

# Rethinking Ethics Review as Institutional Discourse

Christine Halse

Anne Honey

University of Western Sydney

In this article, the authors trace the emergence of an institutional discourse of ethical research and interrogate its effects in constituting what ethical research is taken to be and how ethical researchers are configured. They illuminate the dissonance between this regime of truth and research practice and the implications for the injunction to respect others, illustrating their case with instances from their interview study with anorexic teenage girls. The authors propose that conceptualising the regulation of research ethics as an institutional discourse opens up the possibility for asserting counterdiscourses that place relational ethics at the center of moral decision making in research.

**Keywords:** *ethics; discourse; qualitative research; anorexia*

The institutional discourse of ethical research (too) often represents the practice of research as an ordered, linear process with objective principles/rules that inform/direct ethical decision making and moral action. Our article plots a different story—a cartography of ethics—that traces some of the moral questions, political tensions, and theoretical dissonances entangled in what we call the “institutional discourse of ethical research.”

Our intent is political and explicitly subversive: to trouble the hegemonic epistemological anchors and ontological effects of the institutional discourse of ethical research so that “things might be done differently” (Lather, 1991, p. 23) and, we hope, better. Specifically, our article has three aims: to make visible the entanglement of power and investments in the history of the institutional regulation of research ethics, to explore some of the chasms between the institutional discourse of ethical research and the “real world” of qualitative research, and to unravel the constitutive effects and theoretical implications of this dissonance for the conduct of genuinely ethical research.

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We have structured our article in three parts. In “The Institutional Discourse of Ethical Research,” we trace the coming into being of a new regime of truth about ethical research in institutions such as universities, hospitals, and public research agencies. Our discussion in “The (Im)Possibility of Respect for Others” teases out the discourse’s implications for a central canon of ethical research and research ethics policy: respect for (all) participants in any research. In “(Re)Forming Identities,” we interrogate the constitutive effects of the discourse for what ethical research and ethical researchers are taken to mean. Finally, in “(Un)Ending,” we discuss the political implications of our analysis for (re)framing the institutional discourse of ethical research and the moral regulation of research ethics.

We illustrate the theoretical point of our article with incidents from our interview study with anorexic teenage girls.<sup>1</sup> We have written previously about our struggle to do ethical research with anorexic girls and to comply with the policies and protocols for ethics committee review and approval (Halse & Honey, 2005). In this article, our focus is not the anorexic girls in our study but the others who are invariably overlooked and forgotten in conversations and thinking about research ethics: the assortment of particular and generalized others connected with any research site/s and any group of research “subjects,” including the researchers themselves. Our concern with this issue was triggered by a specific moral and professional obligation, namely the responsibility imposed by national research ethics codes, such as Australia’s *National Statement on Ethical Conduct in Research Involving Humans*, for researchers to respect “not only those humans who are the principal focus of the research endeavor but also those upon whom the research impacts, whether concurrently or retrospectively” (National Health and Medical Research Council, 1999, p. 7).

## A Cartography of Ethics

### The Institutional Discourse of Ethical Research

In this section, we trace the emergence of an institutional discourse of ethical research—a regime of truth—that we contend constitutes what is taken to be ethical research in universities, hospitals, and public organizations and that, we argue, shapes the conditions of possibility for “respect for persons.” Discourses refer to the sets of meanings, practices, and structures that work to produce particular realities and different ways of being by constituting fields of knowledge and instituting truths that constitute subjectivities and subjects in particular ways. Like any discourse, the institutional

discourse of ethical research evolved imperceptibly over time. Through a thousand minute accretions, it gathered intensity and coagulated with other discourses until it became so ingrained in the fabric of institutional life that it seems almost impossible to untangle it or think of its not being, even if we might desire otherwise.

Those with an historian's eye will glimpse the first traces of the discourse in the emergence of a realist tradition of empirical, scientific research and the veneration of the rational, autonomous subject during the 19th-century Enlightenment (see Halse & Honey, 2005). Henry Sidgwick (1883-1990), Knightsbridge professor of moral philosophy at Cambridge, is credited with fathering the tradition of ethical theory as a systematic, scientific schema of dispassionate universal truths that provided definitive answers for practical problems (see Walker, 1997). Sidgwick's successors sustained his epistemological thrust, but ethical theory largely remained the esoteric province of philosophy departments until the early 20th century. A number of incidents, however, brought into focus the dangers imminent in research and the moral and social desirability of ethical research, among them the Nazi atrocities on humans in the name of medical science; the knowing administration of radioactive iron and calcium to pregnant women and "feeble-minded" children; the deliberate exposure of prisoners to malaria, irradiation, pellagra, and live cancer cells; and the Tuskegee Syphilis study in which sufferers were led to believe that they were receiving clinical care but were left untreated for years (Loue, 2000).

Incidents such as these triggered the cross-over of ethical theory from the philosophical backwaters of academe to the public realm of institutional life, professional practice, and law. The Nuremberg Code (1949) specified that participants in medical research should consent and be protected from harm, and these principles were later extended in the Helsinki Declaration (World Medical Association, 1964). Although The Nuremberg Code and Helsinki Declaration explicitly addressed medical research, there was growing evidence of the ethical dangers that lurked in nonmedical research, as evidenced by Stanley Milgram's obedience experiments, where subjects experienced significant distress because they believed that they had inflicted pain on other research subjects (see Cave & Holm, 2003, for a review) and Laud Humphreys's use of deception to gain personal data about men who participated in impersonal homosexual sex in public places (Humphreys, 1975; Loue, 2000). More complex ethical issues were triggered by participants' claims that researchers had "got the story wrong," as was the case with Margaret Mead's *Coming of Age in Samoa*; William Foote Whyte's *Street Corner Society*, where participants were re-interviewed

and challenged the “truth” of Foote’s account (Johnson, 2002); and the villagers in Melanesian New Guinea who contradicted the cultural interpretations of Bronislaw Malinowsky in his ethnography *Argonauts* (Erickson, 1996). Researchers’ ethical yardsticks have been exposed as different from those of the communities with whom they worked, as Caroline Ellis learned when the ethnography of two fishing villages near Chesapeake Bay where she had spent 19 years researching offended some community members because she used privacy standards appropriate for people such as herself rather than those used in the villages (Johnson, 2002).

Central to the emergence of an institutional discourse of ethical research was the establishing of national policies and codes for ethical research that drew on the principles for ethical biomedical research but were imposed on and taken up by other disciplines and research approaches. In the 1960s, for instance, the U.S. Office of Protection From Research Risks issued guidelines for all research involving human subjects. Similarly, in Australia, the National Health and Medical Research Council’s code of ethics provided the basis for the *National Statement on Ethical Conduct in Research Involving Humans* (National Health and Medical Research Council, 1999), as did the *Federal Policy for the Protection of Human Subjects* in the United States (U.S. Department of Health and Human Services, 2005) and *The Tri-Council Policy Statement* in Canada (Medical Research Council of Canada, Natural Sciences and Engineering Research Council of Canada, & Social Sciences and Humanities Research Council of Canada, 1998).

In broad terms, national policies and codes for ethical research with humans draw on the four governing principles and obligations derived from “The Nuremberg Code” and the Helsinki Declaration: respect for autonomy, nonmaleficence, beneficence, and justice. These principles do not constitute a coherent ethical theory but bring together the work of different theorists and different philosophical frames: Kant (autonomy), Rawls (justice), Mills (beneficence), and Gert (nonmaleficence). Despite this conceptual inconsistency, when compliance with the national codes was made a precondition for the receipt of government research funding, their adoption by institutions such as hospitals, universities, and public organizations was assured (see also Guillemin & Gillam, 2004).

As ethics expanded from a way of thinking about research into a system of governmentality, it generated its own discursive systems, meanings, and representations of the world, evolving into a particular sort of institutional discourse. Compliance required institutions and professional associations to generate guidelines, practices, technologies, and systematic modes of surveillance to govern the enterprise of ethical research: policies, protocols, and proformas; systems for collecting, reporting, and auditing data; uniform

procedures (e.g., information letters, consent forms) to ensure consistent compliance; and administrative infrastructures, including ethics committees, to review and approve research proposals and administrators to collect and manage the swelling volume of applications for ethics clearance, correspondence, and related data.

What made these governing practices possible and intransigent was that they signified and entered into the articulation of the new institutional order—the discourse of ethical research—that they were designed to construct. The potency of these governing practices, however, lay in their colonizing power. They infiltrated different disciplinary traditions and research methods, the education of graduate students, corporate governance, and even institutional budgets because funds had to be redirected to sustain the new governing practices and modes of surveillance. From these colonizing effects developed a new professional class of certified ethicists—skilled ethics administrators and experts in ethics policy—and a Web of networks that entrenched the influence of this new species of professional and the institutional discourse they served: training workshops, conferences, professional literature, scholarly journals, research programs, local networks, national and international associations, and so on.

Like other discourses, the new institutional order of ethical research presents itself as inevitable and intractable, but it is not unitary, cohesive, or fixed. It is readily colonized and extended by other discourses and practices. It fused comfortably, for instance, with the neoliberal managerialism of the “audit culture” (Strathern, 1997, 2000) that has permeated universities since the end of the 20th century and coagulated with other governing practices outside of academic and research institutions. For instance, the hegemony of Australia’s *National Statement* (National Health and Medical Research Council, 1999) has been augmented by a lengthening list of state and national legislation designed to protect children and the privacy of individuals, to control the use of health records, and to constrain how researchers can collect and use data.<sup>2</sup> Similarly, in parts of the United States, the notion of managing ethical research has seeped into the realm of coursework curriculum review, institutional risk management, and staff management (see Lincoln, 2004; Wright, 2004).

Tensions have emerged. Some researchers have faced jail or significant personal, financial, and professional sacrifices to be loyal to the ethical responsibility to respect and safeguard research participants rather than place them at risk by turning over potentially incriminating research data to authorities (Adler & Adler, 2002; Johnson, 2002). Russel Ogden, for example, a graduate student in criminology at Simon Fraser University in Canada, was required to divulge confidential information about a death uncovered during

his research about assisted suicides of HIV sufferers, but Ogden successfully defended the case in court. The upshot of his successful resistance, however, was the institution of new governing practices and protocols, synergistic with Law, that (re)wove and (re)formed the discourse of ethical research into a different configuration with the Simon Fraser Research Ethics Committee resolving that researchers could only offer research participants limited confidentiality (Van den Hoonaard, 2001).

The crescendo of angst amongst researchers about the governing practices of research ethics cannot be ignored, but such conversations often oversimplify the complexity of research ethics in a conservative, neoliberal world (see also Cannella, 2004). Our central proposition is that there has emerged an intricate, institutional discourse of ethical research that is both an ideology and an instrument of governmentality and that encompasses an ever-expanding suite of technologies, structures, and practices, including a new class of professional committed to its political ethos. Moreover, the capillary work of these forces extends beyond the realm of scholarly research and the academy, weaving itself in general and specific ways through the nooks and crannies of institutions and into national policies, legislation, and Law and into their supporting infrastructures. It is a discourse that has potentially profound implications for the moral imperative to respect others.

## **The (Im)Possibility of Respect for Others**

Respect for the autonomy, privacy, and dignity of research participants is a primary principle of ethics policies and codes around the world. Like other national research ethics policies and codes, Australia's *National Statement* (National Health and Medical Research Council, 1999) defines research participants as "not only those humans who are the principal focus of the research endeavour but also those upon whom the research impacts, whether concurrently or retrospectively" (National Health and Medical Research Council, 1999, p. 7). Delineating research participants in this way acknowledges the broad coagulation of individuals and communities who might be affected in different ways and at different times by any research and places an explicit responsibility on researchers and ethics review committees to consider how these Others might be affected by the research and to take steps to ensure that they are respected and protected.

In our experience, including (for one of us) many years as the chair of university ethics review committees, the broader notion of research participants articulated in research ethics policy rarely impinges on the thinking or procedures of ethics review committees, except in relation to special groups,

such as indigenous communities or vulnerable populations unable to give informed consent. Rather, the ritualized technologies and practices of ethics review constrain the possibility of “respect for persons” by delimiting what is constituted as research. The protocols and proformas that researchers are required to complete for ethics approval derive from a scientific, biomedical model of objective, experimental inquiry that construes research as an unchanging, sequential process that can be set in stone in advance of the research. Such an assumption is contrary to the pragmatic “realities” of qualitative research, as is evident in fields such as social anthropology and life history research, with qualitative methods such as ethnography and participatory action research, and with commonly used recruitment procedures such as snowballing or theoretical sampling in grounded theory.

Furthermore, the protocols for ethics review restrict who is constituted as a research participant to the research “subjects” who are the “objects” of the research by the use of standardized forms to elicit information about the research and its research “subjects” and that imputes that the research starts with the concrete act of recruiting “subjects.” By delimiting the “research participants” to the research subjects/objects, the protocols for ethics review occlude from view the many others who are implicated in and (possibly) affected by the research in different ways and at different times, including various individuals, stakeholders, and Others connected with the research project, research site/s, and/or research “subjects.” In our study with anorexic girls, for instance, this group included doctors, nurses, psychologists, and other health professionals and support staff in the clinics; the girls who participated in our study; the nonparticipants who were also patients in the clinics where we worked; the girls’ parents and siblings; and the members of the research team, including professors, researchers, and graduate students. The association of this larger group meant that ethical issues of respect for others were always/already imminent in the social and political context of the research: preceding the recruitment of research “subjects,” colored by the investments and desires of different individuals/participants, fashioned by the force and counterforce of politics and power relations, and crafted by the complex physical and emotional conditions of the research context. For instance, our study involved 12 months of complex negotiations to win the trust of this larger group of participants in the research site/s and to gain approval and access to work in the clinics and an even longer time to establish a collaborative, collegial relationship with the clinicians and staff in each research site.

The dissonance between research practice and the governing practices of the institutional discourse of research ethics is more than bothersome,

galling, or benignly unsettling. It exposes an epistemological rupture—an ethical schism. When the technologies of ethics review configure themselves in ways that are disconnected from the “real world” of research practice and discourage/preclude considering all “those upon whom the research impacts,” the technologies position themselves as superordinate to the moral principles and codes for ethical research. This point was underlined during our study. As a multisite study, lengthy negotiations were required with multiple ethics review committees, each of which had different expectations about and requirements for how the research should be conducted (see Halse & Honey, 2005). The messy to-and-froing during this early stage of the research directly affected the work and well-being of the members of the research team. For one neophyte researcher in the group, the strain was too much and she withdrew from the project.

The danger that lurks in such a state of affairs is that the governing practices of the institutional discourse of ethical research carry within themselves the potential to renounce the moral imperatives they are charged with overseeing and that were the logic for their coming into being in the first place. Such conditions open up the possibility of a radical epistemological transformation of what ethical research is taken to mean by (re)defining and (re)territorializing it as an administrative, procedural act whereby the collection and aggregation of data becomes the defining criteria for ethical research. In this way, the signifying practices of the institutional discourse of ethical research work to shift the gaze from the particular, precise ethical concerns embodied in the concrete relations of research practice and to reconstitute ethical research in terms of the data collected about factors deemed liable in advance of the research to detect and prevent the risk of ethical problems or breaches.

Our thinking on this point has been informed by Castel's (1999) work on the transformation of face-to-face interaction between medical practitioners and their clients. Castel argues that the shift “from the gaze to the objective accumulation of fact” (p. 282) dissolves the notion of a subject and makes possible new modes of preventative surveillance in the form of policies, data, and dossiers designed to reduce the risk of danger:

What the new preventative policies primarily address is no longer individual but factors, statistical correlations of heterogeneous elements. They deconstruct the concrete subject of intervention, and reconstruct a combination of factors liable to produce risk. Their primary aim is not to confront a concrete dangerous situation but to anticipate all the possible forms of irruption of danger. . . . The modern ideologies of prevention are overarched by a grandiose



technocratic rationalizing dream of absolute control of the accidental, understood as the irruption of the unpredictable. (pp. 288-289)<sup>3</sup>

Of course, there is always the possibility that the move from description to prescription of ethical research will have the “performative power . . . to bring about what they present as actual” (Chiapello & Fairclough, 2002, pp. 200-201), namely ethical researchers doing ethical research. On the other hand, the imminent danger of technologies to contain risk is that the ethical principle of respect for others will be reduced to “a coherent scheme of administration” (Castel, 1999, p. 292) that is subordinated to the power and political interests of institutions and the state.

The quandary that the institutional discourse of ethical research confronts is that it is always/already vulnerable to being disconnected and dislocated from the relational ethics of the “real world” of research because the micropolitics of research practice are too messy and diffuse to be pinned down and regulated by systematized rituals and practices. Power is never innocent in the construction of research relationships. Our study involved lengthy and often tense negotiations between the research team and clinicians that exposed deeper epistemological and ontological divisions: feminist researchers seeking to illuminate the discursive subjectivity of anorexia nervosa and to privilege the particularity of each girl; clinical constructions of anorexia and anorexic girls as deviant and Other to an essentialized population of “normal” girls and who are afflicted by a particular biological/psychological pathology. Entangled in these tensions were paradigm differences: medicine’s positivist faith that research could transparently reveal an objective and incontestable universal truth about the generalized anorexic subject and the interpretative frame of qualitative research that privileged the particularity and singularity of each anorexic subject. Eventually, a constructive, supportive (and long-term) relationship was established with the clinicians but only because we agreed that the future was unknowable, that research relationships cannot be set in stone in advance of the research but come into being over time, and that any issues could be resolved (if and when they arose) by respecting others.

The (almost) inevitable disconnection between the technologies of ethics review and the relational ethics of “real world” research means there is always a danger that what is taken to be ethical research within institutions will be reduced to no more than a performance by researchers of a suite of textual competencies deemed necessary and desirable within the discourse’s governing conditions: the ability to fill out the forms in the approved way, to deploy “ethics-speak” as required, and to couch a research project in the

language of scientific objectivity that resonates with many ethics review committees. When such conditions prevail, researchers are vulnerable to taking up or being positioned in opposing moral universes that construe ethical research in very different ways: the institutional discourse of ethical research and the relational ethics of actual research practice.

### **(Re)Forming Identities**

The institutional discourse of ethical research has ontological effects that shape the public identities and subjectivities of researchers and research participants. The normative principles of ethics codes draw on Emmanuel Kant's notion of the moral self as an autonomous subject without sensibilities, history, or physicality who is able to act independently and impartially and who can recognize the rights and claims of others because they are just like oneself (Benhabib, 1987, p. 81). Here, the ontological problem is the presumption of autonomy, regardless of other conditions, and the presumption of the moral self as some *a priori* condition that is true and knowable of all subjects. Both configurations lapse into problematic, universal identity claims that presume the knowability of the other.<sup>4</sup>

Herein lies the ontological dissonance with the practice of ethical research. In the "real world" of research, identities are more fluid, mutable, and difficult to pin down. In the situatedness of qualitative research, the subjectivities and identities of all research participants are repeatedly (re)configured and (re)formed in ways that repeatedly (re)align and renew the ethical terrain. Multiple, shifting identities shaped our identity and relationship with the clinicians: colleagues, adversaries, collaborators, and supplicants. Similarly, our graduate students were located in and took up a multiplicity of different and contradictory subject positions. By the professors: students to be tutored, young people to be protected, and neophyte researchers to be supported. By the anorexic girls in our study: confidantes, kindred spirits, potential saviors, and objects of manipulation. By the students themselves: vulnerable, caring, politically savvy, and intellectually anxious.

In the messy "concrete particularities" (Denzin, 1997, p. 284) of relations with others, it is not possible to configure in advance and for ever more the sort of human beings that all research participants are or might be in the future or to assume that "respect for persons" can be achieved through the independent actions of emotionally disengaged subjects. Nor can we assume that recourse to absolute moral rules will always be desired or relevant to all participants in all cases, contexts, or cultures. Moral sensibilities are constructed in the particular, corporeal, and situated relationships in

research practice and entangled with the psychic, physical, and emotional, with investments and attachments and with the politics of power relations. In this messy terrain, there is no “moment of security or of cognitive certainty” (Keenan, 1997, p. 1). Our only resource is care and respect made possible in/through dialogical relations with others. When this basic moral principle is breached, it generates a moral void—the sort of spiritual emptiness that we experience when we renounce the call to a relationship with others.

There are other, potential ontological effects secreted in the political technologies of the institutional discourse of ethical research. The practices and protocols for ethics approval require researchers to demonstrate/prove how they will perform the ethically right/approved behavior to respect research participants, including research “subjects.” This requirement is designed to protect research “subjects” by obliging researchers to think through moral questions so that ethical problems can be forestalled in advance of the research. Language has auto/biographical effects (Halse, 2006). The practices and protocols for ethics approval are vulnerable to scripting researchers and research “subjects” in binary terms that categorize and structure thought in oppositional ways. Binaries are made possible by and rely on constructing one side of the binary as somehow deficit (Derrida, 1978) in ways that make the ascription of opposing moral attributes to each side of the binary seem natural, rational, and reasonable. The requirement for researchers to demonstrate how they will be ethical imputes that researchers are (potentially) unethical. This rhetorical maneuver positions researchers and research “subjects” as binaries: vulnerable, innocent, and defenseless research “subjects” in need of protection from unscrupulous researchers. The ascription of negative character traits to researchers postulates an innate and universal moral weakness that supposedly dwells within all researchers even if this fatal flaw has never been exhibited. Nevertheless, the chance that this generalized moral defect might surface represents a danger and provides the logic for practices to contain and prevent the risk to research subjects.

The power of binaries also lies in their capacity to colonize and to affix themselves to other concepts in ways that weave new oppositions and divides. The insinuation that researchers might be Other to the interests of research “subjects,” for instance, scripts researchers as (potentially) Other to the practice of ethical research, at least according to the terms decreed by the governing regimes of the institutional discourse. Butler, Laclau, and Žizek (2004) describe how these forces work: “The very regime of power that seeks to regulate the subject does so by providing a principle of self-definition for the subject” (p. 264).

Under these conditions, the work of applying for institutional ethics approval is mutated into an autobiographical act that is simultaneously defensive and protective—a strategic textual maneuver by which a researcher contests the imputation of immoral dispositions and predilections and asserts a public identity as a virtuous, moral subject within the institutional discourse of ethical research. It is in this way that a persona as an ethical researcher becomes visible and publicly recognizable to others. Ironically, the acquisition of such an identity is (and can only be) bestowed by an ethics review committee with the granting of research ethics approval—a reward that is (and can only be) conferred by the researcher's assent to the governing practices and moral technologies of the institutional discourse of ethical research.

Of course, the political technologies and governing practices of the institutional discourse of ethical research are sneaky. They slide through the moral codes and regulatory regimes of ethics policy and institutional protocols to seep into the moral regulation of the self where they are taken up as canons of personal ethics, as a “mode of personal existence within such practices” (Rose, 1999, p. 226). Thus, the moral and regulatory practices of the institutional discourse are also technologies of transformation whereby external constraints translate into internal constraints on the conduct of the self and the researcher is brought “from one way of being to another” (Rose, 1999, pp. 227, 250).

It follows from this analysis that the practices and regulatory regimes of research ethics do not always subjugate us, or subjugate us all, or always subjugate in the same ways. Rather, we become complicit in constructing and articulating the institutional discourse of ethical research through what we do and what we allow to happen to ourselves. We can resist the discourse and its governing practices. We can also (appear to) comply but ignore our commitments when we move into the realm of research practice. Such a path, however, involves the morally indefensible, Janus-faced position of (knowingly) adopting opposing moral stances in two different worlds. At its worst, it is a path that “fosters deception and cultures of counterfeit practice” (Halse & Honey, 2005, p. 2142): the performance of an ethical persona in one universe and the disguising of unethical practices in another. This is the really scary ontological concern. That the practices of the institutional discourse of ethical research will “produce the possibility of identities that it means to foreclose” (Butler et al., 2004, p. 269): ethical researchers behaving unethically.

The discourse's imputation that researchers and their research warrant surveillance speaks of a lack of respect for researchers who, after all, are active participants in any research project. It also hints at the curious self-serving

circularity entangled in the discursive practices and ontological possibilities of the institutional discourse of ethical research. The discourse invests considerable faith in the moral integrity of its sustaining practices and in the professional class charged with generating, managing, and monitoring these practices. Such faith is only conceivable and tenable if this group is constructed as somehow immune from or less incapable of moral transgressions than others species of human beings, such as researchers. The hazard of such thinking is that it opens up the possibility of constructing researchers and the discourse's agents as mirror images of each other with specific, antagonistic moral identities: good/bad, honest/dishonest, trustworthy/untrustworthy, and ethical/unethical. Regardless of whether this effect is unwitting or by design, marking researchers as in need of oversight, disciplining and control works to legitimate and perpetuate the continued moral regulation of research ethics and the identity of the institutional order as the champion of the defenseless research subject against the barbarian researcher.

### **(Un)Ending**

In attempting to trace a cartography of ethics that captures some of the complexities and potential dangers that lurk in the institutional discourse of ethical research, we confess that we present a cheeky critique and (may) overstate our case. Nevertheless, we have been cautious to couch our interrogation in tentative, provisional terms, as a thinking-through of what might be rather than an assertion of what is. Our guardedness is deliberate: The world is rarely as straightforward and clear cut as we sometimes maintain or like to believe. There are significant local, national, and international differences in the institutionalization of research ethics, and the moral universes of research ethics and research practice often cross orbits, collide, and unite. Nor do we want to fall into unproductive, simplistic binaries: innocent, oppressed researchers subjugated by the evil governing practices of the institutional discourse of ethical research. This way of thinking deploys the same sort of rigid, normalizing practices that researchers often accuse ethics committees of invoking (Halse, 2004).

Rather, our aim has been to highlight some of the dissonances between the hegemonic discourse of ethical research and research practice, their constitutive effects, particularly in terms of the moral principle of "respect for persons," and the difficulties of ritualizing and containing the messiness of personal relations with institutional rules. Our point is that the governing practices of research ethics suggest guidelines for practice, but they do not guarantee or enable ethical research.

But where does this leave us? Should we advocate a moral and political uprising and the complete dismantling of the current mode of research ethics review? Mutiny may have a magnetic attraction (see Van den Hoonaard, 2001), but if there ever was a glorious golden age of unfettered freedom for research, it is unlikely to be resurrected in a neoliberal world of legislative controls, legal responsibilities, and institutional audit and accountability. If this is our reality, then what counterhegemonic alternatives might be put in place of the current regime? To what possibilities can we turn? And how do we do the difficult work of turning against the complex inscriptions of the institutional order?

Feminists have proposed an ethical orientation of care that privileges relationality, care, vulnerability, and responsibility and asserts the importance of active concern for others and for community (Feder, 1999; Tronto, 1993; Walker, 1997). Benhabib (1987, 1992) theorizes a model of discourse ethics that brings together the principles of feminist communitarianism and universalist procedural norms so that the "plurality of modes of being human, and differences among humans" can be considered within a framework of moral principles (Benhabib, 1987, p. 81). On the other hand, a poststructural ethics presumes a complex responsibility to the other that comes when all the rules have been withdrawn and when we have "no grounds, no alibis, no elsewhere to which we might refer the instance of our decisions" (Keenan, 1997, p. 1).

At the heart of each of these positions is the claim that creating ethical relations involves repersonalizing the moral by putting relational ethics and "respect for persons" at the center of the moral decision making of research ethics and research practice. This does not mean uncritically discarding the moral principles of national ethics codes or creating a cavern where anarchy and ethical paralysis reign supreme. Rather, it means an ethical (re)orientation that arises from active engagement in the sort of critique that we have presented in our article: an unravelling of the taken-for-granted assumptions, ways of thinking, and technologies and tactics that shape us into particular sorts of researchers and configure research ethics in particular sorts of ways.

This, we contend, is why we need to think and talk about the institutionalization of ethical research as a discourse rather than merely a fixed set of governing practices or as the deeds (or misdeeds) of ethics review committees. The receptivity of discourse to challenge, change, and counter discourses gives lie to its inevitability and immutability. It is precisely because discourses construct, rather than reflect, their objects that the institutional discourse of ethical research carries within itself the possibilities for reconfiguring the rhetoric, practices, and assumptions that have permeated the

social tissue of research. Beginning the tricky business of (re)inventing research ethics review requires us to think beyond the discourse, to trouble the hegemonic institutional order and to interrogate how we, knowingly and unknowingly, are complicit in the very practices we criticize and critique. Inevitably, this task will involve heartache as well as rewards. The real danger is when we imagine that this sort of hard work is no longer necessary or even possible. When this happens, it is researchers themselves who become the force for the unrealizability of the moral.

## Notes

1. In feminist and poststructural writing, *anorexic* and *anorexia* are contested labels. We use them here provisionally, for the sake of economy and in the absence of better words.

2. Regulations vary by state. In New South Wales, for instance, the Commonwealth Privacy Act of 1998 requires Commonwealth agencies (including universities) to conform to the information privacy principles in dealing with personal information; the *NSW Privacy and Personal Information Protection Act* (1998) lays out the privacy protection principles for both researchers and the community.

3. Castel argues that these changes have completely and categorically transformed practitioner-client relations. In relation to the practice of ethical research, this is the point where we diverge from Castel and present a more nuanced position further in our article.

4. We develop this critique further in Halse and Honey (2005).

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**Christine Halse** works at the University of Western Sydney, Australia and is the author of *A Terribly Wild Man: The life of the Reverend Ernest Gribble* (Allen & Unwin, 2002), the life history of Australia's most famous and infamous missionary. Her research and publications focus on the construction of identities and subjectivities within educational and social policy. Her methodological interests are in life writing, discourse analysis and research ethics. Chris is currently leading an international research program on the intersection between personal experiences and public policy in doctoral education, and is Chair of the Human Ethics Research Committee at the University of Western Sydney.

**Dr Anne Honey** is a health researcher with a background in psychiatric occupational therapy. She has researched and published articles that illuminate the perspectives of people with mental health problems and has particular interest in the role of parenting in health management. Anne's recent research has examined the experiences of teenage girls diagnosed with anorexia nervosa and their parents. Throughout her work, Anne has been inspired by the determination and ingenuity with which participants deal with difficult circumstances and has developed a particular interest in families and how they respond to stressful situations.