

Political Research and Human Research Ethics Committees

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Human Research Ethics Committees have become an established part of the institutional structure of research in the humanities and social sciences over the last two decades in Australia, a development which many in the political disciplines have regarded with ambiguity or outright hostility. My purpose is to consider some of the particular problems which arise for the political disciplines from the form of research ethics review which has become institutionalised in Australia, and to suggest some reforms which would significantly ameliorate these problems.

My argument is that the conceptual framework on which research ethics review is built, and consequently the institutional model by which ethical review is applied within Australian universities is not appropriate to some forms of political research, with serious detrimental consequences. These consequences may include, but are not limited to: research findings being potentially skewed; research going underground or being undertaken in ways which diverge from what has been approved by committees; self censorship; disengagement with institutional research governance procedures; the generation of risk for researchers who are operating outside institutional approvals because they feel they “have to”; the construction of unnecessary prejudice against the legitimate aims of research ethics review procedures; and, finally, and most disturbingly, important and legitimate research not being undertaken.

Raise the issue of research ethics with a politics researcher in the hallways of any Australian university, and you are likely to meet with a litany of complaints which match in some measure or another my list above. Being a politics academic and – until recently - the chair of a university wide human research ethics committee, has been an interesting experience; one which has led me to offer the following analysis and suggestions for reform.

Conceptual Frameworks and Institutional Models

Human Research Ethics Committees in Australia are mandated, constituted and governed according to a document produced collectively by the National Health and Medical Research Council, the Australian Research Council and The Australian Vice-Chancellor’s Committee (now named Universities Australia). The document is titled the *National Statement on Ethical Conduct in Human Research* (2007). The *National Statement* has this to say about its role:

This *National Statement* must be used to inform the design, ethical review and conduct of human research that is funded by, or takes place under the auspices of, any of the bodies that have developed this *National Statement* (NHMRC, ARC, AVCC).

In addition, the *National Statement* sets national standards for use by any individual, institution or organization conducting human research. This includes human research undertaken by governments, industry, private individuals, organizations, or networks of organisations.

The 2007 *National Statement* is the latest iteration of a series of research ethics frameworks which have been granted to the Australian research community by the National Health and Medical Research Council – and herein lies much of the problem. I do not intend here to explore this history (a very brief account of which occurs in (Mark Israel & Hay 2006, pp.47-50), but its legacy is that Australia has a research ethics review system which emerges out of the paradigms, processes and problems of medical and health science, practice and research. (Pettit 2002, p.Chapter 5) The very important and necessary ethical frameworks which are used to govern medicine and health have been broadened, generalised and universalised to apply to all research conducted “with or about people” (NS 3). This is the subject of much disquiet, and has led to at times very volatile and hostile relationships between researchers in the humanities and social sciences and ethics committees. (For a version of such concerns see (Bamber & Sappey 2007) and, in response, (Cordner & Thomson 2007))

The 2007 *National Statement* was something of a watershed in this often tense relationship. The drafters of the *National Statement* took seriously the concerns of those working in the humanities and the social sciences, and engaged directly with many of the issues and dilemmas that had been evident for some time. Crucially, it came with a chapter concerned specifically with qualitative research:

This approach to research can involve the studied use and collection of a variety of empirical materials such as case studies, personal experience, life stories, interviews, observations, and cultural texts. It may bring new insights into the experiences of individuals, groups or communities, or into issues such as environmental change, public policies and planning. (NS 25)

Speaking as one involved in running the affairs of a HREC in an institution where the bulk of the work that came to the HREC is in the social sciences and humanities, the development of the 2007 *National Statement* was a godsend – although not before time. Many of the more egregious offenses of the medical model of research ethics had been eliminated or clearly demarcated as not applicable; consequently, many of the most regular flash points with committee-researcher relationships were ameliorated. And for researchers themselves (those who troubled to make themselves familiar with the document), not only were the requirements placed upon them understood to be more sensible or relevant, but – a point that I think is still lost on many – the *National Statement* provided them with significant resources to stake their claim against HRECs which were still culturally entrenched in the excesses of the medical model of research ethics review (such as, in some committees, entrenched prejudice against some forms of qualitative research (CF Leisey 2008)).

Having said that, however, the *National Statement* is no panacea. When it appeared in 2007 it was a long overdue renovation of the national research ethics framework. However, a renovation is precisely what it was: the underlying conceptual architecture of research ethics review remained the same; the fundamental institutional model, based around HRECs, also remained the same;

and, as a consequence, the ill fit between the requirements of this model of research ethics review and the nature of humanities and social sciences research. (See generally: M. Israel 2004)

The publicity surrounding the 2007 *National Statement* has led to an increased awareness of research ethics requirements within the universities, such that many schools, departments and disciplines where research on human subjects was routinely carried out “under the radar” now find themselves on a steep learning curve with respect to their institution’s human research ethics review requirements. These requirements can no longer be ignored with impunity – not just because of the development of the 2007 *National Statement*, but because the necessity of ethics review is increasingly built into broader research governance, funding and publication arrangements. (It is, for example, built into the National Code for the Responsible Conduct of Research Involving Humans: National Health and Medical Research Council (NHMRC) et al. 2007)

I turn now to examine what I view as the two main areas in which the medical model of research ethics review comes into conflict with the nature of social sciences and humanities research – and particularly what I am calling “political research.” These are, first, to do with what I call the structure of research, and second, to do with the manner in which research participants are conceptualised.

The Structure of Research

Under the terms of the *National Statement*, human research is research conducted about people, their data or their tissue. The *National Statement* accepts that there is “no generally agreed definition of research”, but takes the definition of research used in the British Research Assessment Exercise as its guide:

‘Research’ ... includes work of direct relevance to the needs of commerce, industry, and to the public and voluntary sectors; scholarship; the invention and generation of ideas, images, performances, artefacts including design, where these lead to new or substantially improved insights; and the use of existing knowledge in experimental development to produce new or substantially improved materials, devices, products and processes, including design and construction. It excludes routine testing and routine analysis of materials, components and processes such as for the maintenance of national standards, as distinct from the development of new analytical techniques. It also excludes the development of teaching materials that do not embody original research.

Some may wish to quibble with aspects of this definition, but I think it would be broadly accepted by most political researchers. The real problem is with what is left *unsaid* about the structure or processes of research, and how this is then translated into the practical processes and mechanism of research ethics review.

The *unsaid* silently assumes that research is to be premeditated, time delineated, discrete and external to the researcher. My suggestion is that much political research cannot be conceptualised in these terms, and that the attempt to do so has serious negative consequences for the intellectual coherence and practical implementation of the research. (CF Staller 2008) Let me outline what I mean by each of these terms before illustrating with some examples.

The governance structure of research ethics review silently conceives of research as a series of premeditated, time delimited, discrete “research projects”, external to the researcher, which can be fully adumbrated ahead of time – and certainly ahead of the research ethics committee’s time line – scrutinised and approved (or otherwise). Research is premeditated in that its aims, objectives, methodologies, participants, processes and probable conclusions can all be indicated in advance; research cannot be approved by a HREC after the event. It is time delimited, in that such research has a starting point (at some point after ethics approval has been granted) and a finishing point, which can be specified. It is a discrete project, in that it is to be self contained – or, if it is not, it has to be an element of a larger project which can be spelt out in the same conceptual manner. It cannot have an evolving, spontaneous life of its own (or, at least one piggybacked on the political life of the community) - something which may go somewhere unforseen, and therefore be un-approvable in advance, by an ethics committee. (These issues are also very real ones for journalists. See: Richards 2009, p.38)

Research is external to the researcher, in that the default assumption is that this is something the researcher is looking at from the outside. Trouble is inevitable if the researcher is a part of her research project – as a player, an advocate, a partisan, a true believer, a political agitator, a dissenter, a participant as well as a researcher, or as any other construction which might imply that they were not “objective” and “independent”, non-partisan and impartial. This is problematic for political research, as much of it either requires that we should not be, or accepts that we cannot be, any of these last four constructions.

My suggestion is that much political research cannot be conceptualised in these terms, and that the attempt to do so has serious negative consequences for the intellectual coherence and practical implementation of the research. (CF Staller 2008) It is not hard to see why.

The research of a certain sub-discipline of politics academics involves them in analyzing and commenting on the day to day, week to week, developments in politics. Such developments, as we all know, are far from predictable, much less subject to advance planning. A politician takes it into his head to make certain unanticipated and politically explosive comments about – for example – Sudanese refugees, the death penalty, terrorism and Muslims in Australia, or the effect of the NT intervention on indigenous peoples. Those who are responsible for giving analysis and comment then find themselves having to seek background information on unexpected areas of knowledge – frequently done by getting on the phone to relevant parties, visiting spokespeople from the relevant affected communities, arranging *ad hoc* meetings, attending public meetings or protests arranged by others, meeting with politicians, bureaucrats, academics, journalists and such like.

Under the terms of the National Statement these activities falls into the class “human research” and must be evaluated for ethical clearance; more to the point,

few if any of these activities will qualify as “negligible risk research”, and therefore according to the *National Statement* they need to be reviewed by an HREC. And yet under most existing ethics review structures, this kind of research is not covered because there is no viable way of managing it. There is no way for the researcher to know in advance, and thus to plan, write and submit, a research ethics application to cover the lists of people who will be talked to, how they will be recruited, whether they will be asked for anonymous or on the record comments, etc. To the extent that a researcher can satisfy these requirements, it is rarely possible to get the “project” approved within a workable timeframe: the rally, protest, interview opportunity, etc, is happening now or tomorrow, not next week, month or next year.

In an institutional environment when it usually takes at least a month to pass ethical review (often substantially longer), this kind of research routinely goes under the radar – and yet it is research which may well inform commentary published in newspapers, journals of record and analysis, expert opinion on radio and television programmes, and the internet. Sometimes it is research which, from any standard ethical position, is critical to knowing how society should respond to difficult issues which it faces. I have been told by exasperated researchers of ethics committees which have flatly refused to consider urgent requests for expedited review of research proposals, proposals which sought – in response to major controversial government initiatives – to get on the ground in advance of significant major interventions to make base level assessments and the like against which subsequent claims could be measured.

Consider another example: the recent death of a significant proportion of the political elite of Poland in a plane crash in April 2010. Any expert on Poland worth her salt would be on the phone day and night talking to people; they may in fact have managed to get on a plane to be present in Poland to research the immediate consequences of the disaster. They would want to be talking to their connections in academe and politics and business to determine the consequences of the tragedy and see what would happen next. They would be measuring the public pulse anyway they could. And they would be writing and publishing their views – perhaps in op ed pieces; perhaps on a blog; perhaps in a measured piece for this or another academic journal. But there is no time in this picture for writing a research ethics application, for waiting for a conditional approval (or worse a deferred decision), for explaining how you would deal with at risk grieving individuals who you came across and discussed matters with on your investigative trip. In the six weeks you may have to wait to get your ethics approval, most of your research material and opportunities would have come and gone. A moment in history passed! (Related issues for humanitarian emergencies are discussed here: (Reed & Roundtable on the Demography of Forced Migration. 2002) It seems clear that for political research, a strict requirement of premeditated, time delineated, discrete research conceptualization is not always possible, nor indeed, is it always desirable.

For political researchers to be able to play a key part of their role in the public intellectual debate of pressing issues, they need to be able to research and speak in the context of unfolding events. And this in turn takes us back to the

conceptual issues around the nature of research. (For an excellent survey see: Blaikie 2007). Some forms of political research cannot be conceptualized as objective interventions or observations undertaken in controlled environments at a time of convenience to the researcher; nor can the result of the research be conceptualized as neutral or impartial, disengaged from the hurley-burley of public life. Rather, political research is in the public fray, and to play its legitimate and crucial role in the public fray it must be allowed to proceed in accord with the pulse of political life itself – a pulse which is likely to be viewed as highly irregular to those schooled in the model of research ethics which is adumbrated in the *National Statement*.

Conceptualising Research Participants

It is clear when we look at the *National Statement*, that the whole paradigm out of which it emerges is one where research participants are constructed as vulnerable private individuals toward whom researchers have especial responsibilities which are derived from the power that they hold in their role as a researcher; more than this, human research participants are conceptualized primarily in the role that they play within society as *patients* or *clients* or as some other form of the unequal (meaning, that is, less powerful), dependent, vulnerable, private individuals.

The Introduction to *National Statement* commences with the following statement about the responsibilities of researchers to research participants:

The relationship between researchers and research participants is the ground on which human research is conducted. The values set out in this section – respect for human beings, research merit and integrity, justice, and beneficence – help to shape that relationship as one of trust, mutual responsibility and ethical equality. For this reason, the *National Statement* speaks of research ‘participants’ rather than ‘subjects’.
(NS 11)

Much is given away in the final sentence of this quotation: the history that gave rise to the research ethics project within the medical and health sciences is a history wherein patients and clients were not treated as participants, in the *National Statement’s* sense, but *were* treated as subjects – subjects that researchers could use and manipulate as they saw fit, in their pursuit of scientific truth – a freedom which over time and into the present has been horrendously abused. (Hoonard 2008, pp.19-20) The whole purpose of the research ethics paradigm is to undo - and prevent a repeat of - this history, by institutionalizing practices and safeguards which prevent such behaviour by researchers. (Pettit 2002, p.Ch. 5) Thus, in the Australian context, we have arrived at a national research framework which privileges four key values: respect for human beings, research merit and integrity, justice and beneficence.

The *National Statement* goes on:

Among these values, respect is central. It involves recognising that each human being has value in himself or herself, and that this value must inform all interaction between people. Such respect includes recognising the value of human autonomy – the capacity to determine one’s own life and make one’s own decisions. But respect goes further than this. It also involves providing for the protection of those with diminished or no autonomy, as well as empowering them where possible and protecting and helping people wherever it would be wrong not to do

so. (NS 11)

The central value of the *National Statement* – respect – is one which conceptualises research participants as autonomous individuals in interaction with one another, determining the direction of their own life and making their own decisions. To the extent that autonomy is absent, participants are to be protected and supported. (Halse & Honey 2007, p.341) The research ethics framework exists to ensure that in the unequal relationship between the researcher and the participant, institutions are put in place to ensure that the practice of the research relationship proceeds as if the two parties were equal, that is, had equal power towards one another. The goal of research ethics is to equalise the power imbalance to the advantage of the vulnerable party, the participant, in order to ensure their well being– in turn, their well being (or the well being of other future individuals like the participant) is assumed to be a core part of the justification or rationalisation of the research in the first place.

It is here that we start to be able to see why there is so much tension between political researchers and research ethics committees. Not very many of these principles apply to political research in a proper sense; and when they do, the way in which they do usually implies a reversal of many of the assumptions in the establish paradigms of research ethics, as we will shortly see.

The conceptualisation of research participants as vulnerable private individuals is not articulated overtly within the *National Statement* in the sense of being specifically set out; rather, it is simple assumed throughout the document. The tell-tale signs are everywhere; or, rather, for political researchers, this default conceptualisation is most easily analyzed by noting what is absent in what the National Statement has to say about research participants.

We could start with what is missing from the statement that “Human research is conducted with or about people, or their data or tissue.” (NS 3) There is no mention here of forms of collective human agency: that human research is also about, for example, human institutions, the forms and consequences of human collaboration, or the human agents and artifacts which control and govern various kinds of human collectivities, specifically including those in public and political life.

It is possible that the quoted statement is thought to encompass such people and entities, but the structure of the text in the National Statement, and the later detail provided, would seem to discount this possibility. So, the *National Statement* goes on to provide a series of examples – not meant to be exhaustive – of what human research might be: surveys, interviews, focus groups, medical testing and treatment, being observed by researchers, the collection of body tissue, access to personal documents or materials, access to information in identifiable, re-identifiable or de-identifiable form, and so on. All of these are articulated as forms of research which (as many of them must) are done to or with individual persons.

One of the key implications of conceptualizing research participants as private individual persons (patients or clients) is that the research is conceptualized as being about the participant's personal and private modes of being and affairs; the persons who participate in this research represent themselves – and to the extent that they go beyond themselves, these others beyond are extended protections premised on the idea that while they made be implicated in the research, they cannot – should not – be imposed upon by the individual who is the focus of the research.

What this leaves out is the entire range of ways in which as human persons we exist and operate in social contexts by going beyond our private individual selves and acting as agents which are corporate, collective, social, public or in some other form engaged beyond ourselves. (Halse & Honey 2007, p.342). It is many of these ways of being which are at the centre of political research. And when we take on these forms of agency, we also take on different forms of authority, power, prestige, influence, stature, knowledge, and so on, attributes which often mean that the forms of protection which the *National Statement* offers to individual private persons do not, should not, or cannot apply.

Political researchers, working within the field in which research participants may own some or all of these additional agency-attributes, may see the research participant in a very different light to that which the *National Statement* seems to assume. Thus, a research participant may be a voter – an ordinary private person. But they also may be a electoral representative, a Minister of the Crown, a judge, a public broadcaster, a private broadcaster with much political influence, a Chief Executive Officer of a company which employs a major percentage of the population, a terrorist, an enemy combatant, an economic advisor, a novelist, a Vice Chancellor... the list could go on interminably. And for each of these, the relationship which the person has to society is different, not just in degree, but in kind, to the relationship which a medical patient or a therapist's client has to society. Consequently, the way in which we think about the ethics of research into that person's life and role must be different, in kind, to the way in which we think about the ethics of research into the life of a sufferer of colon cancer or someone who has bi-polar disorder. This difference is not recognised in the *National Statement* and is a cause of considerable friction within the research community, and within the institutional processes of research ethics review.

If what I have just argued is correct, part of the purpose of research ethics within the medical and health fields is to ensure that the ground on which human research takes place is an egalitarian relationship between the researcher and the participant. The egalitarianism of that relationship is artificially constructed consequent upon the principles of respect and beneficence central to the research ethics review process.

In political research the situation could not be more different. The ground on which research takes place is the whole range of complex and differentiated human relationships which actually exist in our society's ongoing public and private political life – rather than in the controlled environment of a medical laboratory, a therapist or social worker's counselling suite, or the special

activities room of a school. (Goonawardena 2009, p.58) Most political relationships are highly *in*-egalitarian, and because they exist in all the many dimensions of the helter-skelter of human sociability and the *body politik*, it is not possible to apply the “artificial egalitarianisation” techniques of research ethics in medicine and health to them. Moreover, in most cases, *the inegalitarianism of the relationship tells strongly against the researcher*: the research participant is the party in the relationship who is most likely to have power, prestige, authority and the capacity to “harm”, however that should be best interpreted in this context.

Consider some of the kinds of research which political researchers are involved in:

- Investigating the abuse of human rights
- Uncovering various forms of corruption or privilege
- Researching the internal workings of government
- The writing of political biography or history
- Reporting on or documenting current affairs
- Testing economic or other forecasts
- Questioning the use of commercial-in-confidence clauses
- Investigating legal regimes like those treating terrorism
- Reporting on the processes of policy development
- Investigating the “shock-jocks” of talk back radio
- Documenting the influence of industrial barons over government policy
- Interviewing asylum seekers and refugees

In all of these cases of political research, the researcher is the weak party. In most of these cases, the researcher is trying to gain information in order to place it in the public sphere. Again, in most cases, that information is going to be very difficult to extract. And, by contrast to research in health, where patients are deemed to have rights to keep knowledge about their own health and bodily integrity to themselves, in the case of political research, the relationship between the research participant and this knowledge is a significantly different one, for the obvious reason that the knowledge is not just about the private bodily person, but is in some sense about the public *body politik* – and therefore under the purview of an altogether different set of ethical norms.

Sometimes, getting that information will require the researcher to enlist help – for example, the use of freedom of information laws. In such a case, the researcher is initially the weak party in the relationship; she or he is then made the overridingly strong party in the relationship with authorisation from the state to coercively insist on the release of the requested information.

This takes us then to a key question: what should be the nature of the relationship which obtains between researcher and research participant? In medical and health research ethics review, as we have seen, that relationship should be one of deliberately constructed egalitarianism, based around respect and beneficence toward the research participant. It is this view which is the basic

premise of the *National Statement* – and the *National Statement* assumes that this answer to the question applies universally: to all disciplines and all types of research. In political research, however, it is hard to see how this answer could apply. In political research there is unlikely to be much naturally occurring egalitarianism between the various parties, and the very nature of politics means that the parties are highly unlikely to desire egalitarianism. Rather than the relationship between researcher and research participant being one of “trust, mutual responsibility and ethical equality” (NS 11), as envisaged by the *National Statement*, it is far more likely to be one of suspicion, dissimulation, or even – as we have just seen in relation to FOI laws - coercion.

We can approach this same issue – the nature of the relationship between participants and researchers - from a different set of conceptual resources which are provided for us in the *National Statement*; to this point we have here been engaging with principles of respect for autonomy and equality. But as well as enjoining that these ideals be fostered and followed, the *National Statement* is equally concerned to protect research participants by preventing them from being harmed. (Mark Israel & Hay 2006, p.Ch 7)

Harm to participants is discussed under the rubric of “risk and benefit”. “A risk is a potential for harm, discomfort or inconvenience...” (NS 15) where all three of these are considered to be undesirable or bad, and where they should all be minimized. The assessment of risk involves judgment; the judgment in turn hinges on whether the benefit from the research is such that the risk of harm (discomfort or inconvenience) is justified. The difficulty here is that for a series of types of political research (and indeed for other activities which today are increasingly counted as research outputs when they are engaged in by academics, such as journalism), causing harm (or at least discomfort) may be the whole point of the exercise.

If one is engaged in research about political corruption, human rights abuses, the influence of unions or industry barons over policy, branch stacking, political intrigue and so on, one may have an eminently justifiable intention to cause harm to one’s research participant. One may be intent on exposing behaviour in a way that will do reputational harm; or, revealing information that causes legal or economic harm to a person or a corporation or a political entity; one may be intending to end a person’s career by researching their complicity in injustice or human rights abuses. (Many of these issues are also present for criminologists. See(M. Israel 2004)

Consider, for example, all the research that has been done recently in the USA regarding the legality or otherwise of Bush Administration policies and practice. (Tanne 2010) The “harm” that is done to the individuals and corporate entities in question here – “harm” done by undertaking research - is very much *in* the public interest. It will not always be so, of course; there may in fact be great public controversy and disagreement within society about whether such research and concomitant harms are a good thing. This is inevitable; it is part of politics. It is clear, however, that the prevailing framework for research ethics was not designed with such scenarios in mind: researchers are expressly told

that they have an obligation to minimize risks to participants (NS 17). Many political researchers will find themselves unable to comply with such a demand; indeed, they may have embarked upon their research career with precisely the opposite outcome in mind.

The underlying point here, of course, is that the *National Statement* does not have these types of harm in mind when it is discussing harm. Once again, this takes us back to the manner in which research participants are conceptualized as private individuals such as patients and clients. The *National Statement* does not have the conceptual resources to discuss the way in which people should be treated differently if they are certain kinds of political or social agents in the *body politik*, rather than being merely private individuals such as clients and patients. And this is at the heart of much of the confusion – and at times confrontation – that emerges in the relationships between political researchers and ethics committees.

Reforming Human Research Ethics Review: two proposals

As a matter of practice, HRECs that work in university settings and deal with large numbers of applications from people working in disciplines like political science, sociology, anthropology, cultural studies, media studies and so on – these ethics committees are aware of many of the issues I have been discussing, and have developed formal and informal ways of dealing with the issues which arise. These “fixes” may help HRECs to function, but this is not an ideal situation. The *National Statement* is supposed to operate as a national guideline for HRECs, not as a document which spawns a host of under-the-counter practices and procedures which are undocumented, inconsistent with one another and philosophically contradictory. Moreover, practical “fixes” which work in individual committees are highly variable and unpredictable; they are, for example, subject to changes caused when new personnel have different views (such as when a new chair, or a vocal and persuasive researcher or lay-person is appointed), thus creating a very arbitrary system for researchers to navigate – both within and across institutions.

It would be far better for the *National Statement* to be revised to take into account the diverse range of research that fall under its remit (it is too much to ask, I imagine, that it reduce its remit!). Indeed, the *National Statement* itself indicates that it is due for revision in the not too distant future: as a set of NHMRC guidelines, it must be reviewed “at least every five years” (NS 97), which would mean by 2012 at the latest. It would be opportune, then, for there to commence a national discussion by researchers who do their work under the auspices of the *National Statement*, about its shortcomings, and about the processes of change. Discipline specific associations – such as the Australasian Political Science Association – may want to set up working parties which could draft recommendations to be submitted to the NHMRC, the ARC and Universities Australia, regarding their considered views on the need for change. I see this as being not only desirable, but of the utmost necessity. The professionalization and regulation of research governance in Australia has accelerated exponentially

over the last decade or so. (A key forum discussing this appeared in the Monash Bioethics Review in 2002: (Dodds 2002a)(Breen 2002)(Millar 2002)(Snell 2002)(Komesaroff 2002)(McNeill 2002)(Savulescu 2002)(Dodds 2002b)) The 2007 *National Statement* is an example of professionalization – in particular, its being auspiced not just by the NHMRC, but also by the ARC and Universities Australia. But beyond this, the Australian Code for the Responsible Conduct of Research requires ethics approval of researchers, and recognises failure to secure such approval as research misconduct. (National Health and Medical Research Council (NHMRC) et al. 2007)

I here suggest two reforms which if enacted would make for a significantly improved national research ethics framework. The burden of the first part of my argument above was that under present ethics review systems, securing ethical review for certain types of ethical research is very difficult: the structure of the research does not fit with the assumptions which pervade the *National Statement* about the nature and process of research. A first proposal, then, goes to the heart of this matter.

Proposal One: A new model of research ethics accreditation

As we have seen, under the current model, research must be approved by a HREC on a project by project basis. My proposal is that we transition to a system where there are two discrete ways of getting ethics approval: either, as at present, your proposed project is accredited – call this project accreditation review (PAR); or, the researcher or research team is accredited to engage in certain kinds of research activity which is then reported and monitored – call this researcher accreditation review (RAR). RAR would facilitate research which does not fit into the current structures allowed for research by ethics committees: it could be responsive to ongoing social and political events; it could be unexpected; it could respond to urgent demands; it could engage with fortuitous and unrepeatable opportunities; and so on.

Under the RAR protocol, researchers would be required to undergo research ethics training and to guarantee that their research conduct would comply with the principles specified in the *National Statement*; there would be appropriate requirements for documenting research as it is carried out; researchers would be engaged by the same research misconduct regime as PAR researchers. Their research would be required to pass the same standards of scientific peer review as PAR researchers – standards set out in the Australian Code of Responsible Conduct of Research. Rather than submitting an ethics clearance application before each “project”, researchers would be required to maintain a running log of research activity, and to submit an annual report of research activity. Both the log and the report could be scrutinised by a HREC in the same way that applications presently are, with researchers being required to lift their game when the information provided (or the lack of it) caused concern to the committee.

Some might object that such a system has one glaring inadequacy: that if researchers were to engage in behaviour that was, for one reason or another,

unacceptable, it would only ever be noticed in retrospect, after the damage had been done. But, frankly, this is no worse than the current situation, where there is no telling what researchers *actually do* once they have received research ethics approval. (It is the case, of course, that universities are tasked with monitoring research activity post-approval, under the *National Statement*; however, I am not aware of any university ethics review system which has the resources to monitor its research in any way which goes beyond self-reporting through annual and final reviews, and the occasional spot checking mechanism). Furthermore, and in any event, it is undesirable that researchers should be treated as if – or have the perception that they are being treated as if – they cannot be trusted. The RAR protocol, one might argue, represents a far better balance of autonomy and accountability for research within the humanities and social sciences than does the PAR protocol; certainly, it is a much better fit with the history of these disciplines, a history which is significantly different to that of the health and medical sciences where it has been demonstrated time and again that the PAR protocol is the most appropriate model in these areas of human research (For a recent report see (Guillemin et al. 2008)).

Clearly, if there were to be these dual modes of research ethics clearance in operation, an appropriate institutional structure would have to be devised. Clear guidelines would have to be developed for determining which protocol was appropriate, PAR or RAR; however, on the strength of the kinds of arguments I have advanced above, I would not anticipate this to be a serious obstacle. The real obstacle is likely to be the reluctance of already established health and medical interests within the human research ethics system in this country to respond to the qualitatively different needs and requirements of research ethics in non –health and –medical fields.

Proposal Two: A new chapter on social and political research

I must confess some scepticism that the above proposal would generate much interest from the powers that be. My next proposal, I think, has a greater chance of being successful in some form. The 2007 *National Statement* incorporated a chapter on qualitative research, after much lobbying and behind the scenes agitation over a long period, activity in part based on the premise that if the *National Statement* was going to be used to review the work of qualitative researchers in a diverse range of disciplines, it must have an appropriate framework with which to do so.

The ongoing difficulty, as I have argued above, is that the conceptual framework for research participants is still overwhelmingly oriented around the medical model. (Dyer & Demeritt 2009) Research participants are individual private persons who are to be engaged through a discourse of harm prevention and minimisation, on the assumption that the researcher is the powerful player in the relationship, and that the purpose of research ethics review is the artificially egalitarianise that relationship.

A major reform to the *National Statement* could be effected quite easily by

providing guidelines for interpreting the Statement's research ethics review principles in research environments where none, or few, of these assumptions obtain. Thus, committees might be provided with guidelines which would help with the following kinds of situations which are not presently adequately covered:

- Research participants are not private individuals
- Research participants are powerful social agents
- Research participants are corporate identities
- The research participant is the *body politik* in one of its many and complex manifestations
- Research participants may have harmful intentions towards the researcher
- The researcher is the vulnerable – or at least weak/unpowerful - party
- The research is aimed at injuring the participants interests or “well being”
- The research has a strong public interest component
- Research participants are representing corporate entities
- Research participants (individuals) own or control and identify with corporate social and political agents
- Etc

There is scope for such a reform within the structure of the present *National Statement*. Section 4 of the *National Statement* is titled “Ethical Considerations Specific to Participants”; it contains a series of chapters dealing with specific subgroups of participants, including people in dependent relationships, children, people involved in illegal activities, Aboriginal and Torres Strait Islander peoples and people in other countries. It would seem to be an appropriate place to have a chapter which engaged with research participants who were public, political, social, corporate and powerful agents of the *body politik*.

Conclusion

Human Research Ethics Review has become a central part of the way in which research is managed in Australian universities, across all disciplines of academe. Nonetheless, the intellectual paradigms and institutional forms of ethics review still reflect the way in which the practice emerged out of medical and health ethics. I have argued in this paper that more needs to be done to reform the ethics review model used in Australia if it is to be a tool fit for its task. I have focused on political research, but much of what I have said applies also to the relationship between other disciplines and the processes of research ethics review mandated by the 2007 *National Statement*.

The *National Statement* will be reviewed in due course, and it is with that in mind that I have suggested reforms which could be made, a cause which could be taken up by the research fraternity. In particular, the professional associations of social sciences and humanities disciplines in Australia would do well to take the

opportunity when it arises, and see if it is possible to go beyond the productive and useful reforms which emerged in the 2007 *National Statement*. Such a response could help ensure that the subsequent iteration of the *National Statement* does indeed facilitate best practice research in our disciplines.

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