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‘Guilty knowledge’: ethical *aporia* emergent in the research practice of educational development practitioners

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Research into the practice of academics serves to inform higher education development (HED) theory and interventions, and is important for the development of the professional knowledge of the HED practitioner. Through such research HED practitioners gain access to what in another context is referred to as ‘guilty knowledge’. The complex ethical and methodological challenges faced by HED researchers ‘researching in their own backyard’ may often be underestimated or overlooked in research proposals and practice. I propose that Heidegger’s conceptualisation of *aporia* may extend our awareness beyond ethical customs and procedures to the underlying ontological nature of research ethics.

Keywords: higher education development; research ethics; guilty knowledge; aporia

Introduction

Recognition of ethical risk in social science research is not new, and research texts are replete with guidelines on ethics (Cohen et al. 2000). Recently the institutional imperative for academic research has raised again the dangers of the conflation of researchers’ (or institutional) interests with the greater good: a conflation which has at times resulted in gross abuses (Howe and Moses 1999). Arising in part from the same institutional imperative recent developments in North America, the UK, Europe and Australasia have led to the emergence of prospective ethics or research review boards in an attempt to reduce the risk in humanities and social science research. Strongly influenced by the profession-related disciplines (the medical and paramedical disciplines in particular), these review boards and processes have, however, not been universally well received by the academic community (De Vries, DeBruin, and Goodgame 2004; Haggerty 2004; Holland 2007; Allen 2008).

While objections to prospective review are wide ranging, a primary concern is that social science research is not amenable to codes and systems developed from positivist biomedicine (De Vries, DeBruin, and Goodgame 2004; Connolly and Reid 2007; Holland 2007). The objections to review boards serve in part to highlight the very complexity of ethical issues in social science research:

> … the most serious defect of the current regulatory system is that the requirements of policy reduce and trivialize the domain of research ethics. In the process, our ability to conceptualize, discuss, and make sense of the ethical problems of ethnographic work is dulled. As we do our work, we face ethical dilemmas aplenty, almost none of which have to do with the dual mandate of prospective research review – the adequacy of the consent process, which is invariably reduced to concern about a ‘formal document’ or potential risks to subjects. (Bosk 2007, 194)

Echoing Bourdieu (1999 in Crow and Pope 2008, 814) Clark and Sharf flag qualitative research as *sui generis* invoking ethical complexity for it ‘probes the very personal, subjective

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truths of people's lives', which in turn exposes 'our own frailties, concerns, and questions as interpretive researchers' (Clark and Sharf 2007, 399).

Advice 'to proceed ethically and without threatening the validity of the research endeavour in so far as it is possible to do so' provides no talisman against ethical dilemmas (Cohen et al. 2000, 49). Not far beneath the surface of such advice lies a reef of utilitarian risk-benefit ethics. Even reversion to ethical codes offers cold comfort, serving to surface the ethical impasse of the imposition of the general onto the particular. Codes provide principles, but principles rest on moral bases and require moral judgment to apply in the particular circumstances of each research event (Howe and Moses 1999; Cohen et al. 2000; Pring 2001). Moral judgement brings educational researchers face to face with the character, the 'moral virtues', of the researcher (Pring 2001, 418). This leads to potential impasse, for as Pring experienced 'In beginning to spell out the virtues, I came to recognise my own vices. But that is why I am not a researcher. But perhaps many others should not be either' (Pring 2001, 421).

With this impasse in mind, in what follows I begin with a brief discussion of research ethics, and then apply the particular lenses of Heidegger's (1945/2002) understanding of *aporia*, and the understanding of 'guilty knowledge' as part of the professional burden (Evetts 2003), to an exploration of the ways in which five HED practitioners experienced researching in their own 'backyards'. The inclusion of the experience of these researchers is more than illustrative for it is through the qualitative examination of the mundane practices of academics that we can better understand the impact of policy (including 'research assessment' policies and ethical codes) on practice (Clegg 2005). Out of this examination I tentatively suggest some ways in which research ethics committees could guide and support researchers in responding to ethical complexity in qualitative HED research practice.

Coming to terms with research 'ethics'

Etymologically 'ethics' derives from the Greek *ethos,* offering two translations into English: character or custom (Gray 2004, 58). Gray, while acknowledging that ethical research action lies in a 'grey area' where clear demarcation of right and wrong is not possible (2004, 58), proceeds to focus on custom, the 'rules of conduct', beginning with the importance of guidelines and '*informed* consent'(ibid.).

Cohen *et al.* hint at the more complex recognition of the central role of *character*. Research ethics involve the 'attendant *moral* issues implicit in the work of social science researchers' (Cohen et al. 2000, 49, emphasis added). They caution against ethical principles being seen as absolute, for 'there can be no rigid rules… It will be a case of formulating and abiding by one's own situation ethics' (Cohen et al. 2000:56). While the term 'situation ethics' needs to be treated with caution because of its association with a specific faith-based approach to ethics (Fletcher 1976), at its core lies the reflexive responsibility of the individual for making the most loving choice (Fletcher 1976).

Echoing Gray's (2004) focus on custom, Simons (1995 in Pring 2000, 140) proposes that research ethics refer to 'the search for rules of conduct that enable us to operate defensibly in the political contexts in which we have to conduct educational research'. In contrast Pring notes that 'There is rarely a clear-cut, and context-free, set of rules or principles which can be applied without deliberation and judgement' (Pring 2000, 140). Pring locates research ethics squarely in the *character* of the researcher as 'trustworthy' and possessing the moral virtues of courage, honesty, concern for the well-being of the other, modesty about the intrinsic worth of research, and 'humility in the face of justified criticism' (Pring 2001, 418). Such virtues, he argues, can only emerge and be sustained in a research community which is marked by the same characteristics.

For Costley and Gibbs too, it is the ontological emphasis of character rather than the methodological emphasis of custom that is foremost. They propose an understanding of qualitative research ethics rooted in Heidegger's '*aboding* in the world'. They too reject the reduction of ethics to 'a process of competence' (Costley and Gibbs 2006, 96). Their 'ethic of care' requires context sensitivity and is rooted in Heidegger's understanding of ethics as a 'process of being' (ibid.). The ethic of care is an ontological realisation of ethics rather than an epistemological or methodological process. The core of this approach lies in the reflexive awareness of the researcher 'whose singular care is the advancement of the whole of humanity and the totality of being as such' (ibid.). As with Pring (2001), Costley and Gibbs regard the research community as central, but as a 'community of learners' (2006, 96).

Addressing educational research specifically, Small (2001) argues that codes of conduct and the like are minimally necessary, but inadequate instruments in highly complex education research contexts. Codes of ethics, Small notes, tend to lead to complacency and a focus on enforcement and juridical discipline. Quoting Homan, Small notes "'Statements of ethics invite the individual to surrender moral conscience to a professional consensus'" (Homan 1992 in Small 2001, 391). Small argues that, while they retain a place in the research community, codes of ethics cannot adequately meet the unpredictability of individual research instances. What should supplement the code of ethics, argues Small, is a focus 'on procedures and strategies' for making *ethical decisions* not simply for conducting ethical research (2001, 403). Such an educative approach seeks to equip both the individual researcher and relevant research committees to look beyond custom and methodology. Small concludes:

> … there is no substitute for the individual's development of the capacity to make ethical decisions about the design and conduct of his or her project. In the end, it is everyone's responsibility to ensure that educational research is ethical research, and the better prepared we are to address this task, the better our research will be. (2001, 405)

The position that I adopt in this paper supports the core of the argument that the high degree of complexity emergent from educational research practice is not adequately served by codes, compliance, or custom but foregrounds 'character' – the personal identity of the researcher as social actor formed through attention to the reflexivity of the researcher. My use of *reflexivity* here:

> … refers to the practice of the *internal dialogue* through and in which we go about formulating a thought, 'questioning ourselves, clarifying our beliefs and inclinations, diagnosing our situations, deliberating about our concerns and defining our own projects'. (Archer 2003, 103)

This foregrounding of the researchers' character through reflexivity and the backgrounding (not eliminating) of codes and ethical guidelines, even given the emphasis on the role of the research community, appears to reinforce Pring's (2001) dilemma. As noted above, codes (or even the principles behind them) frequently do not map onto the situations in which the researcher may find herself. Even were ethics reduced to a code, the moral judgement of the individual researcher is still required at least at two points: to recognise that the codes apply (to him and to the context), and to prioritise which principle must take preference (Cohen et al. 2000; Pring 2001). Ethics demand that the researcher engages in moral deliberation within the context of the research. Moral deliberation places the burden of virtue onto the researcher herself. At the core of this burden is the trustworthiness of the researcher (Pring 2001). Research ethics cannot be reduced to custom, but must be enlarged to include character, a matter of ontology not methodology or even epistemology. Bosk's frustration with prospective review rests in part on the impossibility of an encompassing code in the context of interpretive research:

> In the field when faced with an 'ethical quandary', I make instantaneous calculations. I resolve uncertainties and then act in time-pressured situations without the luxury of deliberation and consultation

> with colleagues. More often than not, the entire sequence of dilemma–hesitation–action is completed before I am able to articulate fully what happened. (2007, 195)

Research ethics are ontological: can we *be* ethical researchers rather than methodological? Can we *do* ethical research? Acknowledging the role of moral deliberations in the research context recognises that we are often at a loss: we have no guidelines or codes to direct our actions in this or that specific situation.

'Guilty knowledge' and *aporias*: ways of understanding research ethics

Central to research involving human subjects are a range of competing rights such as the right of the public to know, versus the rights to privacy and not to be harmed (Frankfort-Nachimias and Nachimias 1992 in Cohen et al.2000; Pring 2000). Rather obviously however, 'we learn things through our inquiries, and there are times when what we learn can have consequences for our informants. Is the truth always beneficial? No. Can it be harmful? Yes' (Clark and Sharf 2007, 400). In this juxtaposition of the twin imperatives of qualitative research to understand the world better and yet to do no harm to our informants, one of the most pressing burdens of the research professional emerges: we acquire what Evetts (2003) terms 'guilty knowledge'.

Evetts (2003, 400) regards the acquisition of 'guilty knowledge' as a burden of professional practice. The term 'guilty knowledge' is usually associated with forensic contexts, specifically with *mens rea* (Verschuere, Crombez, and Koster 2004; *Oxford Dictionary of Law* 2006). In the context of professional activity it may have wider reference to any knowledge about a person that has the potential for harm. It may, for example, include information the professional significance of which the participant may not have been explicitly aware, and which does not necessarily carry any connotation of moral wrong-doing. Exposure in the outputs from the research may however prove to be an embarrassment to the respondent. This is a particular concern in research into the practice of educators within a single institution, which presents complex dilemmas with regard to core ethical concerns such as anonymity and informed consent (Zeni 2001).

This complex experience of the HED researcher appears well described by Heidegger's usage of *aporia*. Heidegger described an *aporia* as 'a lack of resource… a specific kind of lack or want, a perplexity achieved by an encounter with the previously unthought, an uncertainty about where to go next driven by a desire to progress' (Heidegger 1945/2000, 41). It is this experience of impasse that I seek to highlight in the five researcher accounts below as these accounts may provide an idea for extending the role of the ethics committees beyond that of gatekeeper and watchdog, to guide and educator.

The research process in this project

Research design

As a member of a faculty research ethics committee I wanted to consider ways in which such a committee may provide better guidance and support to HED faculty researchers. It was therefore important to understand how HED practitioners experienced ethical problems in their research practice. In particular I wanted to try and identify and understand problematic ethical concerns for which such researchers were unprepared. In the project reported on in this paper I attempted to begin this process by linking the concepts of '*aporia*' and 'guilty knowledge' to HED practitioners' reflexive accounts of ethical concerns they experienced during their research involving academic colleagues as research subjects.

Within an intensive research design (Sayer 1992, 243) I made use of semi-structured interviews to facilitate HED practitioners' reflexive accounts of their relevant research practice.

Following a combination of purposive and snowballing sampling (Cohen et al. 2000), HED practitioners who had undertaken research involving academic staff as research subjects within the past five years, were selected. In order to seek a degree of dependability (Guba and Lincoln 1985 in Cohen et al. 2000, 120), respondent validation was sought through the reversion to respondents of records of the interviews. In practice only one of the five selected respondents wished to see the transcripts, while four asked for sight of the completed paper prior to publication. One respondent asked that I edit their transcript excerpts used in the paper to remove what the respondent termed 'embarrassing signs of incoherence' (primarily interjections).

Responses and transcripts were deductively analysed around pre-established themes of 'dilemmas' and 'aporias', using a broad, critical, discourse analysis as a heuristic (Johnstone 2002). These categories were supplemented by incidents that emerged from the participants' accounts/ responses. QSR NVivo 7® was used to support the analysis of the transcripts. Conventional approaches to confidentiality were adopted with the use of codes to avoid the ethical complexities of pseudonyms. Because of the nature of the research, respondents were aware that confidentiality safeguards were of limited value.

Surfacing the ethically complex

Five *aporias* emerged through the analysis of respondents' interview transcripts. These are by no means exhaustive, but illustrative of the moral decisions demanded of the researchers for which conventional custom proves to be necessary but not sufficient. In these instances the researchers relied on their own reflexivity.

The aporia of the agency of subjects – identity transgressions

This *aporia* reflects the unexpected way in which research subjects could, and did, compromise the protection of their own identity. In one project involving the assessment practices of academics, Respondent 1(R1) was concerned to avoid breaches of confidentiality that may arise through his own actions. According to convention he assured participants that he would not discuss their participation in the project with anyone and made use of negotiated pseudonyms. He was caught off guard by participants' lack of concern about confidentiality during the research: 'they were saying "Oh it's no problem at all". They did not have a sense of "there's a… potential risk that I'm putting myself at here… in this research"' (R1).

More problematically the actions of his research participants in publically discussing their participation in the project with himself and others left him feeling that:

> I felt I lost control, and I didn't know how else to do it. I could not insist that people not talk about the research… I felt that that was a complete violation… of their rights… so I never insisted that people not talk about although I realised that I was compromising other people's level of confidentiality… (R1)

The risk at which R1's subjects placed themselves is illustrated in the following section. While this next extract is still an example of the exercise of the agency of subjects, it has its own nuance.

The aporia of the agency of subjects – the sequestrated research space

As researchers we construct the research space as 'ours' ('my research project' or the objectivist, un-owned 'this research'). This has the tendency to blind us to the agency of our participants and expose us to their 'previously unthought' actions. R1 recalls:

> One particular respondent… didn't fit into the main stream of my study and I haven't used the interview… to the full extent that I could because it's an interview that reveals… the complexities

> around race in the context that… the study has been conducted in… whereas for the whole study the racial dimension was not primary, but in this particular interview it was.

In this instance a participant described prejudice he had experienced in the workplace. Respondent 1 argues that:

> *He* chose to use my research space, as an opportunity to reveal these issues and to discuss these issues 'cos… he has no other space to do it… and in a sense to get me on board in order to *do* something about it, so… my understanding of his expectation, even though I made it very clear that I wouldn't be doing anything… is that… he would in a sense get an ally… in helping to deal with address some of the stuff.

Facing this sequestration of the research space by the respondent the researcher faced the choice between obscuring important evidence, or surfacing an issue about which he feels very strongly (racial prejudice) with the consequential risk that may arise from these comments making the respondent identifiable. The researcher argued that:

> I had to say, I'm sorry… I'm constructing myself here in a way where I'm not going to explicitly be able to help you in this way, there might be other avenues, but in particular [this] research avenue is not going to be… one of them… because of the way in which I had to construct anonymity and confidentiality, I can't take this to, *anywhere* in this institution, and say… *this* is what your institution is like… I can't say that. I can't go to anybody and say, *look* at what your institution *does* to people… so he has to find his own ways to say that, he's not going to be able to say it through me. (R1)

Asked how this choice left him feeling, R1 replied:

> I find it makes me feel terrible, because… I mean… my *role*… is to support this individual, an' I have to in a sense find other mechanisms to support this individual and others like him… so, I have to look for opportunities to do that, in my in my ordinary working day. But… I cannot use the kind of insight that he gave me… *anywhere* in that work.

The researcher found himself without resource to manage the moral challenges posed. Certainly, ethical procedures permitted action: but the residue of guilty knowledge remains. The dilemma is unresolved. This experience links to another *aporia* which arises from the experience of HED practitioners engaging in research 'in their own backyard'.

The aporia of multiple practitioner roles

The peculiarity of 'research involving friends, work colleagues and other professionals' (Costley and Gibbs 2006, 89) poses particular dilemmas for HED researchers. One example is evident in the comments of Respondent 3 (R3), a senior academic with a quite extensive research background.

She is conscious that at one level the HED research space is 'a relatively small backyard'. Frequently the same academics become the research subjects for a range of projects of benefit to the HED researcher and/or the institution. A sense of weariness (and wariness) is evident as she describes the moral dilemma inherent in her awareness of the utilitarian 'use' of people for the purposes of publication or qualification, while at the same time conscious of the need for HED research:

> I really increasingly struggle to, justify the research to myself and therefore to them as something that's in their interest as well… so sometimes I think y'know *stop* researching in your own backyard… it's just wearying maybe for the individual that you're researching. (R3)

It would be easy to reduce this dilemma to a simple concern to seek out 'better subjects', but that would miss the underlying concern about the moral dangers inherent in opportunism and instrumentalism. The word 'justify' elevates this beyond conduct, and signals the underlying

moral dilemma: once we are aware that our research subjects may feel this way, can we claim to be doing no harm when we approach them?

Respondent 5 (R5) provided another example of the *aporia* that may arise through role conflict inherent in practitioner research. As a HED practitioner with research interests in both policy and knowledge and the curriculum, the respondent has been involved in assisting with academic reviews. This role is primarily intended to support departments in preparing for and responding to review. However, on at least one occasion the respondent was also placed on a review panel. Together, these roles created a significant ethical problem as one such department is also part of the respondent's HED research project on knowledge and the curriculum. Arising from this role conflict, R5 noteed that:

> … funny things happen in the interviews like I have been asked to switch off the tape, somebody else kind've bared [their]… soul, then said 'oh my goodness I've said far too much, I *must* see the transcript and I'm probably going to ask you to delete some of it… I've also been asked what other people have said… which is quite difficult, they haven't asked me to give the names of course… but they have sort've said well what did others say [indistinct], and… I've just given extremely evasive answers, then I thought that perhaps I should say 'I don't think that's an appropriate question'… So I'm almost becoming a bit've a 'go-between'. (R5)

Each of these researchers (R1, R3 and R5) find themselves caught in the 'uncertainty about where to go next driven by a desire to progress'. This *aporia* appears to emerge from the combination of the agency of their research subjects, and the HED role that demands both a professional developmental relationship, and an intrusive research relationship.

The aporia of identity and representation

Right at the outset of the research process an *aporia* emerged for Respondent 2 (R2) in part because 'solutions' implicit within established ethical procedures gave her an ultimately false sense of security. In her research she had decided to use video as a way of capturing the research contexts she had identified (specific activities during lectures). She knew 'there would be challenges about how I would identify the people… I was going to have to *blur* my images or something like that' (R2), but:

> I think what I hadn't thought of was the vulnerability it would [cause because of] the particular *layer* of… one's working with bodies and embodiment. It's so much about what people give off… y'know in addition to, say the content and the subject matter… I hadn't really thought about all of those issues… (R2)

While R2 had identified strategies to at least in part deal with the conventional (confidentiality), the *aporia* becomes evident to her when she realises 'the vulnerability' of the respondents that emerged when seeing themselves on video, and experiencing that video excerpt being analysed. It is a genuine concern for the being of the respondents that surfaces the *aporia*, which may otherwise have been submerged as an ethical dilemma of identifiability which could be reduced with a technical fix. As it stands, the more fundamental concern for *representation* and its impact on the being of the research participants emerges as a thoroughgoing concern in her research process:

> I think the challenge of representation is something that I've absolutely battled with throughout here, and that remains a sticky issue. [It] has become for me almost a central issue… when you're looking at people's writing it's not there… But I think, something about the complexities of research as representation… is, like a *shadow* for me… throughout this whole process, and I think a major, major learning… which has … ethical implications… every inch of the way… (R2)

Identity and representation also created an *aporia* for Respondent 4(R4). Her doctoral research involved service learning and social responsiveness. She had committed herself to

confidentiality with regards the names of academic staff and students, although she realised that given the cases under consideration the identity of the academics could easily be established. Unexpectedly, however, her research participants from the community felt they would benefit from having their identity evident in the research. Towards the final stages of the research Respondent 4 suddenly became aware of the moral disjunction in the way she was treating the identity of the academics over against the identity of the community. Discussion with a colleague served to emphasise the disjunction.

> [Participant identity is]… a complex issue to try and unpack, I've had one post-study informal interview with one of the community members and, y'know as a colleague pointed out to me 'but they told you exactly what you wanted to know you're white, you're the researcher, you've got power… they're not going to, sort've necessarily tell the "truth" in that sense'… but I didn't know to… reapproach the community members and say look this is the issue, and so I thought well I've got to anonymise everything… (R4)

In the following excerpt her supervisor's response to her concerns appears to mistake her *aporia* for a conventional dilemma for which there appeared to be an established strategy. For the researcher the problem lay precisely in the established conventions. The understanding of the burden of ethics that appears in the extract underlines Small's (2001) insistence that 'what is required is to extend our existing abilities, not to return to first principles' (Small 2001, Abstract):

> …one of my colleagues said that we always presume that the anonymity has to happen on the university side… so what are we talking about when… we don't seem to have that same level of anxiety [about the community]… and I… was really caught, I… thought I've always gone into research, I've done quite a bit with communities, with a lot of integrity… and here I was shown up, to myself, I got quite a fright [laughs]… as a researcher, I just suddenly thought y'know it *is* the degree of formality… it *is* the power of the institution, that ultimately… showed up… that contradiction… which I then had to resolve myself, and I think I even spoke to my supervisor about it and, and I think his thought was… find out from everyone concerned then make a decision… the decision was still mine… (R4)

The aporia of the confessional space

R5's experiences of respondents asking her to turn off the tape or wanting to retract what they had said and requesting deletions are not unusual in qualitative research. This reflects an example of the burden of guilty knowledge arising from the respondent being 'seduced by the caring interview' (Clark and Sharf 2007, 405). The role conflict between HED practitioner and HED researcher creates particular opportunities for such exposure. R3 notes what she experiences as a peculiar characteristic of academics that:

> There were a lot of kind… of confessional data in a way, I mean it's actually the lovely thing about academics is that they are often quite happy to air their dirty laundry… maybe because my topic is assessment and so there is quite lot've dirty laundry… to be aired… but I have… more often than not been surprised by people's candid and frank responses rather than a sense that they're covering things.

For her the 'dirty laundry' poses a number of ethical problems, one of which is:

> 'How do I represent this data in a way that doesn't come across [indistinct] an indictment of the institution'… sympathetic marking equals lowering of standards equals, y'know, reputation of this department etc etc. … Now those issues are *always* lurking in the kind of research we do.

Asked how she managed this ethical dilemma, R3 replied:

> I remember very consciously phrasing the analysis so that it did… what I thought did justice to the speakers… because I mean that I am aware that very same data, could be *used* in a very indicting way of those individuals, I mean whether you know who they are or not doesn't matter the point

> is you're saying. 'There's some *really* bad practice going on here'… and… I was determined that it not be perceived as bad practice in the way I wrote it up… to actually remove the analysis from individuals but locate the discourse in bigger discourses that are actually constructing that. Which would, I would hope, in the mind of the reader of the publication, create a kind've 'we understand this'… not we *damn* it, we condemn it, we actually understand it.

The fundamental aporia

The experiences reflected in the above five examples suggest that, while not unique to HED practitioner research, the multiple roles occupied by HED practitioners confronts us with fundamental *aporias*:

- We cannot avoid engaging in practitioner research for our own development, for our survival within the system of 'publish or perish', to grow our discipline and to better understand the complex contexts of those whose curriculum and pedagogic practice we must support, and yet:
- The nature of qualitative inquiry involves guilty knowledge – 'holding the meaning of people's lives in our hands' (Bar-On 1996 in Clark and Sharf 2007, 402–3) and the consequent knowing exposure of people to potential for harm.

Reliance on procedures and custom has proven inadequate in at least these examples, suggesting that the *aporia* posed by Pring (2001) is uncomfortably apt. We need to go beyond a focus on methodological rigour and attend to *being* ethical researchers.

Where to from here?

The emergence of ethics or research review boards does not resolve the *aporia*. In some ways they may even contribute to sense of resourcelessness (Bosk 2004, 2007). At one level academics' objections to prospective review boards are concerns about process, not principle (De Vries et al. 2004), while others reject prospective review completely (Haggerty 2004; Dingwall 2006) – Review boards however remain in place and are unlikely to go. How they work, however, is open to challenge and negotiation (Bosk 2004, 2007).

Earlier I proposed, in keeping with four of the authors whose work has informed this paper, that the complexity of HED research is inadequately served by codes compliance or custom but should foreground '"character" – the personal identity of the researcher as social agent formed through the reflexivity of the researcher'. Such a proposal recognises and perhaps maintains the *aporia* – but leaves us with an unsatisfying: so what? Cautioned by Pring's conclusion that attempts to close off the *aporia* in a list of ethical researcher virtues ends in more questions than answers (2001), I would risk the following three proposals for working within the *aporia*: neither denying it, nor resolving it, but proceeding because we must.

Surface and examine reflexivity

At the core of our way ahead lies reflexivity. As Archer argues reflexivity has causal powers ('we can modify ourselves by reflecting upon what we most care about') (2003, 41) even if these powers do not operate free from constraints, but 'under the circumstances of our own choosing' (Archer 2003, 104).

'Reflexivity' is thus not to be confused with a cognitive reflective practice. It is active and causal, and reflects our commentaries on the relations between our projects and the world (Archer 2003). This understanding of reflexivity and its role in mediating between our subjective powers and 'the role objective structural or cultural powers play in influencing social action' (Archer 2007, 5) is congruent with the emphasis placed by Clark and Sharf (2007), Costley and

Gibbs (2006), Pring (2001) and Small (2001) on the role of the individual researcher in making ethical choices. In keeping with Archer (2003, 2007), reflexivity is a matter of ontology, not epistemology. This resonates with Costley and Gibbs' 'ethics of care' as an ontological, not epistemological, process.

Articulate the values underpinning research

Practically this may be encouraged by expecting researchers to make explicit *the values* that underpin their research, and not merely the strategies they intend to employ. In addition researchers could be expected to identify the ethical concerns which they expect may arise through the project. This would be in keeping with Prings' call for an unavoidable 'moral deliberation in considering the ethical dimension of research. Such deliberation does inevitably call upon or embody certain principles, but can by no means be simply the application of those principles… There is *judgement* required' (2001, 411).

Refocus the roles of ethics committees

Small (2001, 405) argues that while codes and committees might well have a contribution, 'there is no substitute for the individual's development of the capacity to make ethical decisions about design and conduct of his or her project'. Ethics committees need to extend their role beyond prospective review with its emphasis on the performative and procedural, to an educative or developmental focus. This may focus on developing research ethics awareness by creating opportunities for the research community to engage both –

- experientially ('engaging personally, thinking reflexively'); and
- epistemically ('developing meta-cognition, thinking epistemically, contextually and systematically') (Luckett 2001, 55)

– in discussions (both personally between review boards and researchers, and in seminars or colloquiums) around the moral bases for research.

Backgrounding the policing roles, ethics committees need to focus on developing and sustaining the researcher's 'capacity to make ethical decisions about design and conduct of his or her project' (Small 2001, 405). One way of contributing to this may be through public sharing of 'stories and narratives of research ethics to help fashion our research lives' (Plummer 2001 in Clark and Sharf 2007, 412) within our research communities. This may also be supported by committees meeting with researchers to discuss concerns, rather than relying simply on written responses.

I am cognizant that these remain broad proposals in need of flesh, but such fleshing out must be done in context. These will not overcome *aporia*, but they may serve to surface them, thus reducing the levels of risk to both researcher and researched.

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Notes on contributor

Kevin Williams has recently been appointed as a lecturer in the Higher and Adult Education Studies and Development Unit of the Centre for Higher Education Development, University of Cape Town. Prior to this he was a higher education development consultant and a lecturer in the sociology of pharmacy and sociology of religion.

References

Allen, G. 2008. Getting beyond form filling: The role of institutional governance in human research ethics. *Journal of Academic Ethics* 6: 105–16.

Archer, M.S. 2003. *Structure, agency and the internal conversation.* Cambridge: Cambridge University Press.

Archer, M.S. 2007. *Making our way through the world. Human reflexivity and social mobility.* Cambridge: Cambridge University Press.

Bosk, C.L. 2007. The new bureaucracies of virtue, or when form fails to follow function. *PoLAR: Political and Legal Anthropology Review* 30, no. 2: 192–209.

Clark, M.C., and B. Sharf. 2007. The dark side of truth(s). Ethical dilemmas in researching the personal. *Qualitative Inquiry* 13, no. 3: 319–416.

Clegg, S. 2005. Theorising the mundane: The significance of agency. *International Studies in Sociology of Education* 15, no. 2: 149–63.

Cohen, L., L. Manion, and K. Morrison. 2000. *Research methods in education,* 5th ed. London: Routledge-Falmer.

Connolly, K., and A. Reid. 2007. Ethics review for qualitative inquiry: Adopting a values-based, facilitative approach. *Qualitative Inquiry* 13, no. 7: 1031–47.

Costley, C., and P. Gibbs. 2006. Researching others: Care as an ethic for practitioner researchers. *Studies in Higher Education* 31, no. 1: 89–98.

Crow, G., and C. Pope. 2008. Editorial foreword: The future of the research relationship. *Sociology* 42, no. 5: 813–19.

De Vries, R., D.A. DeBruin, and A. Goodgame. 2004. Ethics review of social, behavioral, and economic research: Where should we go from here? *Ethics and Behavior* 14, no. 4: 351–68.

Dingwall, R. 2006. Confronting the anti-Democrats: The unethical nature of ethical regulation in social science. *Medical Sociology Online* 1: 51–8.

Evetts, J. 2003. The sociological analysis of professionalism. Occupational change in the modern world. *International Sociology* 18, no. 2: 395–415.

Fletcher, J. 1976. *Situation ethics: The new morality.* Louisville: Westminster John Knox Press.

Gray, D.E. 2004. *Doing research in the real world.* London: Sage Publications.

Haggerty, K.D. 2004. Ethics creep: Governing social science research in the name of ethics. *Qualitative Sociology* 27, no. 4: 391–414.

Heidegger, M. 1945/2002. Heidegger on the art of teaching. Excerpts of the transcript of the deposition of Professor Dr Martin Heidegger, submitted before the Committee on de-Nazification of the Albert Ludwig University, Freiburg im Breisgau, July 23, 1945. Edited and translated by V. Allen, and A.D. Axiotis. In M.A. Peters, *Heidegger, education, and modernity,* 27–46. Lanham: Rowman and Littlefield Publishers.

Holland, K. 2007. The epistemological bias of ethics review. Constraining mental health research. *Qualitative Inquiry* 13, no. 6: 895–913.

Howe, K.R., and M.S. Moses. 1999. Ethics in educational research. *Review of Research in Education* 24: 21–59. http://links.jstor.org/sici?sici=0091-732X%281999%2924%3C21%3AEIER%3E2.0.CO%3B2-J.

Johnstone, B. 2002. *Discourse analysis.* Malden, MA: Blackwell.

Luckett, K. 2001. A proposal for an epistemically diverse curriculum for South African higher education in the 21st century. *South African Journal of Higher Education* 15, no. 2: 49–61.

Oxford Dictionary of Law. 2006. *Oxford reference online.* Oxford: Oxford University Press. www.oxfordreference.com/views/ENTRY.html?subview=Main&entry=t49.e1745.

McWilliam, E. 2004. W(h)ither practitioner research? *The Australian Educational Researcher* 31, no. 2: 113–26.

Pring, R. 2000. *Philosophy of educational research.* London: Continuum.

Pring, R. 2001. The virtues and vices of an educational researcher. *The Journal of the Philosophy of Education Society of Great Britain* 35, no. 3: 407–21.

Sayer, A. 1992. *Method in social science. A realist approach.* London: Routledge

Small, R. 2001. Codes are not enough: What philosophy can contribute to the ethics of educational research. *The Journal of the Philosophy of Education Society of Great Britain* 35, no. 3: 378–406.

Verschuere, B., G. Crombez, and E. Koster. 2004. Orienting to guilty knowledge. *Cognition and Emotion* 18, no. 2: 265–79.

Zeni, J. 2001. The IRB, the HSR – and the ethics of insider research. *Networks* 4, no. 1. http://journals.library.wisc.edu/index.php/networks/article/view/147/146.