Political   Unethical
~~Unpolitical~~ Ethics, ~~Ethical~~ Politics
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Abstract: Ethics and politics are normally considered domains that do not mix, in fact, domains that have little to do with one another. In this article, I provide four factual fictions that show how at the university, research ethics and politics are intertwined. Politics appears to be used for the sole purpose of constructing and maintaining control over the research process and its products. Ultimately, even ethics reviews of proposed research studies are caught up in the politics of power.

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1. On Ethics, Whistle-Blowing, and the Fiction|Fact Distinction

> "I think that it is part of ethics to be ethical when it comes to the adjudication. It is ethical to have the process transparent. It is not ethical to leave the community in the dark by trying to prevent actual judgments to be known to the wider community." (Researcher in a letter to university administrator whose role is to oversee human research ethics application)

In this quote, a researcher pleads for ethics in the review of applications to a research ethics board (REB). In its adjudication of applications, the REB had been quite uneven, in the perception of university faculty members and graduate students—for example, of two structurally almost identical studies, one had been passed with two minor changes, the other one held up until eighteen, some very restrictive changes had been made to the research. As I intend to show here, restriction and control, and therefore the exercise of power over research appears to characterize the enacted REB protocols rather than the ethical conduct of qualitative research involving human beings. The quoted letter asks the relevant

university administrator to make the review process transparent and asks for the (anonymous) publication of actual proposals and the corresponding REB reviews as educational materials for the public. My point of view is not that the administrator *inherently* has power, but that his power is produced and reproduced in interactions with other members of the university. The very fact of such a plea to a university administrator produces and reproduces differential power—there is a faculty member making a plea to an administrator. How then do we deal with situation where the administrator does not want a process enacted under his auspices to be made transparent? Exposing certain hidden practices, especially when this occurs from the inside of an organization (which here might be a university, discipline, or community of practice), is called whistle-blowing.[1] How do you blow the whistle on unethical and political ethics practices? [1]

The title of this article points to the struggle between the claims of those who implement the ethical guidelines developed in the latter part of the 1990s for research involving human beings that have been developed by the three Canadian granting councils (Medical Research Council, Natural Sciences and Engineering Research Council, and Social Sciences and Humanities Research Council) and those, like I, who recognize that making judgments about research applications is as much a social construction as research and other endeavors of human life. In its early versions, the Canadian Tri-Council policy statement *Ethical Conduct for Research Involving Humans* (PUBLIC WORKS AND GOVERNMENT SERVICES CANADA, 1998) does make a link between ethics and law (p.i.8) but not between ethics and politics, though it does articulate academic freedom from institutional censorship. In this contribution, I provide some concrete cases showing that considerations of research ethics are tied up with politics: the politics of power and control. Any claims to the contrary—that ethics is unpolitical or politics ethical independent of the social and material settings where ethics is the topic of talk—are simply naïve. [2]

Before continuing this article, I must make a reflexive comment. In writing about the politics of ethics, I am getting myself into the murky waters of research ethics. I want to write about the dark sides of human research ethics given my own experiences serving as a member and chair of an institutional ethics review board and as a researcher who was involved in different projects around the world governed in various form by national ethical guidelines. But writing about the murky sides of ethics reviews, that is, blowing the whistle on concrete events, requires data involving human beings. However, my institutional policies state that all research I conduct that involves human participants requires approval; before conducting any study, I must complete an application; and failure to adhere to the policies will result in disciplinary action:

> 2.1) All research with the involvement of University faculty, students and/or staff involving human participants, remains, cadavers, tissues, biological fluids, embryos

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1 According to the (Online) Oxford English Dictionary, whistle-blowing and whistle-blower are chiefly North American terms for the process and person who expose normally hidden institutional practices to the public.

or foetuses requires either an approval or a waiver from the Office of the Vice President Research before the research is begun.

2.2) Faculty, staff and students wishing to conduct human research of any kind must complete either a Human Ethics Review Application or an Application for Waiver from Human Ethics Review. These applications and the guidelines for completing them may be obtained either from the Office of the Vice President Research or its website.

2.3) Failure to adhere to human research ethics policies will result in an investigation conducted by the Office of the Vice President Research and may result in disciplinary action in accordance with the Policy on Scholarly Integrity (#1160). (http://www.research.uvic.ca/ethics/Sept17BOGandOVPR.htm) [3]

My original intention for this article had been to write about some events concerning human research ethics application in an ethnographic way. But ethnography would inherently involve human beings, so that before writing these lines, I would require approval from the very institutional structures whose involvement in the political ethics and unethical politics I wanted to write about. Although the Tri-Council guidelines uphold freedom from institutional censorship, doing institutional ethnography as the *FQS* editors had envisioned for its *Debates* columns would not be possible strictu sensu. I therefore have to resort to writing fiction rather than reporting facts. [4]

Fact and fiction are generally presented as diametrically opposed—though, as I am reminded every time my wife wants to see a movie based on a true story ("une histoire vraie"), fact and fiction are not as distinct as some want to make them. Furthermore, as the many wrongful conviction in our courts show, what appears as a fact today may be fiction tomorrow, and tomorrow's facts were yesterday's fiction. Bob DYLAN's 1975 song *Hurricane* about the boxer Rubin CARTER wrongfully convicted for a triple murder because he is black was, when I first heard it, thought by many in the United States to be fiction; but this fiction became fact when Rubin CARTER was eventually released.[2] To avoid institutional repercussions, I declare to be writing fiction—this gets me out of the requirement to get institutional approval for my work—though this fiction is based on "true stories."[3] Any sameness of names that appear in this fiction with the real-life name of persons would be coincidental. However, the more readers recognize themselves as playing a part in a real-life story that resembles the stories featured here, the more credible and fact-like my fiction becomes. The situation I am thinking about is a little like the re/constitution of the image of a person based on the collaboration of forensic scientists—responsible for determining sex, age, social class—and artists—responsible for rendering a person as they might have had they been drawn or painted immediately prior to dying. Here, too, fact and fiction are inseparably implicated. [5]

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2   My wife likes movies and books based on "des histoires vraies" (true stories), that is, fiction based on facts. In such art, any presumed boundaries between fact and fiction are erased.

3   Rubin CARTER spent 19 years in a New Jersey prison. He is now Executive Director of the Association in Defense of the Wrongfully Convicted based in Toronto, Canada (http://www.aidwyc.org/).

In the following, I first present four fact-based fictions that illustrate ethics, politics, and power at work in academe. I follow up with a brief, more theory-based analysis of the events described, and complete with a reflexive coda.[4] [6]

2. Ethics, Politics, and Power: Four Case Studies

In writing research, it is good advice to keep one's cast of characters small. Thus, even though different stories might be told, it may be wise to create composite characters, for unlike readers of Russian novels, readers of scholarly articles have much less patience when they cannot keep track of who is who, and what are the respective roles in the narrative. To simplify my overall narrative, all events take place at *Best University*. The cast of characters, some of which appear across the four cases, includes the Vice President Research (VPR), in whose portfolio research ethics generally lies, and the Associate Vice President Research (AssVPR), who is directly responsible for overseeing research ethics. Professor Malcolm Ashmore appears in different roles, as chair of the Institutional Ethics Review Board and as researcher, and sometimes in both roles simultaneously.[5] The AssVPR worked hard to get the frequently outspoken Professor Ashmore out of the REB chair position and to get Professor Jill Dogoody appointed while the former had taken temporal leave. [7]

2.1 Power, politics and the recruitment of researchers as subjects

Interested in enhancing the research profile of Best University, the Vice-President Research had hired Professor Mary Powersurge, formally to provide assistance to faculty members in their attempts to secure external funding, informally to mount the biggest federally funded inter-disciplinary project Canada had ever seen, including researchers from every domain of academic endeavor (i.e., natural science, social science, humanities, and applied professions). Many of the "top" researchers, research chair holders, Professor Ashmore, and even the Vice-President Research not only pledged their support but also participated as co-principal investigators. The funding agencies tentatively approved the *MegaProject* proposal, provided the 80-member investigating team would rework their proposal to meet certain specifications during a weeklong meeting. [8]

Already during the letter-of-intent stage and subsequently during the writing of the proposal, a sociologist, befriended with Mary Powersurge, was taking notes during meetings. Professor Powersurge made some informal comments that her friend was going to document the unfolding of *MegaProject*. A little uneasy about the fact and possible implications of data collection that has not been approved by the REB, Professor Ashmore repeatedly pointed out to Mary Powersurge that

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4   In a contribution to our Debate concerning career politics, Angelika BIRCK (2003) used a similar technique, blurring fact and fiction while accounting for the surreal process of getting her doctorate.

5   Malcolm ASHMORE, the author of *The Reflexive Thesis* (1989), found it amusing that I sometimes use his name in my writing to blur the boundaries between fact and fiction, and whenever I include reflexive turns into my accounts of factual|fictional events. Because the characters in my account are fictional, their last names (e.g., Ashmore or Powersurge) are not capitalized.

her friend's data collection could lead to trouble. But neither Powersurge nor her friend took action by getting the project through the ethics approval process, which Ashmore—perhaps unduly given that he had stakes in the case—promised would be done in extremely timely fashion. [9]

On the final day during the weeklong meeting and in the presence of the representatives from the funding councils, Mary Powersurge addressed the participation in the sociologist's study of *MegaProject*. During the final assembly she asked for participation as research subjects and for indication of willingness through a raise of hands. Because the sociologist wants to study the dynamic processes of *MegaProject*, the participation of all co-investigators is required. It does not surprise perhaps that apparently every hand went up; Mary Powersurge summarizes the call for hands, "There is unanimous agreement to participate in the sociological study of *MegaProject*." Standing in back of the room, Malcolm Ashmore raises his hand, and when not called upon, calls out, "Wait a minute. I have not agreed to participate. I neither agree nor disagree to participate, but request that the recruitment process be conducted in the proper manner and after the ethics application has been approved." Apparently, even the vice-president present during the final assembly has agreed to participate, given that he does not raise objection on personal or ethical grounds (though ethics, delegated to his associate, is part of his overall portfolio). [10]

Pointing out his current position as REB chair, Ashmore then goes to outline several problematic issues in recruiting participation in the sociologist's project: (a) conflict of interest between Mary Powersurge, who wants the sociology project to proceed, and the co-principal investigators' right to participate or not; and (b) the issue of confidentiality of participation in research. (Anonymity refers to the protection of the identity of participants. Anonymity can be provided along a continuum, from "complete" to "no" protection. Complete protection means that no identifying information will be collected. Confidentiality refers to the protection, access, control and security of the data and personal information.) [11]

First, Ashmore not only participates but also is leading one of the components of *MegaProject*. There is the potential that not participating leads to his dismissal as the leader of the sub-project, into which he had spent so much time to formulate it and for which he had rallied participants to reach consensus. He also fears that in the year-to-year reviews, the funding for his own contribution to the sub-project might be curtailed. Being in the position of decision-maker, Mary Powersurge is at least perceived to be able to yank the funding and leadership position, which puts her in the conflict of interest. Asking for participation in public also puts undue influence and coercion on other potential non-participants, who see a majority of peers agree to participate. [12]

Second, according to the Tri-Council guidelines, "Privacy is a fundamental value, perceived by many as essential for the protection and promotion of human dignity. Hence, the access, control and dissemination of personal information are essential to ethical research" (TCPS, 2003, p.3.1). Furthermore, "the respect for privacy in research is an internationally recognized norm and ethical standard. It

has been enshrined in Canadian law as a constitutional right and protected in both federal and provincial statues" (p.3.1). Each participant therefore has the right to have his or her non-participation treated confidentially rather than be known to everybody, especially when individuals are involved that are in a power-over relationship with respect to others (here, Mary Powersurge, the VPR). [13]

In the institutional REB at *Best University*, this has been interpreted as implying: potential participants are informed of the project and subsequently indicate their willingness to participate by contacting the researcher. If there is a (potential) power-over relationship, recruitment has to be done, and participation is known only, to a third-party for the duration of the project. I ask, why did Mary Powersurge attempt to recruit participants in her friends research project in the way described. More so, I ask, why the VPR, who ultimately oversees research ethics at *Best University*, did not stop a recruitment process that was inconsistent with the ethical procedures espoused by his own REB? Answers are not easy, given the complicated situation where the VPR hired Mary Powersurge and, in turn, she included him in the *Megaproject*. [14]

2.2 Power and friends: Getting your project approved

Professor Rosenthal had submitted a proposal in which the students in his class were requested to participate *and* were promised credit toward an honors thesis and co-authorship of an article to be written based on the study. The TRI-COUNCIL POLICY STATEMENT (2003) states that the consent to participate in a study requires free and informed consent (p.2.1), and that such "consent must be voluntarily given, without manipulation, undue influence or coercion" (p.2.4). Receiving credit toward the required honors thesis and the promise of a scholarly publication can be interpreted as inducement. Furthermore, voluntary participation also means that particular care is to be taken when the participants are in a dependency relationship, such as students recruited by their teachers or professors. The TCPS states that "Care should be exercised in developing relationships between researchers and authorities, so as not to compromise either the free and informed consent" and "REBs should also pay particular attention to the elements of trust and dependency, for example, within doctor/patient or professor/student relationships" (p.2.4.). [15]

In the case of professor Rosenthal, the REB had decided to ask for more assurances that undue influence, coercion, and inducement did not exist in his study. On his way to the REB office to deal with ethics files, Professor Ashmore passed the office of the AssVPR when, unexpectedly, he is asked to enter. He is introduced to Professor Rosenthal, whom he has not known in person before. The AssVPR then says that he has listened to Professor Rosenthal's description of the situation and that in his mind, there is no problem with respect to the application. He asks Professor Ashmore, "Do you see any reason why we cannot approve Rosenthal's application?" Professor Ashmore is uncomfortable. He feels like saying, "Yes, there is a reason for not approving the application. The situation raises problematic issues with respect to enticement and power-over relations. The appropriate body is the REB and its chair." Yet facing the AssVPR, to whom

he is directly responsible, and who makes decisions about appointment of and research stipends received by the REB chair, he says nothing at first as he quickly tries to assess the possible implications of not acceding. Not being able to come up with a proper assessment of the situation in the proper time, he gives in and suggests that the application will be approved.[6] [16]

Later on, Professor Ashmore regrets his decision. He does write an email to the AssVPR in which he describes the situation in the office as inappropriate, given the power-over situation, on the one hand, and the normal collective decision-making process of the REB, on the other. [17]

The Tri-Council guidelines make provisions of the independence of the ethics committee: "Institutions must respect the authority delegated to the REB" (TCPS, 2003, p.1.3.). This normally means that individuals representing the institution are not involved in REB other than overseeing the process. This has been articulated to be the case at *Best University*, where the associate vice-president research is supposed to be overseeing the REB at arm's length. The Tri-Council guidelines also suggest, "The institution may not override negative REB decisions reached on grounds of ethics without a formal appeal mechanism" (TCPS, 2003, p.1.3). [18]

In this situation, the AssVPR appears to have unduly influenced the ethics review process in favor of Professor Rosenthal because of friendship relations. The AssVPR has also violated the principles outlined in the Tri-Council policy about putting some distance between the university as institution and therefore the administrators that represent it and the institutional REB and its chair. Finally, the AssVPR violated a key ethical principal in research, using one's power to unduly influence the free and informed decisions to be made by another person. [19]

2.3 Power, ethics, and revenge

The REB and its chair institutionally are located at a node in the approval process; together, the REB and its chair constitute an obligatory point of passage (LATOUR, 1987). With such a position comes power, for the boundary object the (individual, collective) subject has to emit, here the approval form, may or may not be released to the applicant. As said, I do not believe that someone or something (institution) *has* power, but that relations of differential power are continuously produced and reproduced so that only in the latter case the description of "having power" would be appropriate. Because actual people make decisions and write approvals, ethics approval processes and the resulting ethics certificate are manufactured. But, as in all manufacturing processes, influences other than purely logical, ethical, rational etc. shape process and outcomes. Thus, the REB chair, acting on behalf of the entire REB, may hesitate to approve a project not because there is anything wrong but because she does not like the applicant or his/her tone of communication. [20]

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6   BOURDIEU (1990) shows that proper timing is a central aspect of institutional practices. Being too fast or too slow in one's actions produces misalignment and contributes to the production and reproduction of differential power.

Professor Ashmore has applied for ethics approval of an ethnographic project that requires videotaping. Having been the REB chair for five years, and having been part of the process of concretely realizing the Tri-Council guidelines at *Best University*, he was familiar with how different committee members evaluated aspects of a proposal. He made sure to formulate all aspects of the project in a way that they should have passed, in his reading of the situation, the process of ethics review. With reference to the particular issue of videotaping, he included the following information (keyed to different parts of the requisite form):

> "4b) Most likely participants are college students enrolled in co-op programs. There is no preference along the dimensions of age, gender, etc. Three key participants will be chosen on a first-come first-serve basis. Workplaces depend on the students. Individuals working close to the primary participant will be asked to participate should the circumstances of data collection require this. These individuals will be asked whether they are willing to do the corresponding task/interview that the primary person does.

> 6c) To obtain the data, unobtrusive observation will be used and occasional problem-solving sessions. If the participant agrees, activities may be videotaped. (Should situations include more than the participants, consent will also be acquired from other individuals present in the situation. No observation will be collected, no video-recording made, of individuals who have not provided consent.)

> 6f) I have conducted such research for more than a decade. From experience I know that no specific prior training is required. I will induct each doctoral student into the fieldwork by accompanying him/her for at least 5 days in the field, which includes insistence on getting daily consent.

> 7) There isn't a potential for inconvenience, unless being observed is taken to be in-convenient. Participants are continuously reminded of their right to interrupt or terminate data collection." (From the application for ethics approval) [21]

In spite of his (optimistic) expectations, Ashmore receives eight weeks later a notice of ethical review that includes a number of critical issues to be addressed. That is, his extensive experience dealing with ethics and ethical review at *Best University* has not helped Professor Ashmore to get his own application approved in the first attempt. The requests for changes included, among others, the following:

> 2. Videotaping in the workplace
> * Data collection by videotape requires expertise with both the machine and management of the live situation in which unexpected events involving other workers can occur. The revised submission needs to make clear what provisions have been made to ensure that researchers have received training to develop this expertise.
> * In particular, assurance should be given that this training includes expertise in managing conflicts or even illegal behavior inadvertently videotaped.
> * The revised submission also needs to indicate how that necessary consent will be sought from persons in the workplace who might necessarily appear on the

> videotape, but who are not immediate participants in the research. A written consent letter is advisable in this instance as well. (From notice of ethical review) [22]

Ashmore finds it curious that some of the very points he articulated in very explicit manner are now points of contention. For example, responding to the first point, Ashmore wrote, "No expertise required to handle a Hi8 camera. The ORIGINAL application stated that there are 5 training days in the field (6f)." We can see that Ashmore had indeed specified the training of graduate students in the field, yet Jill Dogoody, as chair acting on behalf of the entire REB, had asked him to make "provisions ... to ensure that researchers have received training." [23]

The second point raises the issue that there might be inadvertent videotaping. But this concern had already been addressed in two of the paragraphs in the original submission. That is, there was an assertion that no videotaping would proceed unless consent had been secured from all individuals *and* that the training included insistence on securing consent on a *daily* basis. It is therefore not surprising to read Ashmore's response, "In my experience, there has not ever been a conflict. The ORIGINAL application stated that consent is sought from ALL participants each day and that individuals can request data collection to stop at any time (see §6c, §7)." [24]

Finally, concerning the third point, Ashmore responded, "No individual is ever recorded who has not provided consent. Anyway who might show up on a video is treated as a participant and has to give consent in the same way as the student participant. (See answer §4b.) " Again, the concerns pertained to issues already articulated in very explicit ways in the application. [25]

We can read both the comment about the expertise with respect to a Hi8 camera and the capitalized "ORIGINAL" or "ALL" as expressions of annoyance in response to the REB's assessment that videotaping requires expertise and to the fact that training had already been specified in his original application. As the following opening statement Ashmore received in response to his revised application shows, Jill Dogoody resented what she interpreted as an irritation transpiring from Ashmore's letter:

> "I have sent a note to [my secretary] tonight to approve your application. I do so somewhat reluctantly because I find it hard to accept some of the comments you have made in your reply to our questions and concerns." (REB chair, Jill Dogoody) [26]

Here, Jill Dogoody admits that she approved the application reluctantly. Does this imply that she did not have to approve the application? The fact that she approved the application even if reluctantly indicates that all concerns had been addressed. But the fact that she did so reluctantly also means that she considered the possibility of not approving the application "because [she] find[s] it hard to accept some of the comments [Ashmore] made in his reply." Jill Dogoody also articulates the very privilege of a position that allows her to approve or not approve an application, and apparently was tempted not to approve because of the content of comments she received. [27]

Power is an important aspect in the practices of the REB and frequently it appears to be enacted in an arbitrary fashion. Only recently, the REB advised a researcher that her graduate students participating in a project (i.e., collecting data, interpreting data, writing research articles) had to submit a separate application although they have been included as part of the research team of their advisors. As the following quote shows, they even need to create their own consent form—does this mean that two separate consent forms have to be signed by participants in the *same* study?

> "If your revisions are satisfactory so that we can approve your study once those responses are received, we remind you to ensure that each graduate student who intends to use this project as part of his or her theses, must complete an application form of his or her own. In that application they should reference your approval certificate number and they will need to create their own consent form. As you know, they will need their own approval for Graduate Studies." (REB chair, Jill Dogoody) [28]

Again, the enacted practices of REB review do not seem to be supporting the conduct of research involving investigators and their graduate students. Rather, there is an attempt to increase control by making graduate students to go through a review that has already been conducted for a project. [29]

2.4 Accountability of institutional ethics review boards and public education

The evaluation of applications deemed to involve low risk to the research participants normally involves only two members of the REB, who send their comments to the REB chair. The chair produces a notice reflecting the decision of the REB as a whole. The two evaluations often are quite varied, sometimes including an "accept as is" and a "reject." If the REB chair simply compiles then one can expect the reviews to vary considerably from one file to the next, because of the inherent variance between members. This leads to a problem: the same type of application is evaluated in very different ways. Those writing the applications—especially faculty members supervising many graduate students but also former REB members and chairs—can never know how to write an application that can pass in the first round. [30]

At *Best University*, some faculty members and graduate students, especially those working in the applied professions, complain about apparently harsh and uneven reviews by the REB. In one situation, a faculty member supervised two masters-level students who had nearly identical research designs but conducting their studies in different settings. Because of the similarities in research design—e.g., use of interviews, recruitment—the two applications were nearly identical. Yet the notices from the REB were quite different, one requiring two small changes, the other one containing a list of eighteen items to be changed. [31]

In one faculty, a special committee was struck to assist professors and graduate students in the process of getting approval from the REB. Creating a website featuring actual submissions and the associated reviews was one of the means

by which the committee intended to educate its audience. The committee had obtained permission from several researchers to use their applications and to publish the original submission, the REB notice, and the revised, successful submission—after having used pseudonyms for any identifying information. There should not have been a problem publishing the REB notice, because under the currently evolving freedom-of-information legislation in Canada, any (governmental) public agency must provide public access to its records. Unless there exists explicit legislation and attendant regulations, the records of case-oriented REBs are accessible (KLUGE, 1996). [32]

Having obtained approval from the submitting individuals and given the existing freedom-of-information legislation, there should not have been a problem with mounting the website. However, both the AssVPR and the REB chair he had appointed (Jill Dogoody) vehemently opposed the publication of cases and particularly the REB notices. Thus, the Associate Vice-President Research notes in a memo to the committee:

> "Having reviewed your website underscored my initial thought that the development of case studies should be done under the guidance and supervision of the ethics committee so that they are consistent with developing interpretations of the Tri-Council Policy Statement. As you are aware, the understanding of ethics is evolutionary and cases from the past may not hold up over time as our understanding evolves." (AssVPR) [33]

In this memo, the AssVPR suggests that the development of the cases should be done under the guidance and supervision of the REB. This means that the REB controls the nature of the information to be made public. Thus, although the proposal was to publish actual materials, the AssVPR wanted the REB to retain control over the materials it had previously produced. Furthermore, the AssVPR describes the understanding of ethics as *evolutionary*, that is, changing. That is, he opposed the publication of materials because the interpretation of the Tri-Council Policy Statement is continuously changing. One may question, "How are researchers to write an application of they do not know whether yesterday's interpretation still holds?" The equivalent situation with respect to the courts would be to ban the publication of court cases because the interpretation of the law changes from one day to the next. [34]

Although the faculty ethics committee had obtained permissions by several researchers to use their submission materials together with the REB notices, the AssVPR continued to resist:

> "It is not clear that documents related to ethics review are in the public domain, though the use of 'real cases' makes good sense. At a minimum I would expect the approval of the chair and the committee that produced the materials, as well as that of the researcher, before posting a case study. This is not simply an issue of public versus privileged communications; the point is that we want to make sure the cases are providing clear direction and as complete a context as possible. Along those lines, I would suggest that the original applications are posted ... along with all related

documents. There could also be a commentary provided by the chair of the ethics committee highlighting the dilemmas/challenges in the application." (AssVPR) [35]

In this comment, he skirts the issue of freedom-of-information ("this is not simply an issue of public versus privileged communications") and wants the cases to provide "clear direction." One might ask, "What has he got to lose in getting the judgments public?" The committee had already provided a description that a case would consist of all the related documents *and* a commentary; the AssVPR therefore simply reiterated the situation but added that the commentary be written by the REB chair. But in this case, the REB chair retains control: If she does not write a commentary, the case cannot be published. By definition, the case is not a case unless the REB chair has written a commentary. [36]

In a communiqué to the AssVPR and REB chair, a member of the faculty ethics committee noted:

> "According to Article 1.8 of the Tri-Council guidelines, there is a need for REBs to act, and be seen to be acting, fairly and reasonably. Do you not think that from such cases graduate students and researchers can learn how not to design a study? What do we loose if we make available such ACTUAL judgments rather than someone's interpretation of it? Article 1.9 outlines the duty of REBs to function impartially and to provide reasoned and well-documented decisions. If our REB has done so, why not provide the community with opportunities to see these?" (Committee) [37]

Jill Dogoody, the REB chair also resisted the publication of actual submissions and REB judgments. Although no educational resources existed when she wrote the following note to the faculty committee, she insisted that the REB wants to develop "more" educational resources.

> "Let me assure you that we do want to develop more educational resources as soon as we can. But as the Committee progresses with its work of ethical review, new insights continue to develop as well. Thus it is important that the resources developed, including the presentation of completed applications, examples of consent documents, etc., should reflect the most current thinking about research ethics, and be in line with REB member thinking and decision-making, so that no one will be mislead by the examples. As soon as we can catch our breath on the flood of applications coming our way, we will get on with that work and we will be in touch with you. Given the timing, it is likely that work will have to wait until the early New Year." (Jill Dogoody) [38]

Jill Dogoody, too, articulates an evolving nature of the interpretations of research ethics. Thus, although it is possible to date the case materials, as it is done in courts of law, the REB chair does evidently not want the materials to be public because they may not "reflect the most current thinking about research ethics and be in line with REB member thinking and decision-making." How then do researchers write applications for ethics approval if the interpretations change so rapidly that any previous decision may be outdated as soon as it is published? Under constantly and perhaps erratically changing interpretations of the Tri-

Council guidelines, it is perhaps not surprising that even Professor Ashmore with all his experience as the REB chair could not get his proposal approved on the first try. Furthermore, although the faculty committee had offered to assemble the cases, Jill Dogoody delays the construction of any cases until some time in the future. [39]

The AssVPR continues claiming sole authority at *Best University* over human ethics education. That is:

> "Under the Tri-Council memorandum of understanding with the university, the university is given the responsibility for human ethics education. Under university policy, my role is to oversee human research ethics administration and to maintain our compliance with the TCPS. The university has hired an Ethics Facilitator and one of her roles is to work with the REB to develop educational materials and to conduct educational activities. Making certain that the quality of educational material provided to faculty and students is high is in everyone's best interest." (AssVPR) [40]

Eighteen months later, the educational materials are still not available. There are no commentaries accompanying applications that have not been approved and the associated notices that point out the aspect of the proposal to be changed. [41]

3. Analysis

In all four case studies, I describe situations of conflict over ethics involving individuals differently located in an institution. Special positions, such as (associate) vice-president or REB chair, do not inherently mean power, a view that one might get from a LATOURian (1987) analysis of those individuals located in institutional nodes where boundary objects (e.g., paperwork) have to pass inherently are conferred privilege because such nodes are obligatory points of passage. Whether power is an appropriate concept in the analysis of social interaction is, from my perspective, an empirical question. Relations of power are continuously produced and reproduced in face-to-face interactions (TURNER, 2002), which does not preclude the orientation of participants to power supposedly pre-dating the present interaction. Such an approach provides us with a dynamic perspective of culture that can explain instances where the gatekeeper roles of institutional positions and nodes are reproduced *and* those where they are contested and produced in new ways. The different kinds of processes are played out in the four case studies. [42]

In the first case study, Professor Powersurge attempted—in clear violation of the Tri-Council recommendations for recruitment and privacy (TCPS, 2003)—to formally recruit participants in her friend's sociological study of *MegaProject*. In another clear violation of existing ethical principles, the sociologist, enabled and encouraged by Professor Powersurge, had collected data during the process of writing the letter of intent and full proposal for the *MegaProject*. In this situation, the position of principal investigator and the perceived power-over relations (with respect to budget, leadership positions within the project) did not lead to intended outcome, collective agreement to participate as human subjects. Clearly, then,

power-over was not reproduced so that power is not a good explanatory concept for how the events unfolded during the meeting and subsequently. Given the difficulties, Powersurge and her sociologist friend did not get to mount the study. What are the politics if the top administrators themselves do not resist when there are evident violations of the research code of ethics? [43]

In the second instance, we observe the opposite evolution. Faced with the decision to approve Professor Rosenthal's study or to point out the inappropriateness of the situation—perceived power-over, implication of a university administrator in REB processes, other non-standard ways in settling (i.e., not consulting the entire REB committee), and problematic power-over situation in proposal itself—power can be invoked to explain how the AssVPR managed to get approval for his friend's proposal. [44]

In the third instance, the REB chair Jill Dogoody indicated the power to sign or not sign despite the apparent appropriateness of the application. As she was required to approve or not approve, Dogoody is institutionally situated in a position of exercising power—here the important point to retain is that decisions can be arbitrary. In this situation, due process apparently has been followed, but the case study provides us access to the possibilities to work toward enacting power in a particular way—consistent with a performative approach to culture, the sense of a (speech) act is only completed when its effect on the recipient is considered so that the enactment of power always requires an actor and a patient (BAKHTIN, 1993). Human actions therefore are always "open work" the meaning of which is always open to future interpretations (RICŒUR, 1991). [45]

In the final case study, both AssVPR and REB chair work hard on preventing the opening up of the REB process and make it publicly accountable: The publication of applications together with the attendant decisions would have made apparent differences in interpretation not only over time but also at any given moment. In this situation, the faculty committee decided not to publish applications and decisions, although it had approval for the former and the latter were available through the freedom-of-information act. [46]

The term *politics* is used, among others, to denote actions on an issue effected for personal or political gain rather than from principle (OED 2004). Personal gains or those of friends were sought (and obtained) in all four case studies involving questions of human research ethics, which shows that ethics and politics are not independent—ethics is not unpolitical as some may want to claim. My case studies further show that the game of playing politics is not clean to the point of being unethical. Much as the (in this story) invisible censor has attempted to make me start with a title reflecting a desired state (Ethics of Politics, Unpolitical Ethics), my case studies have led me to conclude that in lived experience, the situation is quite the opposite (Unethical Politics, Political Ethics). [47]

4. Reflexive Coda

If I claimed my data had been taken from actual observations and exchanges without having obtained prior REB approval, I would have been on unethical grounds. I therefore state again that my case studies are factual fictions based on fictional facts. I hold it with the Philosopher Paul RICŒUR who suggests that the referent of all literature no longer is "the *Umwelt* of the ostensive references of dialogue, but the *Welt* projected by the nonostensive references of every text that we have read, understood, and loved" (RICŒUR, 1991, p.149). The world my case studies project is one in which meanings and relations of power are dynamic, often reproduced but nevertheless continuously open to production in new ways. It is a world in which ethics, politics, and power continuously play out in human praxis. What appears ethical today is unethical tomorrow, what is unpolitical today may be political tomorrow. [48]

In this text, therefore, fact and fiction are as enfolded as ethics and politics. But fact and fiction do not always go together well. Some commentators on the Internet seem to be of different opinion, suggesting that "reality does not make for good fiction" and that "real people make lousy characters" (SILVESTER, 2004). Others state the opposite opinion, "For good fiction, facts matter" (MOTOYAMA, 2000). Whether my cases are fact or fiction is not the main issue here. What does matter is the message that ethics and politics are inseparable. Whether actions are ethical or unethical, political or unpolitical, the fact is that we can think them together, which shows that they represent possibilities. In their very possibility as actions, they define culture. [49]

Acknowledgments

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