

DOING ETHNOGRAPHY IN PRE-SCHOOLS. IMAGES THROUGH METHOD, ETHICS AND TRUST (FRANCE)

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Abstract – Photography and film are often used in ethnography to capture the motives of action in detail. In research on childhood and education, this methodological component is useful for analyzing adult-child and child-child relationships. However, given legal issues surrounding privacy and child protection, anthropologists are now confronted with strict regulations on the taking and dissemination of images. Based on fieldwork in pre-schools (Lyon, France), this article discusses the problem of using images, which are paradoxical cultural objects because of their at once ordinary and potentially criminal status. Considering research as a democratic process, the aim is to develop a “fieldwork policy” that strikes a balance between ethical and methodological positions through trust-based relationships with adult and child research participants.

Keywords – Ethnography, pre-schools, images, ethics, trust

Résumé – *Faire de l’ethnographie à l’école maternelle. Les images à travers la méthode, l’éthique et la confiance.* Le travail ethnographique recourt souvent à l’image pour saisir dans le détail les motifs de l’action. Rapporté à l’enfance et aux situations éducatives, cette composante méthodologique se justifie pour analyser les relations adulte(s)-enfant(s) ou enfant(s)-enfant(s). Mais, du fait du « droit à la vie privée » et des lois de « protection des mineurs », la capture d’images par l’anthropologue au sein des écoles, et leur diffusion, se trouvent soumises à une forte réglementation. Sur la base d’un travail de terrain portant sur l’école maternelle (Lyon, France), ces réflexions sur l’image, objet culturel paradoxal en ce qu’elle est autant familière et ordinaire que potentiellement délictueuse, s’inscrivent dans le cadre d’une « politique de terrain » qui conçoit la recherche comme espace démocratique, en vue de concilier « position éthique » et « posture méthodologique », dans un rapport de confiance avec les acteurs, adultes comme enfants.

Mots-clés – Ethnographie, école maternelle, images, éthique, confiance

INTRODUCTION

The work of researchers in human and social sciences is subject to constraints that are making it more difficult to conduct empirical studies in a “classical” way. These constraints are consent forms and other contracts with the individual or group participants with whom the researchers need to spend time in order to produce knowledge. They are central to a discussion of ethics, professional

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conduct and the place of law in social science research, which is felt to be “threatened” (Laurens & Neyrat 2010). In French speaking European countries, the generalization resulting from the transnational circulation of regulation in social sciences seems to be a problem: for these anthropologists, ethics can’t be reduced to regulation and it is inherent in fieldwork (Desclaux & Sarradon-Eck 2008: 2). Since “contact with living material” is “our distinguishing mark” (Mead 1961: 476), this is a problem faced by anthropology and every anthropologist, whether he/she complies with all these constraints or not.

Desclaux & Sarradon-Eck (2008: 2-3) stated six major questions posed by ethics in the special realm of anthropology. As they connect general problems – science, research, humanity – and specific ones – social sciences, fieldwork, society –, these questions won’t be discussed here, each of them may need a special article. But this statement shows that ethics in anthropology is a more complex question than a simple choice between a submission to strict regulation on one hand and being totally “free” on the other hand. The aim of this article is to point out the problem of ethics in the special context of working:

- with images;
- in the research field of childhood, especially early childhood;
- in a specific institution called “school” and places called “nursery schools” or “pre-schools”;
- as an “anthropologist at home”.

It discusses ethics in anthropological research through the lens of my own fieldwork in Lyon, France. Two fields are concerned:

- one (1998-2003) investigating differences between men and women working as teachers in pre-schools (Acioly-Régnier, Filiod & Morin 1999 and 2000; Acioly-Régnier & Filiod 2002);
- the other (2004-2014 and beyond) studying an educational art program called *Enfance Art et Langages* and created by the municipality of Lyon in 2002¹.

Images were used mainly in the second field, but the questions of ethics crosses both. Also, I think that meaningful connections can be stated between these two fields, both on ethics and on the particularity of early childhood.

On ethics, it appears that reflection on this important aspect of fieldwork leads anthropologists to a dialogue with ethical guidelines that exist, especially in research with children (pointed out, for example, by Morrow & Richards in the middle of the 1990’s; 1996: 93-96). But the distinction in French tradition between *éthique* and *morale* in general, and *éthique* and *déontologie* in professional worlds, might cause a misunderstanding in the use of the word *ethics*. Some fieldwork facts may help to

¹ Homepage : <http://www.eal.lyon.fr/enfance/> All the research reports published since 2004 are downloadable at tab http://www.eal.lyon.fr/enfance/sections/fr/publications/rapports_de_recherch4960

lighten this question.

On early childhood, researches don't often make it a specific problem within the larger age of childhood (except when said that researchers use indirect techniques, like, for example, drawings, especially in the realm of health: Pridmore & Bendelow 1995; Guillemin 2004). However, some questions can be pointed. For example, how to manage to obtain the informed *consent* from a 3 year-old child, as we are convinced of his/her agency and competencies? Is his/her *assent* enough and proves that he/she is conscious of the stakes of the research? Also, the technique chosen for a survey or a fieldwork (which is not the same thing) may be determining: "face-to-face semi-structured interviews" in families (Mahon *et al.* 1996) differs a lot from filming in a school with hundreds of children running in the playground. Even though, in each of such cases, the researcher has to take precautions on people's consent. But as fieldwork is a dynamic and often uncertain process, the most important thing is that the researcher has to understand the meaning of what happens or what happened, more rarely of what *may* happen. In this sense, *éthique* is an "orientation subjective de l'action", when *morale* and *déontologie* concern general principles before action (Nanteuil 2012: 297-298).

This article is divided into four sections. After some introductory remarks about images in our contemporary world through legal, cultural and institutional aspects, I will develop my experience in the field and the specific problems involved. First, on the way institutions or social actors word the forms asking parental consent for collecting images. Second, on the act of collecting images itself in pre-schools. Then the fourth section will point out the specific problems of images and ethics towards children, as they are recognized by social sciences as social actors, as "active, meaning-producing beings" (Prout & James 1997: 27), as they have to be considered the same way than adults are and as they can be good partners in a survey (Morrow & Richards 1996).

IMAGES: LEGAL, CULTURAL AND INSTITUTIONAL ASPECTS

Under French law, image rights are related to privacy law, as defined by Article 9 of the Civil Code, Act of 22 July 1893, Act of 10 August 1927 (Art. 13) and Act of 17 July 1970 (Art. 22). "Everyone has the right to respect for his private life. Without prejudice to compensation for injury suffered, the court may prescribe any measures, such as sequestration, seizure and others, appropriate to prevent or put an end to an invasion of personal privacy; in case of emergency those measures may be provided for by interim order": Article 9 of the Civil Code resonates with Article 16 of the international Convention on the Rights of the Child (1989):

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honor and reputation.

2. The child has the right to the protection of the law against such interference

or attacks.

Children are thus treated as human beings on a par with adults, whose privacy can be violated by images depicting them, as any human being.

At the same time, the law treats children as a specific generational category distinct from adults. This is the case of laws on the protection of minors, particularly with regard to the international circulation of child pornography.

These legal aspects coexist with cultural aspects that may conflict with them. The use of photography and film, which became ordinary cultural practices in the twentieth century, has seen a spectacular expansion since the “digital boom” of the 2000s (Rouillé 2005). Inexpensive compact devices have made it easy to take and disseminate all kinds of images. Mobile phones are now used as miniature cameras to report on “events” of every type, from war-torn countries like Syria to the mischief of a funny cat. Sometimes, precautions are taken against the mass use of images, such as at the surprise concert of the Rolling Stones in Paris in October 2012. The 350 lucky fans who managed to buy tickets had their mobile phones confiscated at the door². Closer to the topic of this article, some paradoxical practices concerning childhood are observed: on one hand, lots of pictures, taken by parents or family members, are representing children; on the other hand, adults are very anxious about the uses of images because of the possibility of infraction or crime through the cyberspace. Finally, there is a cultural paradox surrounding the production, dissemination and reception of images: on the one hand, the technology that enables them has become familiar and culturally accepted, while on the other, they are potentially criminal acts if they violate privacy, especially the privacy of children.

Concerning institutional aspects, images coexist with the precautionary principle. At the turn of the twenty-first century, I observed a growing emphasis on precaution in schools, via the application of the legislation and the introduction of new administrative procedures. This mainly concerned the physical architecture of schools and the activation of *Vigipirate*, France’s counter-terrorism plan, and particularly high-alert *Vigipirate*, which ran from the evening (French time) of 11 September 2001 until 1 May 2003 when President of the USA George W. Bush announced: “the war in Iraq had ended”. Although France’s counter-terrorism plans exist since 1978 (because of assassination attempts in Germany, Italy and France in the 1970’s), the wave of terrorist attacks in the early 2000s led to tighter surveillance of access to schools, which had already begun in response to media coverage of school violence. This surveillance employs technology of varying sophistication (including intercoms, CCTV, and remote control gates) and has created a general atmosphere of wariness towards objects and persons external to the institutional space. One of those objects is the camera and one of those persons is the cameraman, and both must now comply with regulations that require

² This still did not prevent images of the concert from being posted on YouTube.

parental consent when images of children are taken in schools.

Since schools are places where children congregate, these measures not only reflect concerns about privacy but can also be seen as a way of protecting against the dissemination of images of children, which, as we know, can be used for the purposes of sexual gratification, particularly on the Internet. Media coverage of pedophiles and child murderers has clearly played a part in this. There were several highly publicized cases of this kind in France in the 1990s. In this context, we should also not neglect “the overestimation of low probability events” (Bronner & Géhin 2010: 55-60) in the perception of risk.

PARENTAL CONSENT: A WIDE RANGE OF PRACTICES

The requirement for parental consent means that principals and teachers must ask parents to fill out consent forms. This implies that the children whose parents refuse or do not respond must not enter the frame.

The data I have collected, while not a systematic study, nevertheless reveal a variety of practices on the ground, which range from a strict application of the regulations to more flexible arrangements.

The following request for consent is an interesting example of a strict or “regulationnist” approach:

“As part of our ‘Still and Moving Pictures’ project on reading and writing images, we would like to photograph or film your child. If you consent to your child’s participation in the project, in order to comply with the legislation, which is becoming increasingly strict, we would ask you to kindly sign this consent form”.

This request for consent, which was written by a teacher, is original in that it contains an opinion on the legislation. The phrase “which is becoming increasingly strict” sounds like an excuse that relieves the author of responsibility (“It’s not me; it’s the law”). At the same time, the requirement for parental consent creates extra work for teachers (because they have to separate the children into those who can and those who cannot be filmed). By encouraging parents to empathize, this teacher might therefore have been hoping to secure their consent more easily. The school principal recognizes this: “I was surprised by that phrase too, but I think she was right to put it in. She said what she thought. And it obviously helped, because none of the parents refused”.

Another example is a consent form from a film production company, which uses typical legalistic language:

“I the undersigned, XXX

Of (address): XXX

Give my consent, with no financial consideration, to company X:

- To film or record the name, image and/or voice of my child (name) XXX on

any video or audio device and, more broadly, in any audio-visual medium (photographic film, movie film, video tape, etc.), for the purposes of reproduction and/or exhibition, particularly of a film, television program, video or audio recording, etc.

- To include these recordings in a television program for broadcast on any medium, known or unknown at this time, particularly television, video or any phonographic medium, worldwide and in any language, without restriction or limitation with regards to purpose (commercial or other), and specifically for the broadcast of (name of program) for an unlimited number of runs on Channel #1, Channel #2 and the Internet”.

The form does not offer parents a choice (there is no “I do not give my consent” option) and expressions like “on any medium, known or unknown at this time” and “worldwide and in any language” are tantamount to asking parents to “sign a blank check”. This kind of wording can be off-putting. As the mother of one child in the class commented, “(...) in that long list of words, it’s easy to misread ‘phonographic’ as ‘pornographic’! Hardly reassuring for parents!”.

Expressions like “on any medium, known or unknown at this time” guarantee the production company full production and broadcast rights. But they are not a guarantee of the “proper use” of the images, because of uncertainty about future technology.

The head of a different production company told me, “Usually it’s fine. We don’t usually have any problems. We’ve filmed a lot in schools and we’ve never had any trouble”. She added, “We’re not free to film anything we want. It is always education related. It’s part of the syllabus. The educational purpose is guaranteed. We can’t just film anything we want to in a classroom! When we do a shoot in a school, it’s always to do with a specific project, related to the activities of the school or the class”.

One school principal, although inconvenienced by the extra work generated by the consent procedures, nevertheless rationalized it as an opportunity to “maintain trust and confirm the educational benefit of what we are doing. (...). They are designed to reassure parents. We represent the Education Department. We are the guarantors of the rules and the institution... These consent forms are in the same league as the procedures on violence and other issues”.

Faced with increasingly frequent use of images, some schools try to simplify the procedures by asking parents for annual consent at the beginning of the school year. The shortest annual consent form I have come across so far reads:

“For the purposes of in-service teacher training, I give my consent for my child XXX to be filmed with his/her class during the 2003-2004 school year”.

This type of consent form would no longer comply with the French Education Department’s guidelines. In 2010 the department issued a standard form called “Consent for the production and dissemination of images” with “(of a minor)”

added in brackets. This form must be signed for each event at which images will be recorded. One of the websites the form can be downloaded from³ explicitly states, “This consent is not valid for a whole year”. At the bottom of the form, there is the usual space for the parent or guardian’s signature as well as a space – and this is new – for the “child’s signature”, preceded by the phrase, “I, the undersigned... consent to the dissemination of images of myself as part of the project described above”.

A tension then appears between regulatory obligations required to parents or/and children, which restricts the range of observation and data collection, and a reduction of these obligations, prompted by the teachers, who are interested by a research that may increase their knowledge on phenomenon questioned by the researcher.

Combined to the paradoxical status of the images, this tension may be connected with the concept of trust, which is paradoxical itself. This is because trust can be perceived in two ways within the institution of a school:

- there is trust that is underpinned by compliance with the legislation, through official forms and official communication between the school and families; here trust is a “mechanism for the reduction of complexity”(Luhmann 2006) whose purpose is to reduce uncertainty for users;
- and there is trust that is based on “regularities of the environment”, established relationships and personal and social identities (Quéré 2001), which does not need official forms.

These concepts also apply to the researcher, who is required to engage in certain behaviors, torn between the respect of regulation and need of freedom.

RECORDING IMAGES IN SCHOOLS FOR RESEARCH PURPOSES

Anthropologists: from direct exchanges to regulation

Gain the trust of the “indigenous people” or the research participants, and act with probity and sincerity – these precepts of Malinowski and his successors, taught in ethnology and anthropology departments around the world, have not lost their relevance (on childhood, see Danic, Delalande & Rayou 2006), but now coexist with regulatory requirements in the countries of investigation.

A number of countries – Canada, New Zealand, Australia and the United States – have produced codes of ethics, ethics committees and informed consent forms, none of which exists in France. However, at its first conference in 2011, the French Association of Ethnology and Anthropology (AFEA) launched a roundtable (Dussy *et al.* 2011) with a view to “stimulating debate on the positive and negative effects of the lack of formalized research ethics in France”. Some participants, like Dorothée Dussy, whose area of study is incest, accepted “the positive aspects of a

³ http://www.internetsanscrainte.fr/formation/.../autorisation_de_diffusion.doc

hyper-codification of research practices in anthropology,” declaring that “the development of a professional conscience, through collective discussion and reflection, takes the place of personal morals to the furthest extent possible”. Others, like Élodie Fache, at the time working on contemporary Aboriginal management of the environment in northern Australia, pointed out “the limits of the excessive bureaucratization of informed consent”. The outcome of the discussions revealed “that there is no consensus among anthropologists in France on the issue of a formalization of professional conduct. Researchers’ positions appear to be conditioned by the diversity of their experiences”.

Including images in the researcher’s toolkit increases the complexity of ethical issues, owing to the requirement to produce consent forms, as I mentioned earlier.

How can we use images in ethnographic research under the conditions that I have just described?

The use of images in ethnographic research is justified by a long history of using images in anthropology,⁴ and by an equally long history of connections between fieldwork, methodological and epistemological issues, and the nature of the data collected (Clifford 1988; Clifford & Marcus 1986). The phenomenal expansion of digital technology in the 2000s has enabled many researchers to incorporate images into their research, which responds to a recurring concern in ethnography (Filiod 1998)⁵. Ethnographical work often uses images to provide a detailed record of the motives and mechanisms of actions. In relation to childhood and educational contexts, the use of images as a methodological component is justified in order to analyze adult-child and child-child relationships⁶, which does not only concern anthropologists (see for example Danic 2006 in sociology). Education researchers also use images and comply with the precaution of consent, notably for research that involves self-viewing or self-confrontation (Guérin Riff & Testevuide 2004). However, in general, as I have just mentioned, the experiences and positions of researchers are highly diverse, a situation that is facilitated by the absence of any standard document required or even recommended by a national body or the institution sponsoring the researcher. Consequently, in French universities and schools, either the individual researchers or the research groups draft their own consent forms, taking the current legislation into account as far as possible.

The research context affects the use of consent forms, as I will now show by describing my own research.

⁴ I am thinking in particular of Boas (Jacknis 1984) and Malinowski (Samain 1995) and, in France, Mauss (1967) and Griaule (1957).

⁵ Even though some handbooks on ethnography (especially in French language) make a very few reference to the use of images. As an example, the *Guide de l'enquête de terrain* (Beaud, Weber, 1997 and 2003) mentions it only twice: three paragraphs (154-155) and two lines (116).

⁶ See in particular the 11 films made between 1985 and 2004, which are included as DVDs with *Du soin au rite dans l'enfance*, edited by Doris Bonnet and Laurence Pourchez (2007).

A researcher covered by an institutional partnership

The research I'm in since 2004 is conducted under a partnership arrangement, which is supervised by a project leader who drafts consent forms. Over time, the wording of the forms has changed a number of times. The forms never ask for the child's consent. Probably because they are not pretended to give, at least, their assent? This is not so simple. For example, the Federal Ministry of Health in Canada advises in its *Requirements for Informed Consent Documents*: "The child should provide his/her assent and may refuse to participate even if the parent has provided their consent"⁷. The tension between assent and consent may imply a reflection on a difference between oral and written answers. But the reason is probably because of the pre-school/early childhood context: it can't be asked to children aged between 3 (even 2) and 6 to sign an administrative document. Although, strictly speaking, why not, since "the rights of the child" begin at birth?

Personally, I never thought to ask an "early-child" to sign such a document. In retrospect, I can point out two reasons. First, because this would increase the number of acts of regulation. Second, because of the age of the children: could a 3-to-6-year-old child understand the signification of this document? Even if he/she did sign it, how can I be sure that he/she didn't submit to implicit adult superiority? But in the end, the question remains, as there is, in this second reason, something that goes with representations of early-childhood and even of childhood at all.

The main comment I can make is that I do not have to produce consent forms myself. When I film in schools, I simply make sure that I have permission to do so beforehand. On two occasions, I have had to leave a child out of group shots. Otherwise, I have been fairly free to film. I have been identified with the partnership for several years now, and my relationships with the people who work in the schools – teachers, artists and support staff – are normal, friendly and pleasant. Communication between us is straightforward, usually face to face or over the phone. Any written communication is by email and the tone is relaxed and fairly neutral, and does not exclude humor.

People who work in the schools are aware that I use the films for research and that I combine them with interviews (Filiod 2012). The purpose of my research is to improve, with them, knowledge of art practices in schools, art education, early childhood, and professional skills in specific situations. The research participants seem to me to be fully aware that I am using the images to analyze interactions, postures, expressions, and verbal and non-verbal communication: everyone seems to be more interested in the scientific purpose than in regulatory requirements.

I would therefore describe my practice as "normal", "non-regulationnist" and "non-paranoid". This is useful for me because it means that I am not associated with people whose role is to inspect or supervise the teachers' work (such as

⁷ *Health Canada* : <http://www.hc-sc.gc.ca/sr-sr/advice-avis/reb-cer/consent/index-eng.php>

education department inspectors, or board representatives). That makes for comfortable research conditions, and I often have a similar sense of freedom as when I filmed a pre-school teacher's class as an experimental project some years ago. That experiment consisted of three phases, in which I filmed: 1) the place and the objects; 2) the place and the objects, during an interview with the teacher; and 3) the place, the objects, the teacher, the pupils and the parents in action. I asked for the teacher's permission, and she told me she would take care of the formalities. I left her to it, and checked with her a few days before that it was all right for me to come and film the class. Later in conversation, she told me that she had not asked the children's parents for any specific consent, and had simply mentioned "to a few parents in passing" that I would be coming in. The only consent forms sent out during that school year (this was in May, which is towards the end of the school year in France) had been written and signed personally by two trainee teachers. It was as if those consent forms for a specific event covered the whole year, and as if the names of those two people stood for any employee of the Education Department. On the day I came in to film, none of the parents seemed surprised by the presence of a cameraman. Did they think I was a trainee teacher? Furthermore, no one commented that a man was present with very young children (I refer back to my comments on media coverage of pedophilia).

Ethics and research: back to trust

Can that brief account of research experiences be used to analyze ethics in ethnographic research?

I believe that there is no "fieldwork" without a "field policy" (Filiot 2014). In other words, I see research as a democratic space, in which we need to strike a balance between our methodological and ethical positions. But the word "ethical" has more than one meaning. In one sense, ethics implies compliance with rules in a social and cultural context, where issues of rules and compliance arise for the actors who share this context. This is a more collective approach, where the researcher is one actor among many in a social reality. In another sense, ethics refers to individual concern for what we do to other humans and to ourselves in a world where fair and humanly acceptable practices, stemming from values, should predominate. This is a more subjective, individual approach, where the researcher focuses on his/her reflexivity, on the meaning of a position and of his/her individual relationship to the field.

This field policy obviously includes respect for people, but there are at least two ways of demonstrating this in the field: one is to give people every guarantee about how the data will be used (anonymity, compliance with legislation, etc.); and the other is to be irreproachable in your relationships, always acting with consistency, understanding and integrity.

Trust thus applies as much to schools as to the researcher. Complying with the legislation by adopting a regulationist position is problematic, however, because

the basis for trust is paradoxically a lack of trust. The “precautionary principle” assumes that everyone is a potential criminal. This lack of trust generates an expected behavior of compliance, which enables trust to develop. However, we can challenge this principle of mistrust, which leads to an infernal binary of “general lack of trust/excessive bureaucracy”. The researcher can avoid this trap by limiting bureaucratic procedures and by carefully developing his/her ethical position. This is in agreement with Daniel Cefaï’s idea, which he develops in his book *L’engagement ethnographique*:

“Ethnographic engagement remains irreplaceable. It must be safeguarded from the risk of inappropriate regulation. While it is useful, and perhaps even necessary, to formulate principles with a universal scope and to produce codes for educational purposes in order to remind researchers of various elementary obligations, the ethnographer will not make the right choices by applying pre-set rules to all situations without distinction” (Cefaï 2010: 623).

The precepts of ethnography are underpinned by the idea that more or less fluctuating relationships with individual and group research participants develop over the course of the fieldwork and interactions. Consequently, ethnography cannot be completely anticipated:

“The ethnographer does not have ready-made solutions to the dilemmas he will face; he does not know for certain what the right practice to adopt will be. Various problems have, of course, been identified, since they recur, *mutatis mutandis*, from one site of investigation to another, which allows for attempts at ethical generalization and educational transmission. Other ethical issues can be anticipated to varying degrees and should be clarified and possibly discussed, by appealing to common sense. But many others are completely unpredictable, because fieldwork cannot be planned in advance and takes unexpected paths: the boundaries between everyday moments and research, between the personal and the scientific, are blurred” (Cefaï 2010: 623-624).

The unfolding process of the fieldwork is exactly what prompts the ethnographer to think about the use of the images and how to negotiate them with the research participants. As part of his study on the work of police officers, Michaël Mayer underscored the relationship between written formalization and the informality of the relationships with the research participants: “Asking for written permission to disseminate the images taken during the fieldwork is problematic for interactions. Referring to the law and formalizing relations contravene the ordinary courtesies of the field and become a marker of mistrust” (Mayer 2010: 183-184). This led him to a singular choice:

“My proposal is as follows: a firm oral agreement during the fieldwork, which will be confirmed in writing as I leave or immediately after I leave [the field]. The implied formalization is thus no longer a problem, because it signifies that the researcher is returning to his own life, while offering the interviewees a way of knowing the future use of the visual data collected. Simultaneously and to support

that position, the researcher can give each participant a copy of the images in which he/she appears” (Mayer 2010: 184).

FINAL CONSIDERATIONS: CHILDREN, ETHICS AND ETHNOGRAPHY

This way of developing an ethics over the course of the fieldwork is observed in research that concerns and involves children.

To support a study on the activity of lower secondary pupils in physical education lessons, the method of self-confrontation with animated images encouraged the researchers to consider the conditions that would ensure the validity of the interviews produced with the pupils. Requesting permission to shoot images at the beginning of the study is a necessary but not sufficient step; it must be accompanied by a contract binding the researcher and the pupils, which consists of five points:

- “– the pupils must be fully informed of the goals of the study and the conditions of their participation;
- the pupils must be able to refuse at any time the presence of observers during the recordings and to choose to participate in the self-confrontation sessions;
- the pupils must have free and permanent access to all the data about them;
- the anonymity of the participants and the confidentiality of the data must be protected;
- the circulation of data must be strictly restricted.” (Guerin, Riff & Testevuide 2004: 17).

These guarantees imply a timeframe for the fieldwork and a concern for the relationship between the participants. Thus, if there is trust, it is not guaranteed by the prior signing of a document, an act that would relieve the researcher of any subsequent vigilance (along the lines of: “get the piece of paper signed and then you can relax”). For these authors, “trust cannot be considered only a preliminary to the self-confrontations. Trust is the outcome of a process that is at once active and chaotic” and that “is fostered by the events that constitute the research collaboration” (Guerin, Riff & Testevuide 2004: 22). In this process, “the researcher’s behavior” is crucial, because it is through his behavior “that the pupils discern his intentions, the meaning of his work and the sense of collaboration. It is thus the researcher’s ability to behave with consistency and constancy that seems to condition the quality of the research collaboration and the sincerity of the pupil’s actions” (id). It is therefore not a matter of waiting for the research participants to “offer their trust” but of their “developing trust towards the researcher” (Guerin, Riff & Testevuide 2004).

A concern to maintain that vigilance can sometimes encourage researchers to modify their data collection tools. In their research on protected minors,

P. Issenhuth, G. Vivier and I. Frechon encountered the problem of requesting parental consent to interview the children (in this case, the consent did not even concern images). Since most fathers and mothers of placed children retain parental authority in France, the parents must not only be informed of the existence of the sociological study but give or refuse their consent (Issenhuth, Vivier & Frechon 2010: 192). This raises both ethical and methodological problems, since “parent-child relationships” in these situations can be “sensitive, difficult or non-existent” (Issenhuth, Vivier & Frechon 2010). The researchers therefore decided to include in the interview guide for adult children a question on what they think of parental consent to interview 17-year-olds:

“When we do a study, we obviously have to follow some rules. In particular, if we want to interview under-age participants, we have to inform their parents (or legal guardians) and ask for their consent. This is compulsory before any study. After that, every young person is of course free to agree or refuse to participate. Do you think having to ask for parental consent is a problem? Good? Normal?” (Issenhuth, Vivier & Frechon 2010: 193).

The responses confirmed the complexity of relationships between parents and children and the issues this raises for the research work. This complexity added to that produced by the various “filters” through which the researchers had to pass in order to interview the adolescents. After drafting various documents and posting them to 350 people, the researchers encountered a series of institutional and administrative interfaces, some of which put up barriers. The researchers, who place importance on having “direct access to the adolescents” (Issenhuth, Vivier & Frechon 2010: 203), found the compulsory mediation of various professionals intrusive.

The authors also note the difficulty of establishing “pre-set ethics”, preferring “dynamic ethics” (Issenhuth, Vivier & Frechon 2010: 208). That distinction overlaps more or less with the one in French between *déontologie* and *éthique*, roughly “professional conduct” and “ethics”. The preliminary precaution of contractual documents requesting consent from the research participants would come under professional conduct, while vigilance of the respect of the contract and the nature of the relationship with the participants would come under ethics.

I prefer to limit the term “ethics” to that dynamic process highlighted by the three studies mentioned above (on the work of police officers, on the activity of lower secondary pupils in physical education lessons, and on protected minors). This approach to ethics is fully relevant, from the epistemological and methodological as well as the social and professional viewpoints, because it deeply engages the researchers and those who work with them (sponsors or research participants) to regularly review the fieldwork and the sometimes unsuspected issues that arise as it progresses.

That dynamic process raises the issue of the child as a subject. In the research that I have been doing for about 15 years in the field of pre-schools, children are

not considered differently from adults: both are part of the broader category of “human beings”. For the time being, I am developing my ethics, my field policy, on the basis of that category. It does not guarantee the potential use of the images that I collect and that transit over communications networks, in particular the website of a municipal body that runs a “program of artists’ residences in pre-schools” (Filiod 2014). There is therefore a degree of uncertainty about “what might happen”, including from a legal point of view. We can never completely eliminate that factor in a context of *judiciarisation* (Commaille 2006; Rouvillois 2008; Serre 2001) that also affects researchers in human and social sciences, particularly anthropologists. This context affects the very identity of the researcher, individually and collectively.

Should every anthropologist mutate into a sociologist of law, or even a lawyer of his/her own practice, while continuing to be an ethnographer? Will we be seeing a new genre of anthropological research paper: the ethnography of ethnographers’ trials? Personally, I will be relieved to learn that such a genre will never see the light of day.

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