**Contemporary Portraiture. Ethics of the Research**

It is important to state that there are complex ethical considerations central to this research. As the foundation of the research is the utilisation of images taken of unknowing subjects there are socio-ethical and philosophical discourses to be addressed, none of which are simple or independent of each other.

There are a number of ethical concepts that stem from the practice of portraitists, artists and researchers and consideration of the use to be made from created artefacts. Within the research there are further frameworks including deontology, utilitarianism and virtue ethics. Extant frameworks of Euro-western philosophical ethics are complemented by those from gender, cultural and indigenous perspectives that put values as ‘an unavoidable feature of research practice’. (Walter and Anderson, 2016:50 as cited in Kara, 2018:24)

**Consent**

As the cornerstone of human subject’s protections, informed consent means that participants voluntarily participate in the research with adequate knowledge of relevant risks and benefits. Providing informed consent typically includes the researcher explaining the purpose of the research, the methods being used, the possible outcomes of the research, as well as associated risks or harms that the participants might face. (Stanford Encyclopaedia of Philosophy. 2019)

For this practice-led research the completed drawn and printed portrait is finalised before the subject is made aware of their participation. This is in order that the portrait is free of self-projection and reflective of a moment in time when subject and artist researcher were in close proximity. Artist researcher Carolyn McKay uses discreet media techniques to initiate her art works. She tussles with the ethics of recording subjects without their knowledge and consent, and refers to Susan Sontag:

*To photograph people is to violate them, by seeing them as they never see themselves, by having knowledge of them they can never have.’ [. . . ] ‘there is something on people’s faces when they don’t know they are being observed that never appears when they do . . . their expressions are private ones, not those they would offer to the camera.* (McKay, 2013:343)

The researcher concurs with this statement, especially the first element that there may be something unique on someone’s face when they are not aware of being observed; the second may be more in question. This research takes the position that the artist/researcher/photographer is motivated to exert a discreet methodology to achieve a positive starting image that is of a moment free of self-projection, which can become a portrait celebration of that subject’s persona as interpreted by the artist.

Media and ethics research has highlighted methods photographers undertake to achieve consent.

*One approach is "remedial work" (Goffman, 1971:108-109) in order to allay any fear, anger, or annoyance their subjects might experience. Simple requests for permission to photograph (tacit and explicit, verbal and non-verbal) are the common form of remedial work and, with the exception of the news photographer who shoots first and asks later, are usually made before the picture is taken. However, more labor-intensive*

*forms are sometimes necessary.* (Katz, et al.1988:102)

Beyond the methods described above, the researcher is cognisant and responsive to the value of participant consent in the context of this artistic and relevant media research. For this research the artist has submitted the first and second stage Ethical Review of Research Statement to the University’s Arts, Design and Media Faculty. (<https://icity.bcu.ac.uk/hels/Ethics/Guidelines-and-Resources>) This was approved on 11th December 2017. The statement has been reviewed in 2019. In pursuit of this practice-led research the researcher has accessed and reviewed the University Participation Consent Form template. To address the retrospective requirement, an additional clause has been inserted: ‘You are invited to accept your participation retrospectively.’

(<http://printsanew.jonnieturpie.com/consent>)

**Consent in the Media**

One motivation for the present research was a frustration in this author’s professional experience that filmed subjects in the production of factual television may not always be represented within the terms of the mutually-agreed consent procedure. The researcher having had a creative industry career in television had experienced the inevitable drive of the narrative to ‘edit down’ hard found and recorded interviews with trusting subjects to fit the particular thrust of a linear argument. This was usually under the auspices of a contributing subject’s signed consent to their contribution being used for a particular programme as per industry legal standards. (BBC editorial guidelines). The current research and its drawn and printed portrait output is a response to address this professional media production reality, by attempting to reflect and celebrate a subject honestly and with respect through a singular drawn and printed portrait.

In the pressurised media environment, what may be informed consent, given following the contributor’s recording may turn out to be ill-informed. The trusted journalistic media producer may use their ‘best endeavours’ to adhere to the contributor’s consent given at the point of recording, however with the post-production editing of the contribution and the additional contextual material surrounding the contribution, the editorial drive of the story may depart from the understanding of the original consent agreement. The pressures of production schedules may omit the contributor’s facility to review their consent in favour of the programme’s editorial needs.

**Uninformed Consent**

In social studies ethical research frameworks, there have been studies into the range of consents required. Scott Fleming (2013) asks how can a case be built for research without the informed con­sent of those involved? He creates five subsets for consideration: ecological validity, impracticality, public interest, ‘secrecy’ and ‘leaving only footprints’. (Fleming, 2013:35) All are valid, however, the final criterion offers some ground for the contemporary portraiture research with its ‘hints that a result of not seeking informed consent those involved in the research remained free from disturbance and inhibition.’ (ibid:38*)* It could be argued that the artist researcher seeks not to intervene in the activities the subject is engaged in at the time of the smart phone photographic recording for future interpretation.

Fleming goes on to outline the detailed criteria and processes for deciding whether research without informed consent may be pursued. The researcher must ask a number of questions beginning with: is the research worth doing? Is it useful and worthwhile? If so, a second question can be asked of the proposal: are other research methods available that are fit-for-purpose and allow informed consent to be secured? If the answer is again negative then final questions must be answered by the researcher. Have appropriate steps been taken to safeguard the interests of those involved? Have questions of ‘reasonableness’ and ‘proportionality’ been applied and have the codes of conduct and practitioner guidance been followed with a commitment to non-malfeasance (to do no harm), and preferably to beneficence (to do some good). (Ibid:39)

In this research the artist-researcher has established a methodology of ethical representation paying detailed attention to the subject’s right to decide whether their participation is granted. It is the intention to share the final drawn and printed image with the participant who will make the final decision as to whether ‘their’ portrait will be made public for themselves and wider audiences. This is a moment of sharing when their consent will be agreed. To achieve this, a ‘Voluntary Participation’ clause is included in the retrospective consent form:

*Participation is entirely voluntary, and non-participation is entirely  
your choice. All material relating to your participation will be destroyed should you wish. (*<http://printsanew.jonnieturpie.com/consent>)

This clause situates the subject in the decision-making position as to the future of the portrayed image that has been created of them. The artist is committing to the destruction of all that has gone before to create the portrait if the subject requests it. This would end the portrayal relationship between the two parties. The clause signifies that the relationship is one based on trust from the perspective of the artist and, if the subject perceives that trust to be belied, it will end. The final decision is in the hands of the subject, not the artist. Case studies have been documented on the application of retrospective consent. (<http://printsanew.jonnieturpie.com/adrian-packer-portrait-handover>)

**McFee’s Friends**

A further reference point of participant consent relevant to this contemporary portraiture research is that of ‘McFee’s Friends’ which places on researchers ‘an obligation to ‘treat the “others” in one’s research as though they were one’s friends’. (McFee, 2010:155) In the spirit of friendship being based on a concern for the well-being of other persons, in addition to non-malfea­sance, the further requirements are to protect one’s friends from *exposé* to debrief them about the research afterwards, and to grant them the rights of persons (e.g. privacy).’ (Mcfee cited in Fleming, 2013:39)

‘Mcfee’s Friends’ offers an additional retrospective consented framework for this research when the portrait is shared with the subject. The sharing is usually a heightened encounter but can be relatively straightforward when the artist and subject are known to each other. When they are not, a period of investigation can bring both parties together. This encounter is potentially charged where the personas of both are made real for each other. The documented trail of exchanges between artist and subject is an acknowledgement of the subject’s agreement to participate in the exchange of their portrait. Affirmative words of acceptance of the portrait are testament to a positive shared exchange. Anecdotal evidence in the form of email, text or face to face discussion is acceptable to both parties to agree the process of representation that has taken place, at first unwittingly, but finally together, making for a trusted mutual understanding and acceptance. The shared personal exchange of the portrait-making process is not a formal agreement of participation denoted through the subject’s prior signature, but more the artist’s as he signs, dates and titles the portrait in the presence of the subject, before gifting the first edition of the finished portrait to the subject.

**Indigenous and Euro-Western Research**

The described method of exchange could be equivalent to a relational ethical framework as expressed in the Indigenous Research Paradigm. In *Research Ethics in the Real World,* Helen Kara notes the value of setting side by side the ethics of the Euro-Western research paradigm and the ethics, or Uniformed Consent of the Indigenous Research Paradigm.

*Axiology is akin to the Euro-Western term ‘ethics’ but is a wider philosophy encompassing the nature of ethics, aesthetics and religion. Axiology privileges values of relational accountability, community of knowledge; reciprocity and benefit sharing.* (Wilson, 2008: 77; Chilisa, 2012: 21-22, cited in Kara, 2018:24)

Relational accountability acknowledges that research happens in relationships between people.’ (Potts and Brown, 2015 cited in Kara, 2018:25) Reciprocity means that relationships and exchanges should be mutual. (Sherwood, 2013:216. ibid: 26) Benefit sharing means communities and participants should benefit from the research as much as the researchers do. Giving back to communities and participants is a central principle. (Lambert, 2014:65. ibid: 26)

In this research, the artist researcher applies elements of these ethical principles to this research. Indigenous ethics is holistic and puts concerns for the land, the environment, the natural world and human communities at the core, which this research acknowledges, but is not wide enough to encompass.

There are relevant considerations that can be valuably compared and contrasted with Euro-Western ethics and methodologies. In the area of consent, the indigenous researcher considers the relational element to be important, ‘where the informed consent is a process rather than an event’. (Chilisa, 2012:196. ibid:27)

*Maori researchers in New Zealand take a similar approach, because consent there is relational, given by one person to another because of the trust between them, rather than for a specific project or set of questions.* (Smith, 2012:137. ibid:28*) There is an assumption within these approaches that consent will be negotiated and negotiated as necessary. So, consent in much Indigenous research is a dynamic process rather than a static event.* (Potts and Brown, 2015: 27. ibid:28)

Euro-Western perspective on relationships with participants is that there should be none beyond the research. Indigenous research understands and accepts that researchers and participants will already be in a relationship that predates and will outlive the research. This may be referred to as ‘insider research’. (Liamputting, 2010. Ibid:146) Making friends with participants is an integral part of some Euro-Western researchers’ methods, particularly ethnographers and feminist researchers.

**Gifting**

The portrait exchange between subject and artist is a sharing, a gift-giving moment. It is relational. If accepted, it is an indication of the acceptance of a participative achievement.

The researcher must ask of themselves are there deeper psychological motivations to their practice? Atonement? To seek gratitude? These motivations are pointed out by Lewis Hyde in The Gift. Hyde also points to historic religious rationales for the benefits of giving and sharing: ‘Gifts have the power to join people together.’ (Hyde, 2009:62) To illustrate this he cites Claude Levi-Strauss (ibid:59) telling of a seemingly trivial ceremony in cheap restaurants in the south of France where patrons fill each other’s wine glasses, rather than their own. No manifest benefit has accrued to either party, but a mutual sharing has been reached which has social benefit to each participant. The gifting of the portrait in this research is the moment of exchange whereby artist and subject share the fact that a portrait has been made. They both realise and acknowledge their part in the making and begin a new lived experience.

**The Position of the Artist Researcher**

The gifting of the portrait could be seen to be an altruistic action on the part of the artist, indeed in gratitude to the subject who, by accepting, has granted the right to sign it as a finished portrait. However there are further ethical concerns to be analysed. The artist researcher is a mature, white, western, male. This raises question of where he is located in relation to the subjects he represents from diverse backgrounds and identities that are not his own? These are questions of ‘positionality’. (Bodeline, K.Dautruche, 2016) States that positionality is defined as ‘a concept articulated by Linda Alcoff, and others, namely that gender, race, class, and other aspects of our identities are markers of relational positions rather than essential qualities.’ Alcoff extends positionality with ‘location’, by which she means that the ‘social’ location of the author in relation to the other they are speaking about ‘has an epistemically significant impact on the speaker’s claims’. (Alcoff, 1991:7) The artist researcher takes into accountthese philosophical, ethical and positional considerations in the decision as to whether a selected portrait should be photographed, drawn and printed. Final assessment of these considerations will be manifest at the point of sharing the completed portrait with the subject. Discussion between artist and subject elicits the relative positionality and establishes whether there is an imbalance between them that renders the action of portrait-making inappropriate, unwanted and to be stopped.

**Ethical Conclusion and Next Steps.**

Investigating the complex notions of research, exchange, ethics and positionality between artist and participating subject in the creation of photographed, drawn and printed portraits has established a detailed methodology. In addition to the creative practice, research has been undertaken into the ethical and moral issues of contemporary portraiture. The investigations have been carried out within an ethical framework and formal methods of consent established. Research parameters have been determined to formulate informed next steps in substantiating the aims and objectives of the research.

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