The amoral academy? A critical discussion of research ethics in the neo-liberal university

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The Amoral Academy? A Critical Discussion of Research Ethics in the Marketised University

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Abstract

This paper challenges current dominant thinking in Universities about the processes of ethical appraisal of research studies in the Social Sciences. It considers this to be founded on unjustifiable and inappropriate principles, the origins of which are presented before discussing alternative, more inclusive and ethically defensible approaches. The latter are based on dialogic processes to sustain respectful and empowering ethical reviews which appreciate the situated nature of research. The empirical evidence for this comes from papers about ethnographic studies with children and adults in various educational spaces in Western Europe, originally a symposium on the practice of ethics in educational ethnography at ECER, 2017, now forming a book published by Routledge, 2019. The dialogic processes help researchers to carry out culturally-appropriate research with the demonstrable ethical integrity that participants and stakeholders reasonably expect. The authors argue that currently risk-averse Universities need to change their research cultures to support all research methodologies and fieldwork practices that have ethical integrity and create valuable research that is socially beneficial, to enhance their lustre.

Keywords: Ethical review; dialogic empowerment; participants' voices; moral practice

Clarifying the Problem

Institutional structures, cultures and practices are a sub-set of wider socio-political discourses. University ethical review processes in the USA and much of Western Europe reflect their institutions' desire to avoid risk because of the demands of the markets in which they compete. The emergence in the 1980s of the market as the dominant mechanism and discourse for describing how people and institutions interact changed the way institutions were run and the relationships between institutions and the state. This perspective created performative policy contexts which privileged the efficient use of resources (Hodkinson et al., 2007) over other social values such as that of continuing education or addressing social discrimination against economically disadvantaged students (Field et al., 2010). It created a new rationality for government action, a new governmentality (Foucault, 1991), which privileged competition over exchange (Gane, 2008) and focused more on managing people and their bodies individually and collectively than on territory (McKee, 2009). In Higher Education this focused on managing the market in Higher Education, leaving universities free to manage themselves and their staff in whatever ways helped them to generate funding from student fees and research grants. From a government perspective, it kept universities working to defined and measurable purposes, goals and targets (Bone, 2012), that it was claimed would increase their production of wealth for the state (Foucault, 1991).

This new governmentality restructured the distribution of power in universities (Walford, 2018) to reflect their accountability externally to the consumers of their services and to central government through new policy frameworks, and internally to their students (Vidovich and Slee, 2001). It led universities to construct an audit culture for staff in place of traditional professional cultures (Salter and Tapper in Vidovich and Slee, 2001) which erroneously construed students as consumers, rather than as co-constructors of knowledge with their teachers. In this new culture, institutional performance was gauged only by what could be measured, for example through quality assurance schemes (Olssen and Peters, 2005), to meet the projected demands of an institution's markets. Despite the emphasis on individual freedom in the new governmentality (Olssen and Peters, 2005) these processes reduced the power of staff singly and collectively to challenge the decisions of senior leaders and managers who now defended their actions by claiming their strategic planning decisions reflected the exigencies of an institution's markets.

Universities' concerns with the pressures of the market intensified competition between them for researchers, students and research funding (Mustajoki and Mustajoki, 2017). While this may have led to a greater diversity of research perspectives and a wider range of research publications, it also made universities risk-averse because they could not afford to lose customers through damaging their reputations as high-quality research and/or teaching institutions (Zywicki, 2007). In this marketized regime, universities became obsessed with accountability, searching for whatever metrics they could to measure the performance of research staff, such as the winning of research grants or maximising their publication of articles in prestigious international journals. In Britain, too, as a result of a government White Paper (DFE, 2016) teaching quality came to be measured through the TEF (Teaching Excellence Framework). This added to lecturers' senses of having their work and performance continually scrutinised and incentivised through pay and rewards (Gunn, 2018), illustrating the analysis of Foucault (1977) that people in institutions are controlled through continuous surveillance using a variety of technologies. The generation of norms with which staff had to comply or risk punishment, without any recognition of their agency, allowed power to reach, 'into the very grain of individuals, touches their bodies and inserts itself into their actions and attitudes, their discourses, learning processes and everyday lives' (Foucault in Lawson, Harrison and Cavendish, 2004, 39). In turn, this led individuals to become self-regulating, 'constitut[ing] himself (*sic*) in an active fashion, by the practices of the self' which 'are proposed, suggested and imposed on the subject by his culture, his society and his social group' (Foucault in Lawson et al., 2004, 11). Whilst academics in this regime might be encouraged to be active in pursuit of university goals, in another more significant sense they have become 'docile bodies' (Foucault, 1977) that merely comply with institutional requirements even when asserting their own initiatives for research projects.

University Ethical Review Boards (ERBs) are part of a university's mechanisms for regimenting people by taking them on manoeuvres that enforce ERB views of proper ethical processes in research, illustrating the new 'disciplinary technologies' discussed by Foucault (1977). If people do not comply with the demands of the institutional regime their jobs or access to resources can be threatened (Adler and Adler, 2016). In the new performative disciplinary regime ERBs created tight regulatory systems for selecting acceptable research projects by inappropriately extending a utilitarian ethical framework, originally developed for use in biomedical studies to research, into the Social Sciences and Humanities (Stark, 2012). This framework - gaining prior informed consent from participants, avoidance of harm, confidentiality in reporting research (Flinders, 1992) - is based on hypothetico-deductive

approaches to research (Adler and Adler, 2016) that are not necessarily used in the Social Sciences and Humanities. In the latter, researchers often use inductive, documentary or ethnographic approaches to make sense of human interactions in physical and/or online communities and networks. These designs can also be justified as having ethical integrity if alternative ethical frameworks are used to complement that of traditional interpretations of utilitarian ethical approaches.

Researchers have always accepted the need to show to participants, gatekeepers and beneficiaries of research projects that they have taken every care to construct ethical research that benefits society so that people can be confident in agreeing to take part in research. So regimenting researchers into particular models of research design or approaches to gaining consent and relationship-building with participants diminished their scope for action by threatening to prevent the implementation of valuable studies of socio-cultural situations that require qualitative designs, such as ethnography or oral history (Adler and Adler, 2016). It also inhibits researchers from developing with research participants negotiated collaborative moral compasses for action in identified situations (Brady, 2012). Instead of the rigid regimentation of ERBs, communally agreed ethical practices using alternative, recognised value frameworks can benefit all parties in a research project (Dennis, 2018).

The rest of this paper argues how an alternative approach to the ethical regulation of research projects might be constructed in a more communal manner. As with the accountability of institutions to external and internal stakeholders, so with ethical review for research projects. If this is to be comprehensive it, too, needs to operate at two levels, internal and external. There is an internal accountability between an institution's researchers and its ERB and an external accountability to participants, gatekeepers and beneficiaries, usually through a researcher in a research project setting (Flinders, 1992).

Creating more Communal Practices in Universities

A more communal approach to ethical regulation could still acknowledge universities' concerns with market forces, their fear of risk and the expectation that they operate a transparent ethical review process to recognise useful and trustworthy research. However, within such policy and institutional contexts, a more communal approach would recognise that individuals develop identities to achieve purposes (Giddens, 1991) through their internal and external conversations with significant others (Archer, 2003) who influence their decision-making, their agency and their negotiations with institutional bodies to try to achieve their aspirations (Butler in Youdell, 2012).

A more communal approach would celebrate the importance of agency, helping people to develop their identities and agenda through negotiation and learn to resist merely being docile bodies. In part this process acknowledges the normality of resistance to hegemony within and outside institutions (Vidovich and Slee, 2001) and an understanding why and how it occurs. It also celebrates the construction of communities with their own cultures made up by the people who participate in them, although such cultures are strongly influenced by the socio-political contexts in which they are located and by how power flows within these.

To achieve wise judgements on research projects and to develop ethical practices and neophyte researchers' expertise requires collaboration (McNiff, 2013). This is an important principle in relational ethical thinking (Flinders, 1992). This collaboration, which sets out to

negotiate relationships which are mutually beneficial, is at two levels. One is with potential research collaborators in proposed research settings (an external collaboration) while the other is between researchers and their institutional ERBs (an internal collaboration). This shift to collaboration is crucial. Firstly, it moves fundamentally away from biomedical views of humans as research subjects by acknowledging them as research participants (Gontcharov, 2016). Secondly, it encourages the use of supportive dialogic approaches between researchers and ERBs (Beach and Eriksson, 2010). A more collaborative approach to ethical regulation would allow researchers to negotiate with members of their ERB to develop and support research projects through review and revision throughout the life of a project (Brady, 2012), acting in a manner similar to that seen in some Scandinavian countries (Beach and Arrozola, 2019).

The apprenticeship model that is created by collaboration between researchers and ERBs helps to develop a community of practice around understanding ethical research in which learning takes place both ways between neophyte and experienced practitioner (Busher, et al. 2014). Acquiring the cultural practices of an institution is how people indicate their willingness to engage with a community, as well as developing themselves as useful members of it (Lave and Wenger, 1991). Adjusting to the requirements of ethical regulation helps researchers to develop their understandings of how ERBs function, the values they assert and what part researchers can play in the liminal spaces of ERBs' actions (Bhabha, 1994). These spaces are suffused with asymmetrical distributions of power (Foucault, 1977) which lower status participants have to learn to navigate in order to assert their agency successfully and gain their desired outcomes for their research project designs. This process often initially leaves new participants feeling disempowered, challenging their senses of identity and, sometimes, their sense of competence, at least temporarily (Pierce, 2007), unless they are given careful support by existing and usually more experienced members of the community (Bahous, et al. 2016) formally and informally (Lave and Wenger, 1991).

The construction of a more dialogic process of ethical support would encourage an openness to learning about research design and ethical practice, whether by neophyte researchers or by experienced members of ERBs, which would address the unequal power and lack of collective responsibility that currently bedevils many ethical appraisal processes. This would help researchers become more skilful in weighing up matters of fact or objective data, private and personal experiences of research practice, and professional experiences of research project evaluation (Stark, 2012). This could help more established academics to reflect on their biases about research design and methods. It would allow more experienced researchers to induct their less experienced colleagues into developing their skills by learning to assess risks associated with particular research sites and designs at individual and institutional level (Mustajoki, and Mustajoki, 2017). For example, ERB members could help researchers to think about how to reveal the power inequalities in their studies that might silence voices or disregard the agenda and capabilities of those in a research project setting (Cannella and Lincoln, 2007). Assuming researchers continue to engage reflexively with research practices, they will gain in expertise, further developing their capacity to make wise judgements and exhibit skilful practice, a capability called phronesis (Traianou, 2019). Further, it would help less-experienced researchers to be part of the final decision-making process on the viability of research projects (Kitchener and Kitchener, 2009). It would recognise that researchers, however early in their careers, can bring valuable and valid expertise to bear on the discussions which lead to ethical decision-making (Fox and Mitchell, 2019).

A more dialogic approach to ethical research appraisal would require researchers and ERB members to focus on all those affected by the review board's decision-making, including those potential participants and gatekeepers involved in the proposed research project. This form of empathising has been termed as 'seeing like a subject' (Stark, 2012, 13). It requires an acceptance of people's subjectivity and a conscious eschewing of recognised biases by those engaged in discussions of ethical practice to construct ethical integrity for a project. To achieve this ERBs and researchers would need to create suitable spaces and times throughout the research process to evaluate ethical practice beyond that of pre-study documentation flowing from researcher to ERB. At the core of decision-making about morally acceptable research practices are human judgements made by researchers in collaboration with their research participants (Seedhouse, 2009). Further, ERBs would need to re-imagine their documentation to support both internal accountability agenda (between ERB and researchers) and external accountability (researchers and those in the research setting) and take account of more communal discussions to construct ethical research.

Using multiple ethical frameworks to evaluate research projects

Ethical review has to incorporate alternative ethical traditions of deontological, ecological and relational ethical thinking, alongside an utilitarian ethical framework, for example in the CERD framework (Fox and Mitchell, 2019), if it is to provide a comprehensive framework for ethical appraisal which can reveal the key issues for any particular study (Stutchbury and Fox, 2009). A deontological ethical framework emphasises researchers' obligations of reciprocity with participants, avoidance of wrong during fieldwork, fairness in reporting outcomes. A relational ethical framework emphasises researchers' relationships of collaboration with participants, avoiding imposition on participants, producing confirmatory outcome reports. An ecological ethical framework emphasises researchers' cultural sensitivity, avoidance of detachment, responsive communication (Flinders, 1992). If culturally and locally appropriate research foci are meaningfully employed, it could highlight the aspirations for and commitment to prioritizing positive over negative consequences, applying an interpretation of utilitarianism which has fundamental implications for research design (Kontopoulou and Fox, 2015).

The following sections present the implications of using multiple ethical frameworks to evaluate research designs and projects for each of the key stages of the research process.

Planning a Study

Deontological thinking emphasises reciprocity in the construction of a research project (Flinders, 1992). This involves people being willing to share and transact with one another (Sayer, 2011) rather than just inform and gain consent, whether within a research institution between a researcher and their ERB or between a researcher and putative participants in a research site. Ecological thinking can help researchers scope the social web of a research project, identifying those associated with, involved with and affected by the research plans (Fox and Mitchell, 2019) with whom relationships need to be maintained. ERBs need to consider how they can support such approaches to thinking.

Relational ethical thinking will encourage researchers and ERBs to get to know all parties involved in a potential project so that the agenda and aspirations of potential participants and gatekeepers, as well as members of ERBs, are considered when negotiating a basis for ethical

practice in a project. In knowing those involved, researchers are better positioned to show respect for those in any particular research setting by making appropriate methodological and ethical decisions when designing their research, developing strategies to enact these in the field and justly reflecting participants' views in research reports. Relational ethical thinking challenges all researchers to acknowledge in a culturally appropriate manner the contributions to a project by participants and gatekeepers, especially if participants are considered particularly vulnerable and/or the topic of the research is thought to be sensitive or challenging. For example, a researcher might decide as a result of reflection on the probable social processes of a research project that their ethical practice might be guided by an ethics of care, traditionally associated with feminist research (Noddings, 1984). ERBs need to consider how they can support such approaches to representation.

Taken together, these ethical frameworks reimagine research projects as no longer designed solely by researchers for topics sanctioned by their educational institutions. Instead, all concerned with a potential research project, create valuable research through shaping its focus and methodology. What is judged as valuable no longer resides only with the judgments of institutional bodies distanced from potential research sites but with voices from those sites which are more democratically consulted/included.

Supporting Fieldwork

Whilst it is undeniably important to avoid harm to potential participants in a putative research project, as promoted by utilitarian ethical thinking, deontological thinking offers a broader understanding of harm to include notions of moral wrong, such as dishonesty and dissimulation between researchers and research participants (Cassell, 1982). The last two behaviours should be avoided to improve participants' safety, to build and maintain trust between those involved in and affected by a project and to help researchers to avoid making unreasonable imposition on gatekeepers and research participants' lives unknowingly. Ecological ethical thinking helps to identify the 'who' and relational ethical thinking the 'how' in such decision-making (Flinders, 1992).

Avoidance of imposition, part of relational ethical thinking, requires researchers and ERBs to consider whether resources such as time, finance or space are used appropriately in a research setting from the perspectives of participants and others in the setting. However, what might be considered an imposition depends on a range of cultural, institutional and individual factors, for example gender (Herring, 1987), prior experience of research (Fox and Mitchell, 2019), or relationships with the researcher. Further, what participants might consider an imposition may change through time depending on, for example, participants' developing trusting relationships with the researcher or their views of how worthwhile is a study (Smette, 2019).

Developing trusting relationships with participants requires researchers to be culturally sensitive to their participants' needs by avoiding detachment from participants in the research setting. These are principles of ecological ethical approaches (Flinders, 1992). Cultural sensitivity includes using appropriate approaches to ethics in a research setting (Cannella and Lincoln, 2007). It raises questions about whether there are any universally accepted ethical principles and to what extent Western ethical frameworks can be applied to non-Western settings (Halai and Wiliam, 2011; Tickly and Bond, 2016; Fox and Mitchell, 2019) to minority ethnic and religious groups in Western settings, or to vulnerable participants in any settings (Busher, 2019).

Respecting privacy, an important tenet of utilitarian ethics, may ensure that none of the research participants can be identified in a research project report but does not consider whether all voices in a study have been justly represented (Pendlebury and Enslin, 2001). Deontological ethical thinking pays attention to achieving justice and generating equity, rather than equality, by taking into account the needs and positionalities of different groups and individuals in a social situation. At the reporting stage of a research project, it requires the equitable representation of research participants in research reports by firstly giving, 'each person … an equal right to the maximum amount of liberty' and secondly organising, 'any social and economic inequalities so that they work to everyone's advantage' (Seedhouse, 2009, 102). The first takes priority over the second should they fall into conflict with each other. For example, acknowledging students' voices in educational settings enacts this stance (Cook-Sather, 2014) in studies where students' perspectives are important to understanding particular social or educational processes. Enabling students' perspectives can be developed into collaborative research designs empowering students as co-researchers (e.g. Kellett, 2005).

When writing research reports, ecological thinking encourages researchers to avoid detachment from the situations in which they have worked and be responsive to them (Flinders, 1992) by using responsive communication between researchers, ERBs and research participants, in a practice of mutual dialogue. This can help researchers develop cultural sensitivity by listening to what is known about a research context, not least by hearing the views of participants and gatekeepers in research settings. For example, a report might focus on the ways in which cultures express themselves or on how different participants' voices emerge through a study. It can also help researchers to acknowledge and represent power inequalities in research settings in ways that do not antagonise those in research sites. Researchers adopting critical ethnographic (Carspecken, 2013) or critical theory approaches (Kinchloe and MacLaren, 2002) will want to challenge these power inequalities in their research reports (Dovemark, 2019). For example, a report might focus on how the inequities of race (Solorzano and Yosso, 2002) or gender (Lather, 1992) are played out in specific research settings. To tackle power inequalities in a project report and avoid any ambiguity or sensitivity about data ownership, researchers could hand over authorship to the project participants. (McLaughlin, Black-Hawkins, Brindley, McIntyre, & Taber, 2007). But few researchers have the courage to do this and many participants might not want the work involved.

Relational ethical thinking requires researchers to produce reports that confirm participants' views by reflecting research participants' views justly in research project reports. If participants are only viewed as subjects, researchers might achieve this by offering them subject validation. However, if research participants are viewed as participants (Gontcharov, 2016), researchers need to offer them the opportunity to engage in more substantial co-analysis as part of a participatory design (Cohen et al., 2017).

Furthermore, confirmation is in itself, potentially, an imposition on participants because of the time commitments some forms of it require. It can also be problematic to achieve as research findings will often be made public. Although Flinders (1992) suggests that researchers should 'attribute to others the best possible motives consistent with our best

understanding of the relevant 'facts'' (p.107), those who wield power within and over research settings might prefer some findings to be under-reported and others to be accentuated. This can put pressure on researchers to adapt their reporting, as Dovemark (2019) discovered. For example, should favourable findings emerge from a research project an institution may wish to be identified, not protected by utilitarian confidentiality, so it can claim the outcomes. A researcher would then need to review their promises of anonymisation, following utilitarian ethical thinking, explaining to participants providing the data the implications of a change, following relational ethical thinking, in attribution. Further, researchers would have to gain participants' permission again to change their obligations to them.

Controversy around the confirmatory principle of relational ethical thinking is not new (Walford, 2005). However, claims for reciprocity and intellectual property rights have become a particular debate in online research (Barocas and Nissenbaum, 2014). In part this is because the technical difficulties of protecting anonymity either digitally or in practitioner or elite group research (Wiles et al. 2008, Lancaster, 2017) are reinvigorating debates about voice and the achievability of complete anonymity in research reports (Robson, 2008).

The virtues and vices associated with dissemination that Macfarlane (2009) discusses could be extrapolated to widen the remit of ERBs to help their members avoid being risk-averse to researchers developing critical studies and provide dialogic support for researchers throughout a study. Further, they could encourage researchers to be virtuous and have the courage to drive their commitments in their studies, including facing up to difficult issues and standing up for research participants in research reports. However, at the same time, ERBs would need to persuade researchers to have humility in their research reports, not least by avoid boastfulness and claiming more than can be reasonably inferred from the evidence collected in a research project (Macfarlane, 2009). This might help researchers to protect themselves from potential harm when faced with difficult dissemination decisions (Dovemark, 2019) or decisions on how to exit a research site with integrity (Reiss, 2005).

Conclusion

The new governmentality that emerged in the 1980s led to a restructuring of university politics and management (Walford, 2018) that reflected institutional accountability to the consumers of their services, whether to external research funders or employers of former students, or internally to their students (Vidovich and Slee, 2001). This required universities to focus on gauging institutional and staff performances through measurable factorssuch as staff audit schemes (Olssen and Peters, 2005). The new technologies of surveillance (Foucault, 1977) led universities to replace traditional professional cultures with risk-averse audit cultures (Salter and Tapper in Vidovich and Slee, 2001). Universities could not afford to lose customers that central governments had made the main sources of their funding (Zywicki, 2007).

As institutional structures and cultures reflect wider socio-political discourses, processes of ethical review in universities, which regiment and survey people's practices (Foucault, 1977), reflect universities' risk-averse audit cultures and constrain the technologies of the self (Foucault, 1988) through which people try to assert themselves and construct their identities (Giddens, 1991; Archer, 2003). In this regime, ERBs select risk-averse research projects based on utilitarian understandings of ethical practice. These might be appropriate for

physical science research projects, but are often inappropriate for much research in the humanities and social sciences (Stark, 2012).

However, ERBs could develop more communal and participatory approaches (Beach and Arrozola, 2019), offering supportive dialogic discussions based on the CERD framework (Fox and Mitchell, 2019) between experienced members of ERBs and researchers, rather than the application of non-negotiable rules of practice. This model would diminish individual researcher's sense of powerlessness under the surveying gaze of institutional bodies and help researchers and participants in research projects to regain some control over the social products of their labour. Further, it recognises that although all concerned in shaping educational research have expertise to offer, they need to be prepared to challenge their assumptions and biases by recognising the gaps in their knowledge.

The use of multiple ethical frameworks, requires researchers and participants to engage with each other in developing a moral framework for research projects, rather than merely being oppressed by taking rules from an autocratic bureaucracy. The development of dialogic engagement between more and less experienced researchers, as well as between researchers and research project participants, helps to induct researchers into the many facets of constructing ethical research. It helps researchers to develop phronesis or practical wisdom in choosing appropriate approaches to research design and fieldwork practices to answer their research questions, meet the demands of their institutions and those of their research participants and sites, too. It also allows researchers and members of ERBs to develop greater humility and challenge their assumptions about research practices, as well as engaging with the widest possible range of stakeholders in a research project. This would allow participant consent to be gained throughout the life of a research project to avoid harm. This would promote a longer-term sense of shared obligation between researchers, research participants and ERBs to avoid harm and achieve the careful completion and dissemination of representative outcomes from studies.

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