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"المُتوَفّون لا يملكون القدرة على إبداء الموافقة المستنيرة": أخلاقيات البحث في أرشيفات المنطقة العربية

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ملخص

يندرج البحث الأرشيفي بوضوح ضمن البحوث التي تتناول البشر بوصفهم موضوعًا للدراسة. غير أنّ وفاة كثير من الشخصيات التاريخية التي نستقي رواياتها من الأرشيفات أسهمت في ترسيخ افتراض مفاده أنّ البحث الأرشيفي لا يطرح اعتبارات أخلاقية تُذكَر. وتتمثل جوهر هذه الإشكالية في استحالة حصول الباحث على موافقة مستنيرة من المتوفّين، فضلًا عن أنّ "الأرشيف" بمفهومه الواسع، يتوسّط العلاقة بين الباحث ومجتمع الدراسة. وتواجه المنطقة العربية مشكلة إضافية تتمثل في محدودية الوصول إلى الأرشيفات المحفوظة في المؤسسات الرسمية، وهي الحالة التي وصفتها الشاكري بعبارة "تاريخ بلا وثائق". ويضع ذلك مسؤولية مضاعَفة على عاتق الباحثين الذين يغدون مؤرشفين أيضًا، إذ يُجري كثير منهم بحوثهم خارج المؤسسات الأرشيفية، في منازل الأشخاص المشمولين بالدراسة أو مكاتبهم، وفي المدن التي يتناولونها بالبحث. وترى مؤلّفة الورقة أنّ التعامل مع هذا المشهد الأخلاقي المعقّد يقتضي الاستفادة من حقلَين معرفيَين متكاملَين: أولهما الأدبيات المرتبطة بالمنعطف الأرشيفي، التي زعزعت التصورات التقليدية عن الحقيقة الأرشيفية، وطرحت مقاربات نقدية للتعامل مع الأرشيف؛ وثانيهما الأدبيات المنبثقة من العلوم الاجتماعية، التي أولَت اهتمامًا طويلًا بمسألة أخلاقيات البحث. وعند تقاطع هذَين الحقلَين، تبرز أهمية التأملية النقدية لدى الباحثين، وما تفرضه عليهم من مسؤولية استحضار المبادئ الأخلاقية في جميع مراحل البحث، والتعامل مع المُعضلات الأخلاقية بوعي، وبما يراعي خصوصية كل سياق، ويكفل تحقيق العدالة.

“THE DECEASED HAVE NO MEANS TO CONSENT”: THE ETHICS OF RESEARCHING ARCHIVES IN THE ARAB REGION

A researcher is seldom prepared for her first encounter with the archive. She is overburdened by the opaqueness of the administrative and logistical aspects of the process, so the question of research ethics falls by the wayside. She is not entirely to blame. Having been trained in history and archival research on three continents, the only ethics forms I've been asked to fill are those pertaining to oral history. Research involving human subjects is heavily scrutinised in the social sciences, for good reason. An oft-forgotten fact is that archival research *does* involve human subjects, but they are often deceased. And the deceased has no means to grant consent.[1]

The very premise of archival research, and of the historical vocation at large, rests on researchers' ability to pry into the lives of the deceased. Documents end up in archives in a multitude of ways, some orderly and thoughtful, and others chaotic and serendipitous. As historians, or archival researchers more broadly, we rely on archivists to make the difficult ethical decisions of what to avail, what to withhold, and at what cost. We assume that the documents available to the readers have been regulated by the relevant ethical and legal regimes: the records of mental health institutions will clearly state what information a researcher can and cannot cite, legal documents and state papers will have clear redaction guidelines and release dates, personal papers will have been deposited after the scrutiny of family members, and so on. Or so we assume in theory, but reality is far muddier. The problem is exacerbated by the complications in our part of the world, where state archival institutions are often inaccessible, where researchers often assemble their archive as they go, and where the question of provenance is vexed with the politics of a long twentieth century.

It must be stated at the outset that I am not proposing or advocating for an institutional review process to govern archival research. I think this is neither realistic nor productive. What I do hope to pose in this paper, however, is a set of questions and considerations we can ask ourselves as a community of practice: what can we learn from the reflective and critical practices of fields that have long engaged with the ethical problem of researching human subjects, and how can we meaningfully adapt some of these practices to deceased human subjects? This question is more pertinent as death is all around us, and as we are compelled to narrate the lives of those martyred by the ongoing Israeli genocide in Gaza and the war on Palestine and Lebanon. The simple question I am trying to provoke is: how do we write about the lives of the deceased with the same sensitivity, humility, and respect as we do the living?

I will begin with a reflection on the question of truth and privacy in historical research. The first section unpacks the tension between archival researchers' impulse to tell meaningful stories and their responsibility to protect the privacy of their historical interlocutors. Having set out the problem, sections two and three discuss two approaches to research ethics in the context of archival research: one emanating from the critical and methodological insights of the archival turn, and the second from the literature on research ethics in social sciences. The final section discusses archival research outside formal libraries and archives, and the ethical dilemmas faced by researchers in the Arab region who often resort to private collections in the absence of accessible archival institutions. The paper will argue that researcher reflexivity sits at the centre of the various approaches to addressing the ethical dilemmas encountered in archival research.

It is worth noting that much of the discussion below is centred around written documents due to the pervasiveness of the medium and to the author's own experience. Visual collections,

[1] Curtis Fogel et al., 'Ethical Issues in Socio-Historical Archival Research: A Short Skit', *Research Ethics* 6, no. 3 (1 September 2010): 93, https://doi.org/10.1177/174701611000600305.

oral histories, and collections pertaining to material culture are governed by medium-specific standards and merit a discussion of their own.

Truth be told?

When conducting archival research, one hopes to stumble upon a story to be told. Researchers forage the archive for vignettes, anecdotes, connections, and evidence—historical pieces that make up a whole greater than the sum of its parts. Upon making an archival discovery, big or small, a researcher is first overtaken by the allure of the find. A rush of adrenaline when 'discovering' file two in box thirty-five—that one puzzle piece that makes weeks of reading hundreds of papers worth it.[2] Along with excitement comes a responsibility to narrate and to give voice to those no longer able to speak. Stephanie Smallwood describes it as the "let the documents speak" mantra that graduate students are often inculcated with before embarking on their archival research.[3] The desire and responsibility to tell the story could overshadow our responsibility to the human subjects whose lives we are narrating. This produces one ethical dilemma of archival research: to balance narrating and representing the lives of past humans while respecting their dignity and privacy.

The question can take on different forms from the micro to the macro. How do we protect the privacy of the deceased, especially those who have not elected to deposit their records in the archive? How do we write about instances of violence without re-enacting experiences of brutality, injustice, and dehumanisation? How do we document resistance to this violence without endangering those who resist by exposing their identities or their tactics? How do we tell meaningful stories that have enough of the who, when, and where, while remaining sensitive to what we think our historical interlocutors would have liked to reveal or obscure? Are some stories better left untold, or partially told? Or would that constitute a betrayal of our ethos as researchers, and of the lives of our historical interlocutors?

The once-held assumption that historians could write complete and objective histories produced a lasting impulse to do precisely that: to access the full truth conveyed in the archive, and to represent it as faithfully as one could. If we accept that it is not possible to write an authoritative, truthful, and complete story of the past (or the present, for that matter), would it not mean that all histories are necessarily partial and incomplete? Would that not liberate us from the burden of completeness and allow us to ask critical and reflective questions about what can and should be told, how it should be told, and what is better left for a later time?

A colleague was tracing the life history of a prominent intellectual (deceased, let's call them X), when she encountered an inexplicable rupture. At one point, X had suddenly withdrawn from public life and foregone a hard-earned and cherished life project. The archives my colleague had been consulting were deafeningly silent on this rupture. Details about X's public involvement and their scholarship had appeared in many collections across different institutions, and up to a certain date, all this had abruptly disappeared from view. Unable to locate any answer in the existing record, my colleague's research reached an impasse. Months later, and in conversation with another interlocutor who personally knew X, she

[2] On the emotional experience of archival research see Arlette Farge and Thomas Scott-Railton, *The Allure of the Archives* (Yale University Press, 2013), https://www.jstor.org/stable/j.ctt5vm50t.

[3] Smallwood's article presents a compelling reflection on historians' ability to represent the violence of slavery, and some of the ethical pitfalls that might result from reproducing violence in narrative form. Stephanie E. Smallwood, 'The Politics of the Archive and History's Accountability to the Enslaved', *History of the Present* 6, no. 2 (2016): 123, https://doi.org/10.5406/historypresent.6.2.0117.

learned that X was forced to withdraw from public life because of social censure. A public disclosure of information about X's private life, which challenged the prevailing code on heteronormativity, had forced them to forgo their participation in a collective project that they had been central to up to that point. The story was one of personal and political loss, carefully kept off the record by X, their family, and their community. When my colleague's interlocutor shared this with her, they explained that it had been an 'open secret' when X was still alive and that it remains so, even now. The interlocutor was vague on whether this rumour-as-historical-fact should go on or off the record, but emphasized, towards the end of their conversation, their wish to remain anonymous should my colleague choose to write about X.

This newly uncovered piece of information added a layer of analytical depth and complexity to my colleague's understanding of the historical context, not only about X's life and labour, but also about the gendered, political, and intellectual life world of that community. It was clear to her, however, that she could not write about it. Whatever historical contribution this research might have made, she told me, did not outweigh her responsibility to protect the privacy of her interlocutors. My colleague's research into the life of X falls squarely within the realm of research with human subjects. Does X's passing from the realm of the living to the realm of the dead liberate her from the researcher's ethical responsibility? It does not. Having turned this stone, my colleague decided it was best to unturn it and give up the story altogether.

This is one example of the myriad thorny ethical questions one encounters in archival research.[4] The following two sections discuss two bodies of knowledge and practice that could aid researchers in navigating complex ethical terrains: the methodological insights on the archival turn and the standards for research ethics in the social sciences.

Subjectivity, truth, and archives

In his text *Archives Power: Memory, Accountability, and Social Justice*, Randall Jimerson argued that a researcher's outlook on accountability and ethics in archival research is determined by their stances on neutrality, objectivity, and social justice.[5] Before delving into the ethics of archival research, it's perhaps useful to chart a brief history of how the practice itself has developed through the work of historians, who were some of the first scholars to mine the archive in its modern iteration.[6] At the crux of this history are two assumptions that defined the modern historical practice at its birth: the completeness of the record and the objectivity of the historian.

In his 1988 text *That Noble Dream*, Peter Novik described objectivity as a constellation of attitudes, assumptions, and aspirations regarding the historian's role in the search for truth

[4] For additional case studies see, Pamela Innes, 'Ethical Problems in Archival Research: Beyond Accessibility', *Language & Communication*, Ethical Dimensions of Language Documentation, 30, no. 3 (1 July 2010): 198–203, https://doi.org/10.1016/j.langcom.2009.11.006. Daniel O. Taube and Susan Burkhardt, 'Ethical and Legal Risks Associated with Archival Research', *Ethics & Behavior* 7, no. 1 (1 March 1997): 59–67, https://doi.org/10.1207/s15327019eb0701_5. Marek Tesar, 'Ethics and Truth in Archival Research', *History of Education* 44, no. 1 (2 January 2015): 101–14, https://doi.org/10.1080/0046760X.2014.918185. Fogel et al., 'Ethical Issues in Socio-Historical Archival Research'.

[5] Randall C. Jimerson, *Archives Power: Memory, Accountability, and Social Justice* (American Library Association, 2010). Cited in Tesar, 'Ethics and Truth in Archival Research', 104.

[6] Recent decades have broken historians' monopoly over archival research as disciplines across the social sciences, the humanities, and the arts incorporated archival research in their methods. For an example from Palestinian studies see Salim Tamari and Elia Zureik, *Reinterpreting the Historical Record: The Uses of Palestinian Refugee Archives for Social Science Research and Policy Analysis* (Institute of Jerusalem Studies, 2001).

about the past. Truth was to be pursued through accessing historical facts conveyed in primary documents, while the historian remained neutral, disinterested, and devoid of loyalties except to objective historical truth.[7] Novick showed how this view was based on a (mis)understanding of German historical scholarship, and the subsequent creation of the myth of Leopold von Ranke as the ultimate objective historian.[8] In translating *wissenschaftliche Objektivität* into English, the discipline was made into a science, divorced from the philosophical idealist tradition that gave rise to it.[9] This misunderstanding was rooted in a misreading of Von Ranke's abstention from moral judgment: his was not disinterested neutrality, but rather a conservative political position of 'pantheistic state-worship', and a belief that history merely revealed the work of God. Ranke was thus celebrated as an embodiment of empirical science—precisely what he was not.[10]

Be that as it may, mainstream historiographic practice coupled an emphasis on empiricism with an abstention from moral judgment, and this came to define the historian's craft in the early twentieth century. Objective and scientific historical truth was to be found in the archive, enshrining the latter as a fixed and complete authority on the past. This precluded the historian's ability to engage critically with the archive and fixed the historian's relationship with it as extractive and uncomplicated: historians accessed truth in the archive and wrote about it. In this light, the deceased are no longer 'human subjects', but objects of a historical commons that availed itself freely to the historian's gaze. The professionalising of Arab historiography in the early twentieth century followed a similar path despite significant differences in historians' access to national archives. The pioneers of professionalisation adopted Von Rankean 'fanaticism for veracity' and its accompanying notions of objectivity, neutrality, and abstention from moral judgement. This is documented in a growing body of work that historicises the methods and assumptions of professional Arab historians as they developed over the course of the twentieth century.[11]

The twentieth century witnessed fundamental transformations to this understanding of history and its relationship to the archive. This revision came partially from within the discipline of history, with historians of empire and historians of women and gender questioning the neutrality of both the archives and the historians. Equally important, the fields of anthropology and archival studies centred the question of power and its relationship to records and archival reading. These changes have all been grouped under "the archival turn" and can be roughly summarised in three moves. The first is the shift from archive-as-source to the archive-as-subject. The second is reading the archive against its grain to tease out the silenced voices of the subaltern. And the third is reading along the grain to read the workings of power embedded in the creation and preservation of records.

Taken together, the insights of the archival turn foreground the historian's agency and perspective, and it invites us to try and diminish the distance between ourselves and our

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[7] Peter Novick, *That Noble Dream: The 'Objectivity Question' and the American Historical Profession*, Reprint edition (Cambridge: Cambridge University Press, 1988), 1–17.

[8] For a detailed reflection on Von Ranke's enterprise see Kasper Risbjerg Eskildsen, 'Leopold Ranke's Archival Turn: Location and Evidence in Modern Historiography', *Modern Intellectual History* 5, no. 3 (November 2008): 425–53, https://doi.org/10.1017/S1479244308001753.

[9] Novick, *That Noble Dream*, 24.

[10] Ibid., 28.

[11] 2012 وجيه كوثراني. تاريخ التأريخ: إتجاهات - مدارس - مناهج. الدوحة، قطر: المركز العربي للأبحاث و دراسة السياسات،.
المعهد الألماني للأبحاث الشرقية في بيروت. التاريخ وكتابة التاريخ في لبنان خلال القرنين التاسع عشر والعشرين: الفهم الذاتي للتاريخ: اشكاله ووظائفه. بيروت: المعهد الألماني للأبحاث الشرقية في بيروت, 2011 and هافمان، اكسيل, كتورة، جورج.
Youssef M. Choueiri, *Historical Writing in the Arab World*, *The Oxford History of Historical Writing* (Oxford University Press, n.d.), accessed 26 January 2021. Candice Raymond, 'Réécrire l'histoire au Liban: une génération d'historiens face à la période ottomane, de la fin des années 1960 à nos jours' (Lieu de publication non identifié, [éditeur non identifié], 2013). Anthony Gorman, *Historians State and Politics in Twentieth Century Egypt*, Majmūʻah-'i 'ulūm va Maʻārif-i Islāmī (Hoboken: Taylor and Francis, 2012).

historical subjects by reading records with an investigative, forensic, and ethnographic approach.[12] In doing so, writing history based on archival documents is seen as an act of knowledge making, as opposed to truth finding, one that is "driven by the knowledge makers themselves, by their motivations and subjectivity, their archival thinking… The past is no more 'natural' or 'innate' than is the historian's approach to interpreting it. Historians subvert power by exerting a force of their own".[13] The scientific and objective historian excavating truth from a neutral archive then gave way to the historians as storytellers and knowledge makers, ones whose questions are animated by their worldview and whose sources are conditional on the workings of power. This shift has therefore altered how historians and archival researchers in general access, interpret, and write about archives.

Whereas it is beyond the remit of this paper to take stock of the growing body of knowledge reflecting on the politics of the archive, the three moves introduced by the archival turn contain significant insight for the question of the ethics of archival research.[14] The first—emanating from archival studies, anthropology, and history—relates to an awareness of the constructed nature of the archive, and the need to question its very formation. The creation of records and their curation in archival collections and institutions is usually "instrumental, and not incidental, to the exercise of power".[15] This recasts the archive from being a neutral object of study (archive-as-source) to an active subject of power (archive-as-subject).[16] This means that objects and methods of historical research are the result of the same power politics that have shaped patriarchy, empire, and class struggle. This places an intellectual and moral responsibility on researchers in the archive to "understand how historical actors and institutions thought, but without unintentionally replicating or reifying the categories of knowledge on which they relied".[17]

To accomplish that, the second move invites archival researchers to work against the limitations presented by the curation of archival collections, which is often referred to as reading against the archival grain. In short, it is a process of reading archives for what they omit, silence, neglect, or accidentally preserve in a way that resists their original purpose.[18] Historians of the subaltern have used this method when reading the records of the rich and powerful to excavate the lives of workers, farmers, women, colonial subjects, and other groups not usually recorded in archives. This is known as "history from below", initiated by the Annales School and popularised by Marxist historians in post-war Britain, most notably E. P. Thompson.[19] Arab historiography was part and parcel of this process, which gave rise to a body of social histories, gender and labour histories, and histories from below.[20]

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[12] Kirsten Weld, 'Reading Against the Grain', in *Information: A Historical Companion*, ed. Ann Blair et al. (Princeton: Princeton University Press, 2021), 737–38, https://ebookcentral.proquest.com/lib/Princeton/detail.action?docID=6382641.
[13] Ibid., 738–39.
[14] For some critical reflections on the politics of the archive see Terry Cook and Joan M. Schwartz, 'Archives, Records, and Power: From (Postmodern) Theory to (Archival) Performance', *Archival Science* 2, no. 3 (2002), https://doi.org/10.1007/BF02435620. Terry Cook and John Pedro Schwartz, 'Archives, Records, and Power: The Making of Modern Memory', *Archival Science* 2, no. 1–2 (2002), https://doi.org/10.1007/BF02435628.
[15] Weld, 'Reading Against the Grain', 734.
[16] Ann Laura Stoler, 'Colonial Archives and the Arts of Governance', *Archival Science* 2, no. 1–2 (2002): 87–109, https://doi.org/10.1007/BF02435632.
[17] Weld, 'Reading Against the Grain', 734–35.
[18] Ibid., 735.
[19] Smallwood, 'The Politics of the Archive and History's Accountability to the Enslaved', 122.
[20] Some examples are Hanna Batatu, *The Old Social Classes and the Revolutionary Movements of Iraq: A Study of Iraq's Old Landed and Commercial Classes and of Its Communists, Ba'thists and Free Officers* (Saqi, 2013). Michael Provence, *The Great Syrian Revolt and the Rise of Arab Nationalism*, *The Great Syrian Revolt and the Rise of Arab Nationalism* (University of Texas Press, 2021), https://doi.org/10.7560/706354. Dana Sajdi, *The Barber of Damascus: Nouveau Literacy in the Eighteenth-Century Ottoman Levant* (Stanford University Press,

The third and final move is to reverse tactics to read along the archival grain, paying attention to how power manifests in the archive. This involves a shift of perspective from an extractive engagement with the archive to an ethnographic encounter with it: to read its form and organisation and infer the workings of power.[21] In the Arab region, recent works have made significant contributions to the archival turn, forwarding our understanding of how the archives of the region were created, and the ways in which they are deeply enmeshed with processes of power and post-colonial state formation.[22]

Particularly relevant is Omnia El Shakry's articulation of the problem of "history without documents". El Shakry departs from the material inaccessibility of post-colonial state archives in the Middle East, and the way in which this frames scholars' engagement with the archive.[23] She describes how the state "devours the past through either the material destruction of archives or the presentation of a history purified of antagonisms and embodied in empty commemorative accounts".[24] She reflects on the history scholars seek to reconstruct due to and despite the absence of the archive, in an effort to reimagine the archives of decolonisation. Whereas El Shakry reflects on the intellectual and ideational erasures and imaginaries, the problem of "history without documents" also poses ethical questions for scholars who will inevitably access or assemble records in less conventional ways. This will be discussed in the following sections.

If we think back to the case of X, how can we employ the three moves of the archival turn in reading their story? To read the archive-as-subject involves observing its constructed nature and identifying its omissions and silences, which are abundantly clear in X's case. To read the archive against its grain would involve an act of excavating X's accidental appearances in the record to try to reconstruct their life and their experience of excommunication, which does inadvertently appear in the record as a function of absence. To read the archive along its grain would be to highlight the silence in order to analyse the power and violence of normative gender regimes.

The archival turn offers scholars a set of tools to critically and reflexively engage with the archive. Utilising all or some of its tools allows scholars to listen more carefully and write histories that are empathetic to both the living and the dead. This, however, has its limits. Listening, in the case of X, means respecting the silence around the story, as X has no means to consent to its public narration. Prioritising the researcher's ethical responsibility to protect privacy means not reading the archive altogether. Does this constitute a doubling down on the violence and omission? Perhaps. But in this particular case, place, and time, the researcher deemed that a critical approach to the archive does not equate an ethical approach to research, and she chose to prioritise the latter.

2013), https://doi.org/10.11126/stanford/9780804785327.001.0001. Rosemary Sayigh, *Palestinians, from Peasants to Revolutionaries: A People's History Recorded by Rosemary Sayigh from Interviews with Camp Palestinians in Lebanon* (London: Zed Books, 1988).

[21] Weld, 'Reading Against the Grain', 735.

[22] Rosie Bsheer, *Archive Wars: The Politics of History in Saudi Arabia / Rosie Bsheer.*, Stanford Studies in Middle Eastern and Islamic Societies and Cultures (Stanford, CA: Stanford University Press, 2020). Yoav Di-Capua, *Gatekeepers of the Arab Past: Historians and History Writing in Twentieth-Century Egypt* (Berkeley: University of California Press, 2009).

[23] Omnia El Shakry, 'History without Documents: The Vexed Archives of Decolonization in the Middle East', *The American Historical Review* 120, no. 3 (2015): 920–34, https://doi.org/10.1093/ahr/120.3.920. Salim Tamari and Ihsan Salih Turjman, *Year of the Locust: A Soldier's Diary and the Erasure of Palestine's Ottoman Past* (Univ of California Press, 2015). Elizabeth Thompson, *Colonial Citizens: Republican Rights, Paternal Privilege, and Gender in French Syria and Lebanon* (Columbia University Press, 1999).

[24] El Shakry, 'History without Documents', 920.

This segues into a series of questions on the ethics of the archive: what constitutes the privacy of the deceased, and is it different from that of the living? How long before some stories are narratable? Is anonymisation a solution, or does it strip the narrative of its analytical and informative potential?[25] The next section discusses some of these questions, drawing on research ethics in the social sciences.[26] It reviews the applicability of procedural ethics to archival research and emphasises the notion of researcher reflexivity as central to addressing a complex ethical terrain.

Reflexivity & Procedural Ethics in Archival Research

The question of ethics is not novel to historical research. Writing in 1980, historian David Flaherty reflected on the need to confront ethical issues in archival research while simultaneously expressing concern regarding potential restrictions. He wrote,

> Although it may not yet be necessary for the historical community to go to the length of preparing detailed ethical codes on the use of personal information, a considerable degree of consciousness-raising and some formalization of standards must occur in the profession before serious problems arise. If demonstrable standards of concern for privacy and confidentiality are created, they will have a direct effect on such issues of pressing concern to historians as refusals of access to records, avoidance of interviews, restrictions on data collection, the removal of personal identifiers after a period of time, and even destruction of records.[27]

Flaherty recommended that historians "should set their own house in order" through the formulation of meaningful codes of ethics by professional associations. He stressed the need for consciousness raising and making explicit the conditions that govern historians' use of personal and sensitive information.[28]

The above anecdote about X—and the critical insights of the archival turn at large—inform what is known as research reflexivity, a concept intimately connected to research ethics. Research reflexivity entails "submitting one's research to continuous critical scrutiny and interpretation, not just regarding research methods, but also with regard to participants and the research context."[29] Reflexivity responds to the limits of procedural ethics imposed by institutional review boards as it places the responsibility on the researcher to uphold ethical conduct throughout the entire research process, as opposed to institutional procedural ethics that provide oversight at the design stage only.[30] Be that as it may, a review of the key tenets and principles of procedural ethics could better inform reflexivity when encountering ethical dilemmas in archival research. This section will do that with reference to the guidelines

[25] For a reflection on the vexed politics of anonymisation see Niamh Moore, 'The Politics and Ethics of Naming: Questioning Anonymisation in (Archival) Research', *International Journal of Social Research Methodology* 15, no. 4 (1 July 2012): 331–40, https://doi.org/10.1080/13645579.2012.688330.

[26] It also must be highlighted that these questions and challenges are compounded with non-written archives, as other formats may not be as easily anonymised and are not as neatly contained with archival institutions.

[27] David H. Flaherty, 'Privacy and Confidentiality: The Responsibilities of Historians', *Reviews in American History* 8, no. 3 (September 1980): 419, https://doi.org/10.2307/2701392.

[28] Ibid., 419–21.

[29] The Arab Council for Social Sciences, 'Research Ethics for the Social Sciences in the Arab Region' (The Arab Council for Social Sciences, January 2024), 16.

[30] Ibid., 47.

mapped out by the Arab Council for Social Sciences in the "Research Ethics for the Social Sciences in the Arab Region" document (referred to as the Guidelines hereon forth). The Guidelines define research ethics as "a method, procedure, or perspective for deciding on actions and analysing complex problems and issues in particular situations".[31]

Heeding Flaherty's call for consciousness-raising, scholars researching the archive could draw on the Guidelines in a multitude of ways. The document describes four tenets that anchor research ethics, they are: (i) ethics as an ongoing process, (ii) ethics as a situated and contextual practice, (iii) ethics as instrumental to protecting researchers, research participants, and society at large, and (iv) ethics through a case-based approach.[32] Ethics as an ongoing, case-based, and context-specific process integrates reflexivity across all stages of research and acknowledges a multiplicity of interpretations and judgements.[33] The ultimate goal of this endeavour, captured in the fourth tenet, is the protection of researchers, participants, and society. Centring these tenets places the onus on researchers to make a judgment depending on the stage of research, its context, and the case-study at hand.

Whereas the four tenets seem fairly applicable to archival research with no major challenges, the picture is more complex when it comes to the finer-grained procedures. The Guidelines outline three principles for ethical practice, accompanied by suggested actions for upholding them. The principles are respect for persons, beneficence, and justice.[34] Respect for persons is defined as "acknowledging and respecting people's agency and protecting those with an altered or reduced agency".[35] It is safeguarded by obtaining free, informed, and continuous consent. Beneficence, or do no harm, is based on maximizing possible benefits and minimizing possible harms. It is safeguarded through ensuring privacy, confidentiality, and/or anonymity. Justice is the "fair distribution of the burdens and benefits of research across a whole community".[36] It is safeguarded through the fair selection of research subjects, fair distribution of burdens and benefits, formulating research questions to emphasize the concern with equity and justice, and a process of giving back.[37]

We are immediately confronted with a host of issues that challenge the applicability of these principles to the archive. Whereas the spirit of these principles is relevant for archival research, they were developed for social science research with living human subjects. How do we conceptualise the agency of the deceased when attempting to ensure respect for their person? How do we make decisions about privacy and anonymity for subjects we have never encountered, and whose lives and afterlives are inaccessible to us? How do we ensure justice in selecting research subjects when our research purview is defined by the limits of the archive? Whereas some historical interlocutors have elected to deposit their personal papers in the public record after some degree of curation, many characters and stories end up in the archive either accidentally or as a function of power. Faced with the impossibility of engaging with our research subjects, reflexivity rises as the main guiding principle. This is reflected in the spirit of the Guidelines, which caution against the imposition of universal rules and regulatory frameworks. Instead, it recommends, "ethical reasoning and decision-making throughout the research process from beginning to end, and places the responsibility to act ethically on the researcher first and foremost."[38]

[31] Ibid., 5.
[32] Ibid., 4.
[33] Ibid., 20–21.
[34] Ibid., 8.
[35] Ibid., 9.
[36] Ibid., 14.
[37] Ibid., 9.
[38] Ibid., 47.

Lastly, the Guidelines contain a section on the "Ethics of Social Science Research in the Arab Region". It places universal ethical principles in the local and regional contexts of the Arabic-speaking world. Extending this reading to archival research takes us back to the problem posed by El Shakry of a history without documents. First and foremost, researchers are faced with the opaqueness and inaccessibility of archival institutions at best, or their absence and destruction at worst. Researchers in most Arab capitals face significant challenges in accessing national archives or other state and institutionally held collections. The situation is far worse outside the capital cities, where the absence of decentralised archives accentuates the problem of scarcity. This does not mean that scholars are not able to conduct archival research in the region, and many have. Scholars have consulted collections housed at universities, research centres, religious institutions, family papers housed in private homes, photos posted on neighbourhood Facebook groups, and occasionally local governance bodies. In doing so, they are often confronted with a bulk of unprocessed collections, a matter that poses a host of ethical considerations that straddle the worlds of history writing and record keeping. The next section addresses the particular dilemmas facing the researcher-turned archivist.

Researcher-as-archivist in the context of "history without documents"

In their search for records, researchers often employ a combination of methods and tactics. When unable to access documents in formal archival institutions, researchers in the region rely on snowball research in order to locate and access documents. In doing so, their process extends beyond archival research to ethnographers of documents. They sometimes find themselves in the attic of a closed factory or the living room of a family that inherited slim files of paper from an ancestor.[39] The process of identifying and eventually accessing documents is governed by a duality of trust and paranoia. Holders of records could be eager to share their treasured stories with someone they think is a qualified researcher who will put them to proper use. Equally, they could be wary of the intentions of researchers. By and large, it is a mixture of both. In this economy of trust and paranoia, a researcher's approach could influence not only their personal access to documents, but also the document holder's approach to availing the documents altogether.

The researcher-turned-archivist is involved in a process of negotiation, trust building, and access management. From a research ethics perspective, the process is sensitive in many ways. These interactions often take place outside the institutional realm and are governed entirely by the power dynamics between researchers and holders of records. The power dynamic could privilege either party, which heightens the need for an ethics of care to protect both parties. If access is granted, researchers often access 'raw' documents, which could pose a series of ethical dilemmas.

One set of issues pertains to the handling of documents, as they are often unprocessed and uncatalogued. The researcher in these instances acts as an archivist or record keeper, even if briefly. Whether piled in heaps or neatly organised on shelves, the original order of archival collections matters. Respect for original order is a key principle in archival practice, which

[39] For a reflection on the historian as an archivist for her own family papers see Sherene Seikaly, 'How I Met My Great-Grandfather: Archives and the Writing of History', *Comparative Studies of South Asia, Africa, and the Middle East* 38, no. 1 (2018): 6–20, https://doi.org/10.1215/1089201x-4389931.

seeks, to the extent possible, to preserve the 'original' arrangement of the documents.[40] This is to protect the integrity of the collections and to protect the relationship between records, their context, and their creators.[41] When researchers intervene with a corpus of records, it is important that they tread lightly and abstain from interventions that might compromise the integrity of the collection.

Another set of issues pertains to accessing sensitive data. This is an especially likely scenario for research projects in the Arab region that investigate histories of violence, resistance, and political organising. Holders of records might grant access to information about third parties—alive or deceased—that are private, sensitive, or could put others at risk. This heightens the researcher's ethical responsibility in the realms of protection of privacy, beneficence, and justice. The absence of institutional mediation also increases the level of risk as the researcher bears the sole responsibility for obtaining documents or disclosing information. A set of issues and questions is involved in considering the ethics of obtaining informed consent from holders of archival collections, such as family members or members of a community. The holders may or may not be well versed in the contents of the collection and may not be fully aware of the long-term consequences and ethical considerations of availing documents for use in academic publications. As such, a conversation with the record owners could include several questions, such as: could the available documents compromise the privacy or security of any person whose information appears in the collection? Is there a need for additional consultations to obtain permission from these individuals or their families?

It's also important to reflect on the longer-term consequences of the decision and discuss whether a potential change of circumstance might alter the sensitivity of the material. For example, the security implications of the material collected and availed during the early years of the 2011 revolutions will change as the political conditions change. The reverberations of these revolutions are still playing out with grave consequences, with the fall of the Asad regime in Syria as a case-in-point. Material on the revolutions and their aftermath might have been considered safe in the initial period following 2011, but rapidly became more sensitive and in need of protection as events unfolded. Even as regimes change, it would be unwise to consider the material safe once more. When considering the long-term consequences of availing material for use in academic publication, it's important to remember that the owners' decision to avail the material might have been made at a political moment drastically different from the one when the research is being published. By the time the material passes through the academic cycle of analysis, write-up, submission, review, and publication—a process that sometimes extends over years—the moment might have changed, and with it the assessment on protection of privacy and security. It is then up to the researcher to act reflexively in a way they think better protects the owners of the records, the people mentioned in them, the researcher themselves, and the community at large.

Beyond an assessment of the content, issues of digital security and data management are especially pertinent here. Collection owners would often share digital surrogates of the material on a USB stick or even a Compact Disc (CD). If the material is analogue, they might permit researchers to scan it digitally on premises. The researcher's possession of digital files increases the risk involved. Issues of consent, rights, and protection discussed above are only exacerbated in the digital sphere, as the risk is extended beyond mere access and use to include the possibility of a data breach, which in turn could turn research data into tools for state surveillance. In order to mitigate these threats, many institutions of knowledge production have developed policies that govern the collection, organisation, storage, and preservation of

[40] For a critical reflection on the concept of original order and authenticity in archival practice see Heather MacNeil, 'Archivalterity: Rethinking Original Order', *Archivaria* 66, no. 66 (2008): 1–24.
[41] Ibid., 10.

research data, be it archival or otherwise. This is with the aim of protecting sensitive data in a sustainable manner, while disseminating non-sensitive data in an appropriate and effective manner.[42] Given that archival material shared in private lacks a clear mandate of use and, therefore, the absence of safeguarding frameworks, data management by the researcher becomes a key tool for ethical conduct. Data management policies and plans, with their dual emphasis on protection and dissemination, safeguard digital information while allowing its effective use for scholarly purposes.[43]

These are but a few complications introduced by the digital sphere, the full impact of which is developing rapidly. Whereas the ethical implications of Generative Artificial Intelligence (GenAI) are yet to be discussed at the level of accessing and analysing digital archives, the expanding pool of digital archives available, coupled with the increasing sophistication of GenAI tools, could soon pose productive opportunities as well as intellectual and ethical complications.

Lastly, and once a relationship of trust is cultivated between researchers and record owners, researchers are sometimes asked to advise on the depositing of collections at archival institutions. The researcher in this case acts as a liaison between the communities they are researching and the world of libraries and institutional archives, which gives them power and responsibility to influence the fate and eventual resting place of a collection. Two sets of issues could arise here, the first relating to the issues of rights and protection flagged above, and the second has to do with the institutional politics of the place of deposit.

In the first vein, and similar to the challenges around access, holders of collections may not have the full rights to the material they are availing, may not be fully versed in its content, or may not be aware of their rights in negotiating the deposit. It is vitally important that researchers point collection owners to information on the full implications of claiming legal ownership over a collection. This is both for the protection of individuals whose information appears in the records and for the protection of the owners/depositors from potential disputes with third parties over rights. In many cases, there will not be a clear-cut path forward, and owners might decide to take reasonable risks in availing collections. It is important, however, that these decisions are taken with full awareness of the implications involved. It is also important for owners/depositors to be aware of the fact that they have the power to negotiate the terms of the deposit and can take courses of action to mitigate risk, such as suppressing a particular subset of the material for a period of time. Imperfect as processes of library acquisitions may be, they do put in place procedures for due diligence that also protect the depositors.

In the second vein, and when it comes to the politics of institutional deposit, the researcher is often asked to suggest an institution for the deposit of the material, and /or to mediate the process of deposit. This, too, poses a set of ethical dilemmas, the thorniest of which has to do with the principle of keeping collections in their local and regional context whenever possible. This is often enmeshed with the world of archival appraisal, the purchasing power of large libraries and archives in the global north, and the owners' expectations of financial compensation. In a region where reputable, well-funded, accessible, and trustworthy archival institutions are not abundant, owners of collections sometimes express a preference for archival institutions abroad. The researcher here is caught between a rock and a hard place:

[42] For guidelines and sources Research Data Management in Arabic, see the ACSS's Arab Public Data Initiative training workshop: Arab Social Science Monitor, 'Social Science Research Data Management: Training Workshop إدارة بيانات العلوم الاجتماعيّة البحثيّة: ورشة تدريبيّة', https://doi.org/10.5281/zenodo.13960017.

[43] For more on this see, Nicholas Andrew Smale et al., 'A Review of the History, Advocacy and Efficacy of Data Management Plans', *International Journal of Digital Curation* 15, no. 1 (2020): 30–30, https://doi.org/10.2218/ijdc.v15i1.525.

the impulse to retain records in our region on the one hand, and the duty to respect the owners' choice on the other. There are no straightforward answers in this respect, and the outcome is often contingent on factors well beyond the researcher's control.

By and large, it is important to remember that a significant portion of archival research occurs outside the formal environment of libraries and archives. Many researchers in the Arab region have stumbled upon valuable collections, big or small, and have had to think on their feet and make decisions that they believe best serve the communities they are researching as well as the scholarly community at large. I have discussed a subset of the challenges and ethical dilemmas encountered in this realm, mostly based on anecdotal evidence from fellow historians. A more systematic reflection process is needed.

Conclusion

Archival research falls solidly within the realm of research with human subjects. However, as many of the historical interlocutors whose stories we find in archives are deceased, the ethics of archival research have not received sufficient scholarly and methodological attention. Central to this problem is the deceased's inability to give consent, and the fact that 'the archive', broadly construed, mediates the relationship between researcher and researched.

The protection of the privacy of the deceased, as posed through the story of X, is one ethical dilemma in archival research. However, it is a drop in the ocean of complex ethical issues one encounters when researching the archive. The Arab region faces the additional problem of the inaccessibility of state archives, which El Shakry has termed a history without documents. This poses an additional responsibility for researchers-turned-archivists, as many conduct their research outside of archival institutions and in the homes and offices of the cities they research.

In confronting these issues, the paper has argued that researchers could draw on two bodies of knowledge. The first is the insights on the archival turn, which upended notions of archival truth and posed critical ways to read and engage with the archive. The second is the body of knowledge emanating from the social sciences, which has long pondered the question of research ethics. At the intersection of these worlds is the notion of researchers' reflexivity, and their responsibility to bear research ethics in mind at every step of the research process, and respond to ethical dilemmas in thoughtful, context-specific, and just ways.

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