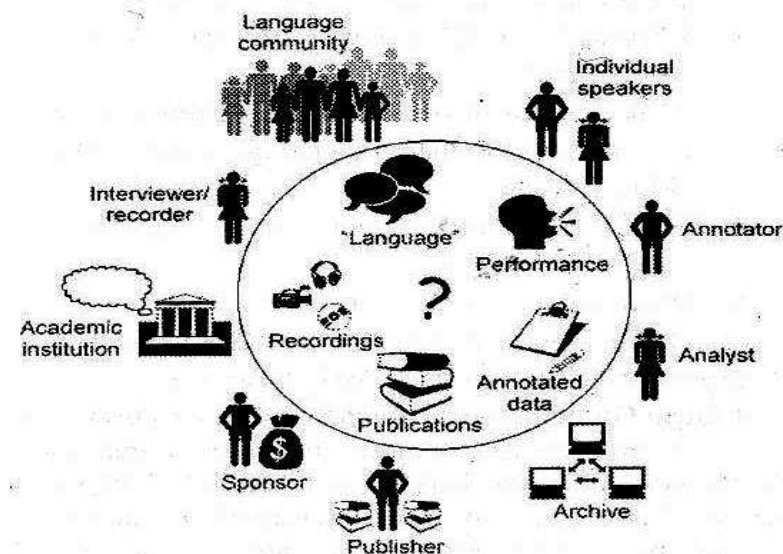


Figure 1
Potential owners of rights to linguistic data
(Raymond/Salffner/McGill (forthcoming))

5.4 Questions

With regard to ethical issues, there are some questions that we need to address, most of which border on fairness.

1. Is it fair for a researcher to invade the privacy of members of a community, disrupt their program, collect data from them and take the data away without putting back something?
2. What rights do all the partakers of the research have to the data?
3. What will the community have to do?
4. What is the purpose of the study?

5. What will be done with the data from the field?
6. What are possible benefits to the speakers and their community?
7. What are possible disadvantages, harm or discomfort that might affect them (including, in many countries, political issues)?
8. What are their rights to anonymity and confidentiality?
9. What are their intellectual property rights?
10. Do the tool developers have any right to the data?

There are many questions that need to be answered.

6. Ethical Guidelines for students and researchers

There is the need to draw up an ethical guideline for our students and researchers, so as to define a kind of "best practice" for research. We are not aware of any such guide in Nigeria, but internationally, there are several like: The DoBeS, E-MELD, GOLD, etc.

The following guideline is part of a proposal for the Lower Cross Languages Project (LCLP), of the Department of Linguistics and Nigerian Languages, University of Uyo. This guide is for participants, for all the workers in the project: language users and the communities, fieldworkers, consultants, co-researchers (local and international), the academic community, the employers, funding agencies, etc.

The guide addresses the following targets of responsibilities: copyright issues, plagiarism, the fieldworker, consultants, the language community, the host institution, the host government, co-researchers, data users, etc.

1. All parties in the project must support the general frameworks defined by WIPO, UN, UNESCO, etc.
2. All parties must be careful to duly acknowledge works consulted appropriately and must not plagiarise.

3. Should ensure a good plan of this aspect of the project.
4. Should promote mutual respect and relationship with the community.
5. Should operate in a way that will allow future work with others.
6. Should support revitalisation of the language by putting back something.
7. The feelings of the consultants must not be offended.
8. No political activities should be carried out under the STEP-B T-T-S Project.
9. The consultants must be properly informed about the project.
10. Should be involved in decisions regarding the data for commercial purposes.
11. Contracts should be signed with the community on issues concerning data.
12. The language community must be properly informed about the project.
13. All parties must recognise the rules of the host institution.
14. All parties must recognise the laws of the host government.
15. All parties must treat one another with mutual respect, fairness and trust.
16. All parties must respect the intentions of the recordings.
17. All parties must acknowledge all parties involved in the collection and processing of the data at different stages through references to them.

18. The data users must not transfer data to a third party without reference to the owners of the data.
19. The speakers of the language have the primary right to all recordings and analyses of the linguistic data.
20. Copies of such records must be submitted to the Community Head and the Paramount Ruler of the community on completion of the project.
21. Applications of fieldworkers to work on the Lower Cross Languages must pass through the Lower Cross Languages Project (LCLP) Committee of the Department of Linguistics and Nigerian Languages, University of Uyo.
22. Reports and summaries of such works must be submitted to the LCLP.
No foreign fieldworker is permitted to go into the field without liaising with a local researcher.

7. Conclusion

The aim of research is to investigate different aspects of man. For most disciplines there is need to go to the field to collect data for investigation and process same through different stages. It is important that in doing this, we do not infringe on the rights of the different participants of the project. We need good working relationship as well as best research outputs. There is need to work out concrete guidelines to define the ethical behaviour of all participants in a clear and transparent manner in a research project. There is the need to define a set of best practices to guide everyone in a research project.

The data from linguistic fieldwork is collected and processed through several stages. Different people are involved in this processing and therefore can assume rights of the data at different stages. It is important to be sensitive to this fact. There is also the need to define responsibilities and

rights to different aspects of the project from the beginning. Most importantly, the researcher should deal with everyone involved in the fieldwork experience with fairness according to his conscience.

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