University of Wollongong

Research Online

Faculty of Social Sciences - Papers (Archive)

Faculty of Arts, Social Sciences & Humanities

2014

Resisting Condescending Research Ethics in Aotearoa/New Zealand

Juan M. Tauri

University of Wollongong, juant@uow.edu.au

Follow this and additional works at: <https://ro.uow.edu.au/sspapers>

Part of the [Education Commons](#), and the [Social and Behavioral Sciences Commons](#)

Research Online is the open access institutional repository for the University of Wollongong. For further information contact the UOW Library: research-pubs@uow.edu.au

Resisting Condensing Research Ethics in Aotearoa/New Zealand

Abstract

Recently, Indigenous scholars have raised a number of concerns with the activities of Research Ethics Boards (REBs) and their members, including the preference of REBs for Eurocentric conceptualizations of what does or does not constitute "ethical research conduct", and the privilege accorded liberal notions of the "autonomous individual participant". Informed by the author's reflections on the REB process, those of Indigenous Canadian and New Zealand research participants, and the extant literature, this paper begins by critiquing the processes employed by New Zealand REBs to assess Indigenous- focused or Indigenous- led research in the criminological realm. The paper ends with a call for Indigenous peoples to resist the condensing ethos of the academy's ethics processes by developing processes that focus on empowering their institutions and communities.

Keywords

zealand, resisting, aotearoa/new, ethics, research, condensing

Disciplines

Education | Social and Behavioral Sciences

Publication Details

Tauri, J. Marcellus . (2014). Resisting Condensing Research Ethics in Aotearoa/New Zealand. *AlterNative: an international journal of indigenous peoples*, 10 (2), 134-150.

RESISTING CONDESCENDING RESEARCH ETHICS IN AOTEAROA NEW ZEALAND

*Juan Marcellus Tauri**

Abstract

Recently, Indigenous scholars have raised a number of concerns with the activities of Research Ethics Boards (REBs) and their members, including the preference of REBs for Eurocentric conceptualizations of what does or does not constitute “ethical research conduct”, and the privilege accorded liberal notions of the “autonomous individual participant”. Informed by the author’s reflections on the REB process, those of Indigenous Canadian and New Zealand research participants, and the extant literature, this paper begins by critiquing the processes employed by New Zealand REBs to assess Indigenous-focused or Indigenous-led research in the criminological realm. The paper ends with a call for Indigenous peoples to resist the condescending ethos of the academy’s ethics processes by developing processes that focus on empowering their institutions and communities.

Keywords

ethics, Māori, research, research ethics boards, standardization, universalism

Introduction

Indigenous peoples residing in settler societies have long expressed concern at the impact on their communities of social research activity

carried out by government agencies and academic institutions (see Battiste, 2000; L. Smith, 1999a). More recently, Indigenous commentators have focused their critique of the research context on the ways in which Research Ethics

* Lecturer, Queensland University of Technology, Brisbane, Australia. Email: juan.tauri@qut.edu.au

Boards (REBs) impinge on the autonomy of Indigenous researchers and participants to pursue knowledge construction in ways that suit their social and cultural context. It should be noted that the title by which institutional ethics review boards are known can vary depending on geographic location; for example, in the United States they are often referred to as Research Ethics Committees (RECs) and Institutional Review Boards (IRBs), while in Canada they are designated Research Ethics Boards (REBs) or General Research Ethics Boards (GREBs). The term REB is used here to refer to all committees of this kind. Informed by the personal experiences of the author and Indigenous Canadian and New Zealand research participants, as well as the extant literature, this paper critiques the processes employed by New Zealand REBs to assess Indigenous-focused or Indigenous-led research. In response to a contested decision made by an REB, the author included questions in his study specifically related to issues related to REBs, ethics processes and Indigenous research so he could enquire of First Nation academics, researchers and service providers their thoughts on the issues that arose from a debate that occurred between the author and the REB. In all, seven individual interviews and two focus groups (with a total of 12 participants) were completed in both jurisdictions between November 2010 and January 2012. The views of some of the participants are included in this paper, and referenced via a code designed to protect their identity. For example, focus groups are coded as CFG1 or CFG2 (Canadian focus group 1 and/or 2) with participants given a random number as an identifier known only to the researcher and the participant (such as CFG14). Similarly, individual interviewees were randomly allocated a code based on the jurisdiction the interview took place in, plus ethnicity (for example, a Māori interviewee might be delegated the code MII3—Māori, individual interview 3).

One key issue identified is the general lack of experience of REB members in researching

with Indigenous peoples and a lack of knowledge of their social context, complex histories and preferred research processes. As a result of this situation, REBs too often privilege the “liberal”, Eurocentric conceptualization of the autonomous research subject as the focus of their deliberations on “right research”, which leads in turn to an over-reliance on formulaic main-streamed (white-streamed) assessment processes that sideline the importance of the social context within which “real world” research takes place. Furthermore, these practices potentially marginalize Indigenous researchers and their participants by placing them at risk of violating the “ethics” of both the institution to which they have applied for ethical consent and the Indigenous communities where their research takes place. The institutionalized ethics procedures may even be read as a politics of containment that at once renders invisible the importance of relationships in Indigenous research while asserting the right of the institution to determine the “correct” way that research should be played out.

The paper begins with an overview of the author’s experience of the condescending ethics of a New Zealand REB involved in assessing the ethics protocol for his doctoral research. This discussion informs the following section which highlights Indigenous issues with REBs identified in the literature and empirical research carried out by the author. From there, the focus moves to an analysis of reasons for the poor quality of REB processes and decisions regarding Indigenous research, drawing on Butz’s (2008) concept of *condescending ethics*. The paper ends with a call for Māori scholars (and communities) to resist the condescending ethics of REBs and their related institutions, and develop a Māori-led, national-level ethics review process that supports and protects Māori and non-Māori researchers who want to research with Māori, but are compelled by institutional edict to engage with the ethics protocols of the academy.

The Research Ethics Board experience

To assume that the Aboriginal past or knowledge can be adequately explained from a totally foreign worldview is *the essence of cognitive imperialism and academic colonisation*. (Henderson, 1997, p. 23, emphasis added)

In late October 2009, the author and his then supervisor submitted the requisite ethics forms to the REB at the institution where he was enrolled to carry out doctoral research. The research focused on Indigenous experiences of the global transfer of crime control policies and interventions, specifically restorative processes like Family Group Conferencing and the impact this kind of state activity was having, if any, on the development of their own justice processes. The data gathering for the thesis was to be carried out via a combination of individual interviews and focus groups with Indigenous justice practitioners, researchers and academics in New Zealand and Canada (as well as a small group of non-Indigenous policy workers in Canada).

Given the author's previous experience with this and other REBs in New Zealand, and as an occasional advisor to Māori post-graduates who had experienced issues with REB decisions, resistance was anticipated due to the author's decision to privilege the ethics protocols favoured by Māori and Canadian Indigenous participants. As directed by Indigenous advisors, the protocols were constructed through direct collaboration with participants, elders councils and experienced Indigenous researchers in both jurisdictions. As a result of this collaborative process, a research protocol was developed that privileged collective strategies for eliciting informed consent and gathering data. The strategies devised related to the wish of some participating communities (especially in the Canadian context) for privileging "communal" expressions of consent, such as a) the

fact that the research or meeting is agreed upon by an elders council, b) individuals participating at a focus group or hui give their consent through the act of attending, or verbally at the beginning of the meeting, or c) an elder or designated person provides verbal consent at the beginning of a focus group/hui on behalf of the group and after discussing the background materials provided by the researcher.

These strategies were included in the research framework as appropriate for eliciting informed consent if the participants rejected the standard, form-based process that is generally employed by social researchers. The author carried out thorough, community-level negotiations to ensure the development of protocols were deemed "ethical" and "tika" ("right" or "correct") by Māori and Canadian Indigenous participants. The negotiations took place over a 16-month period via phone, email and during two visits to the region of Canada where part of the research project was to take place. For the New Zealand context, the author was advised on appropriate research ethics by three prominent Māori researchers, and relied in part on extensive research and engagement with Māori communities over the previous 15 years working in the academy and as a government official working directly with Māori communities.

In contrast to the collaboratively constructed, community-centred and contextualized research protocols developed by the author and his potential participants, the REB in question followed a heavily standardized, Eurocentric process for assessing the ethicality of both the researcher and the specific project. It was evident from even a cursory glance at the relevant background documents issued by the REB, supplemented by communications between the author, his supervisor and members of the committee, that the focus of their ethics deliberations centred on institutionally defined risk avoidance to researcher and research participant in a way that masked the power differentials at the same time that they were seen as protecting what they perceived as a vulnerable research

subject. This Western liberal gaze may be seen as the empowerment and privileging of the institutional research norms and values in a universalizing framework.

The REB in question had already rejected a previous version of the proposal submitted in August 2009, in which the author had critiqued the REB's privileging of individual-focused protocols for eliciting informed consent. Subsequently, the author and his supervisor carried out further discussions with research advisors and participants before resubmitting the application in late October of that year. The revised submission included a thorough critique of the REB rationale for rejecting the previous submission, while offering a dual-consent process that ensured the researcher would avoid behaving "unethically", as that term is defined by Indigenous participants. The author and his supervisor also sought to placate the REB by offering to use their preferred, individualized process, as set out in this extract from the second submission:

Discussions between the primary researcher and Indigenous advisors for this project indicate that the consent-related processes preferred by [name withheld] University are unethical and culturally inappropriate for research engagement with these First Nations. It would appear then that a compromise is required, and so the following process will be used to satisfy the requirements of [the REB] with regards to confirmation of informed consent: All individual participants in the research will be informed of the purpose of the research either verbally, or through receipt of a written copy of the PIS [Participant Information Sheet], which will be offered to them prior to the primary researcher reading out the document ... The process required by [name withheld] University will be explained to all participants, who will be informed that the requirements of the institution privileges informed consent evidenced through written, signed documents ... research participants

will be provided an opportunity at this stage of the process to respond to the request for written confirmation. If they assent to signing the informed consent forms (see appendix 4), then these will be distributed to them for their analysis and signing. If they do not assent to the [REB] process then the primary researcher will acknowledge this fact in their research notes from that particular session. Individuals who decide not to sign the document will be asked permission by the primary researcher to agree to be contacted at a later date if any queries are made by [name withheld] University officials because of the lack of signed consent forms. A similar process will be followed during focus groups, during which a request will be made for one person to act as a representative for all participants and who can speak on behalf of that group.

This extract illustrates the way that the ethics proposal submission drew on the consultation and collaboration of Indigenous participants. For example, the strategy of identifying one person to confirm group consent to participation in the research, if the REB needed to seek confirmation, was suggested by two of the Canadian advisors for the research after consultation with elders council members. How this selection would be made was to be determined by the members of the group participating in a hui/focus group, or determined by elders prior to engagement. Unsurprisingly, the REB rejected the compromise offered of a dual-consent process to guide engagement with Indigenous participants, and continued to attempt to force its preferred individualized consent and engagement process upon the researcher and his research participants. Many more months were lost attempting to alter the approach taken by the REB before the author's supervisor finally received formal sign-off for the research to proceed in April 2010. As indicated earlier, before embarking on the research the author added questions to the research schedule for individual interviews and focus

groups in order to elicit participants' views on the REB's ethics review process. The responses of Canadian and Māori research participants to these questions form an important part of the critical analysis offered in this paper. However, before we present this analysis, we must first background the growing Indigenous critique of the institutionalized ethics process.

The Indigenous critique of Research Ethics Boards

Recently, a number of Indigenous researchers have criticized the role REBs play in stifling Indigenous-led, community-centred research. A common theme of Indigenous critique has been the contribution made by REBs in the colonizing project of Western research (Absolon, 2008; Berg, Evans, & Fuller, 2007; Bishop, 1998; Denzin, 2008; Ellis & Earley, 2006; Glass & Kaufert, 2007; Marker, 2003, 2004; Schnarch, 2004; L. Smith, 1999a; Tuck & Fine, 2007; Wax, 1991). Indigenous and non-Indigenous academic critique of REBs covers a broad range of issues, including (but by no means exclusively):

- *Individualism*—marked by the privileging of the autonomous research participant, and informed consent processes that force individualized protocols upon collectives (see Ellis & Earley, 2006; Glass & Kaufert, 2007, pp. 32–33; Manson, Garrouette, Goins, & Henderson, 2004; Piquemal, 2000; Wax, 1991).
- *Lack of expertise*—members of REBs often lack adequate disciplinary, epistemological and methodological expertise in Indigenous research/issues, resulting in an over-reliance on tick-the-box approaches that ensure the hegemony of institutionally acceptable protocols (see A. Smith, 1997).
- *Universalism*—the propensity for

REBs to utilize processes derived from Eurocentric notions of “right” (research) conduct, and essentialist notions of what does or does not constitute an ethical researcher, all of which eulogize the “individual” research participant and marginalize social groups which prefer collectivist constructs to guide the research process (see Battiste & Henderson, 2000; Bradley, 2007; Ermine, 2000; Menzies, 2001; Wax, 1991; Wilson, 2004).

- *Formulism*—an over-reliance on standardized, formulaic approaches that mask the complexity of the social context within which research takes place (see Hammersley, 2006; L. Smith, 1999b).

In essence, the author's recent personal experience of REB conduct, and that relayed to him by other Indigenous researchers, strongly aligns with the issues identified in the extant literature, especially issues relating to consent and REB preference for individualistic research protocols. For the sake of brevity, this paper will focus on the issue of the dominance and the impact of universalism on the Indigenous research context.

Universalism

The white man takes his own mythology, Indo-European mythology, his own logos, that is, the mythos of his idiom, for the universal form that he must still wish to call Reason. (Jacques Derrida, 1982, p. 213)

Universalism refers in the research context to ideological presentations that portray Western “social scientific” research methods and methodologies *as applicable to any and in all social and cultural contexts*. The philosophical principles underpinning research-related universalism are presented by Battiste and Henderson (2000, p. 134) as follows:

Eurocentric thought would like to categorise Indigenous knowledge and heritage as being peculiarly local, merely a subset of Eurocentric universal categories ... It suggests one main stream and diversity as a mere tributary ... together mainstreaming and universality create cognitive imperialism, which establishes a dominant group's knowledge, experience, culture, and language as the universal norm.

Minnich (1990, p. 53) brings Battiste and Henderson's evocation of the culture-destroying potentiality of universalism into stark relief when he contends that "eventually one category/kind comes to function as if it were the only kind, because it occupies the defining centre of power ... casting all others outside the circle of the 'real'". In this schema, Eurocentric notions of "proper research" are represented as *the* acceptable ways to engage in knowledge construction. In comparison, the philosophies and practices of the "Indigenous Other" are situated outside the institutionally contrived ethics framework, to be allowed in when necessary to brush the institutional framework in the cloak of "cultural responsiveness".

It is argued here that the research-related universalism described above forms a key operating principle for New Zealand REBs, an argument exemplified in the case study that forms the basis of this paper. Universalism works as a dominant operational principle throughout the country, despite the fact that all REB-related guidelines include text exhorting researchers (and, one presumes, REBs) to "respect difference" (see guidelines developed by the National Ethics Advisory Committee, 2012, and the Ministry of Social Development, 2002). A number of Māori practitioners and post-graduate students the author discussed these issues with reported persistent failure on the part of committees to match their actions with the ethics guidelines that appear in institutional documents and websites. This is evident in the REB's response to the author's second ethics proposal and especially the author's decision to privilege

the ethics protocols that were developed in collaboration with Indigenous peoples. The REB responded by stating that "[the REB] has concerns about the researcher's ability to interact ethically with other communities under the auspices of [name withheld] and about the commitment to obtaining voluntary and informed consent from each participant" (REB written decision, 24 February 2010). Despite a request under the Privacy Act the author received no evidence from the REB members that supported how it came to this determination. In fact, the request raised an issue that further demonstrates the problematic nature of decision-making by some REBs: Despite being told the application evinced significant and lengthy debate amongst its members, the committee could not provide thorough notes of the discussion. The only material furnished as evidence by the REB was the final written decision emailed to the author's supervisor. This lack of reporting meant it was difficult to rationalize how the REB came to its determinations. Therefore, it proved extremely difficult to contest the REB's formal decision to reject the application, and especially the contention made by the committee that the author was unfit to engage in research with First Nation peoples. In response to this type of closed, non-transparent deliberation by REBs, Katz (2007, p. 798) argues:

As they review and adjudicate individual cases, administrators should make themselves reviewable. Minimally, they should make records of what they have considered and decided so that they can take distance from themselves in reviews conducted at a later date. Maximally, they should articulate reasons that can be reviewed publically. The decision, and in particular the determination that the researcher was potentially "unethical", ignored the fact that significant effort was made to include the standardised informed consent and engagement process preferred by the institutional body.

When presented with the author's ethics submission and the REB's written responses and email correspondence, key Indigenous respondents were overwhelmingly critical of the universalistic tendencies inherent in the board's ethics review, for example:

The email from the guy, the one who said you had to follow Canadian law—does he know what he means? Does he know we have our ways; that the “law” of research is set by us? I think he means his law, the one governments make, or the college, the one we have to put right whenever they turn up to research us. (CFG24)

So, you develop ethics after talking with us; to say you are unethical is like saying we are unethical about how we want to be researched! It's like saying we don't know how best to talk to each other. Where does this arrogance come from? Surely it doesn't come from talking to us? (CII5)

You talk to us, develop what we want, they ignore it and say you are unethical. We've already begun the process of informed consent that ensures ethical conduct in our communities. The fact they don't recognize that shows they have no idea about research with different Māori and Māori communities. (MII2)

The universalism that appears inherent in the institutionalized ethics process is based on a foundational myth of contemporary Western scholarship: that “white knowledge” is *the* only knowledge worthy of consideration and only “white approaches” to gathering knowledge can be considered “ethical”. It appears to be, as Best describes it (cited in Ermine, 2000, p. 62), “a dictatorship of the fragment, the privileging of Eurocentrically-derived protocols, leading to the potential marginalisation of the ‘Other’” (see also Tauri, 2012). Furthermore, it appears to be founded on an assumption that ethics (as the morals inherent in respectful human

engagement) are best met through institutionally derived, formalized processes. Arguably, this situation exists because of the mistaken assumption that the morals necessary for governing “ethical” research activity can be separated from “real life” and reduced to a standardized list of rules. Similarly, Christians (2007, p. 438) takes the view that “ethics is located in the sociocultural first of all, instead of in rational prescriptions and impartial reflection”. From this perspective, ethics occurs at both the site of engagement between researchers and participants; it is organic and socio-culturally centred. In contrast, the ethics process confronted by the author with respect to his doctoral research “assumes that one model of research fits all forms of inquiry ... The model also presumes a static, monolithic view of the human subject; that is someone upon whom research is done” (Denzin, 2008, p. 104).

The author's REB experience demonstrates that the institutionalized process employed in New Zealand is often beset with *contradiction*. For example, the REB in question states in its web-based ethics documents that its protocols and practices are based on those developed by New Zealand's Health Research Council (HRC). If this is the case then the REB's inability to recognize the authority of an ethics process developed with Indigenous people can be interpreted as a violation of its own guiding principles, as set down by the HRC; in particular:

- Partnership: working together with iwi [tribes], hapū [sub-tribes], whānau [families] and Māori communities to ensure Māori individual and collective rights are respected and protected in order to achieve health gain.
- Participation: involving Māori in the design, governance, management, implementation and analysis of research, particularly research involving Māori.
- Protection: actively protecting Māori *individual and collective rights*, and

Māori data, cultural concepts, norms, practices and language in the research process. (National Ethics Advisory Committee, 2012, p. 8; emphasis added)

Furthermore, due consideration needs to be given to the instruction that when conducting observational studies, *investigators should understand, respect and make due allowance for diversity among participants and their communities*.

The process of universalism and the risk it poses for the Indigenous researcher and participants were repeatedly identified by participants in both individual interviews and focus groups. For example:

The issue seems to me to be about their [the REB's] authority, and not about the best way of going about this business. As Māori we have the right to determine how both insiders and outsiders research with us ... reading that document [the REB's written determination re: the second EA1 application] reads like they didn't want to understand because it was easier to stick with what they know. That is not a system based on everyone being the same [universalism], but on everyone being like them. It is condescending to the extreme to tell us our ways are unethical. (MII2)

The condescending ethics of Research Ethics Boards

"Condescending ethics"—positions participants as the "Other", reinforces powerlessness, and further marginalises them with knowledge production processes. (Reid & Brief, 2009, p. 83)

We might begin to explain the current situation by analysing institutionalized ethics processes in New Zealand and other settler societies as

a contemporary manifestation of the *condescending ethos* that formed the basis of the role played by the academy and its research activities in the colonization of Indigenous peoples (Agozino, 2003; Battiste, 2000; L. Smith, 1999b). The condescension of institutionalized REBs and their processes relates directly to their preference for individualized research ethics, and the categorization of the "subject" as an autonomous entity to be engaged in meaningful ways *after* the institutionally focused review process. And it is in this subjugation of the research subject that we find the basis of the institutional form which, according to Eikeland (2006, p. 42), is coloured by "a condescending attitude following almost logically from its own point of view, that is, position, and implied in its research techniques, be they observation, experimentation, interviews, or surveys".

Butz's invocation of Habermas's concept of *communicative action* in relation to his own experiences of REBs provides a helpful schema for understanding the condescending ethos of the institutionalized ethics processes discussed here. According to Butz (2008), Habermas distinguishes between two principle forms of "action" in late modernity: instrumental and communicative. Instrumental action is "oriented to technical manipulation and control, and communicative action to the ideal of inter-subjective understanding and consensus among individuals" (p. 250). As Butz states:

The former is outcome oriented, the latter process oriented. For Habermas, communicative action is *ethically prior* to instrumental action, in that the justice of an outcome is contingent on the justice of the process that yielded it. In contemporary modernity, he argues, the communicative effort to reach consensus is frequently sacrificed to the imperative of bureaucratic efficiency. (p. 250, emphasis in original)

It is easy to view the author's experience of REBs in New Zealand (and, according to the

extant literature, other settler societies), in this vein, especially

when it is assumed that the problem of voluntary informed consent is solved by asking participants individually to sign written consent agreements regardless of the research context, then a fully communicative appreciation of the adjectives *voluntary* and *informed* are subordinated to the instrumental purposes of the monitoring and controlling attached to the noun *consent*. (Butz, 2008, p. 251, emphasis in original)

Central to our understanding of the condescending nature of the REB process and Indigenous research is the concept of power. In the mythology of the development of contemporary research ethics, REBs arose from concerns of power imbalances between the researcher—all powerful and therefore “potentially dangerous”, and the research subject—powerless and in need of protection, provided, of course, by REBs as the independent arbiter of “righteous research conduct” (Juritzen, Grimen, & Heggen, 2011). Juritzen et al. argue in favour of expanding the conceptualization of power in the researcher–research subject relationship to critically encompass “ethics committees as one among several actors that exert power and that act in a relational interplay with researchers and participants” (p. 640). Given the considerable power REBs wield, they cannot be exempt from critical commentary. In fact their central role in determining what is or is not “ethical”, and who can research which communities and on what issues, plus the fact their deliberations occur *prior to research taking place*, makes McIntosh’s (2011, p. 62) statement that “trust and power relations must be examined from the outset of any research endeavour” all the more authoritative.

Undoubtedly power relations and differentials are central to the activities of REBs and their individual members, for let us not forget that all members (except perhaps for those

committees that include “non-accredited” community members) are quite often far removed socially, economically and politically from many of the individuals involved in the research proposals they are assessing, for as Keith-Spiegel and Koocher (1985, p. 389) write, “Researchers usually turn their gaze downwards in the societal power hierarchy, studying people who are poorer, more discriminated against, and in a variety of ways less socially powerful than themselves.” The ways in which research was used to “know” Indigenes and its relation to the power of defining what is or is not relevant knowledge throughout settler-colonial jurisdictions (L. Smith, 1999b) make Juritzen et al.’s (2011) call for critical analysis of the power wielded by REBs in the New Zealand context all the more relevant. Let us now turn to explaining how and why condescending ethics processes manifest themselves through institutionally derived REBs.

Lack of expertise: Research Ethics Boards and condescending ethics

The reported experiences of Indigenous commentators and researchers points consistently to one key source of discontent with REBs, namely that their members generally lack experience of Indigenous communities, and the core principles and practices related to knowledge construction and dissemination (L. Smith, 1999a). This brings forth the spectre of committees dominated by non-Indigenous academics and external advisors making decisions about appropriate ethics protocols, without the requisite socio-cultural experience and authority. In the New Zealand context most, if not all, REBs include a Māori member, part of whose role is to advise on the appropriateness of research that involves Māori participants, or touches on “Māori issues”. However, it should also be noted that they are often *the* only Māori member of such committees, which can result in the added burden of being the lone voice on

significant issues that may arise with applications, as well as being expected to be the expert on “all things Māori”, which of course none of us can be despite our many talents.

Van den Hoonaard (2006, p. 269) contends that the issue for many researchers is not ethics codes developed by REBs as much as the way these codes are interpreted and employed by committee members, especially where members clearly have little experience of the context within which research takes place. This position is supported by significant literature (for example, Anthony, 2004; Bradley, 2007; Haggerty, 2003) and comments to the author during his recent engagement with Indigenous researchers, including one participant who stated:

In my dealings with IRBs, I find they will have a standard ethics guidelines; go to the bibliography and all the usual experts are there, Henderson, Smith ... they [IRBs] say the right things, consult, engage, privilege [the Indigenous], but the practice is different. Mainly white committees, no experience of us, who revert to their ways, to what they understand to be right. (CII3)

Reid and Brief (2009, p. 83) highlight this failing with respect to their own experience of REB interference in their ethnographic project: “They did not have the capacity or resources to fully support ethical decision-making in the project, nor did they have the mechanisms in place to hear from the community researchers themselves.”

Arguably, in the case of Indigenous-focused research, the lack of knowledge and experience of the research context is of greater risk to both researcher and participants than lack of disciplinary expertise. Hammersley (2006, p. 4) describes the dangers thus: “Researchers’ decisions about how to pursue their inquiries involve weighting ethical and other considerations against one another, and this requires detailed knowledge of the contexts concerned.” By drawing conclusions on the ethics of research

situations they have little expertise in or knowledge of, and ignoring advice from those with the relevant experience, REBs place Indigenous researchers and their research participants in danger of experiencing “unethical institutionalized research”. Hammersley (2006, p. 6) further states:

What is involved here, to a large extent, is a great pretence: ethics committees are to operate as if making research decisions were a matter of applying a coherent [standardized] set of ethical rules that do not conflict with any other considerations, or that override them, and that good decisions can be made without having much contextual knowledge.

While following and conforming to an institutionalized bureaucratized ethics process means you have “acted” as ethical researcher in that particular context, the experience of the author, his research participants and the published (critical Indigenous) record demonstrates that simply following REB processes does not guarantee ethical research “on the ground” (see Butz, 2008; van den Hoonaard, 2001). It is argued here that conformity to the academy’s bureaucratized processes comes with significant, potentially “unethical” baggage because, as Knight, Bentley, Norton, and Dixon (2004, p. 397) argue, institutionalized ethics protocols are a set of “cultural norms that [serve] the interests and [reflect] the values of the IRB and the academy”. Arguably, these cultural norms replicated through mandatory engagement with institutional ethics processes reflect the “knowledge by mass production” that permeates so much of the academy today, the dangers of which are pointedly summarized by Lorenz (2012, p. 606) who states:

We should not be surprised therefore that universities have been changing in the direction of academic capitalism in the form of entrepreneurial McUniversities. This development boils down to “a move from elite

specialisation with strong professional controls towards a 'Fordist' mass production arrangement".

The McDonaldization of the academy is perhaps most evident when the formalization of research becomes married to academic institutions' reliance on universalistic processes of knowledge construction. This situation, combined with the general lack of expertise of REB members on the Indigenous social context, generates an environment for the Indigenous pursuit of knowledge characterized by contradiction and condescension. Having set out the condescending nature of the academy's ethics processes, we now turn our focus to identifying responses that will enable the Indigenous academy to counter the often disempowering practices of REBs and their tendency to employ universalizing, standardized processes.

"Researching ourselves back to life": Resisting condescending ethics

If it is true that we have been researched to death, *maybe it's time we started researching ourselves back to life.* (Comment by Indigenous elder in Brant-Castellano and Reading, 2010, p. 3, emphasis added)

In a powerful call for decolonizing the academic research edifice, Arthur Smith (1997, pp. 25–26) asserts:

It is self-evident that Indigenous people now want their voice in research, and they want it to be heard and understood ... The right to establish and control the terms and conditions of cultural research is an inalienable right for all peoples of the Earth. The colonial era is dead, if not yet buried.

Given the reported experiences of Indigenous commentators and researchers of the condescending nature of REB activities, one might

argue that colonialism is very much alive in the present, especially in the realm of institutionalized ethics, and thus arguments for the death of the colonial era are perhaps slightly premature: The fight against the imperialistic tendencies of academic research continues.

A strong argument in favour of the need to overhaul institutionalized ethics is the impact it has on us as ethical, respectful Indigenous researchers. In the end, the repeated requests for assurances from the author that he would adhere to the institution's individualized ethics protocols (particularly relating to informed consent) were given (albeit by his supervisor) in order to gain sign-off from the REB, thus enabling the doctoral research to proceed. This was done with full knowledge that *in all instances* the ethics protocols of Indigenous participants (whether as individuals, groups or communities) would take precedence over the REB's standardized process. Schwandt (2007, p. 92) refers to this strategy as "playing the game" in order to receive *the gift of authorization*. Schwandt reports using this strategy from time to time to keep her own students safe (albeit from REBs), as related thus:

We publicly and privately complain about the onerous review process, but when it comes time to file the papers, we simply figure out what it is in terms of language and procedure that IRBs are looking for and then find ways to say it just so ... a major problem with such a strategy is that it encourages confusing technical compliance with IRB regulations with careful and sound substantive ethical review of one's research. Moreover, it creates the impression that ethical matters are dealt with once IRB approval has been granted. (2007, p. 92)

These sentiments were shared by a number of participants in the Canadian focus groups, including one who stated that:

Sadly, we play the game, giving ethics committees what they want, knowing it isn't right

... playing the game means they don't learn a thing, change the process, we do ourselves no favour and certainly not the participants: but what do you do? Go up against them and they'll do everything to crush resistance. (CFG16)

According to the author's focus group participants, personal communications with Indigenous researchers, and the extant literature, "playing the game" appears to be widespread; indeed, it is considered by some as necessary to protect themselves as Indigenous researchers and especially their research participants. While it is easy to understand or validate resistance strategies like "playing the game", I wish to propose a different strategy, one that requires us to stop playing the "ethics game" as dictated by institutional REBs. I am advocating that we develop our own REB(s), modelled on our specific socio-cultural and ethical principles and practices (see Brant-Castellano, 2004; Maddocks, 1992; Manson et al., 2004, p. 60S for similar arguments in other colonial jurisdictions).

What is being proposed here is neither novel, nor unrealistic. Precedents have already been set by other Indigenous peoples including the Cherokee (Manson et al., 2004, pp. 65S–70S), Nuuchah Nulth (Wiwichar, 2004) and the Mi'kmaq Grand Council of Mi'kma'ki (also known as Sante Maio'mi within the seven districts of the Mi'kmaq nation, Nova Scotia). Let us consider in detail the example provided by the eminent leaders of the Mi'kmaq who authorized the development of the Mi'kmaq Ethics Watch (2000) "to oversee research processes that involve Mi'kmaq knowledge sought among Mi'kmaq people, ensuring that researchers conduct research ethically and appropriately within Mi'kma'ki" (Battiste, 2007, p. 114). Battiste (2007, pp. 114–115) relates that developing the process was "a significant step toward ensuring Mi'kmaq peoples' self-determination and the protection of our cultural and intellectual property". The

said ethics committee oversees the research protocol and ethical research throughout the seven traditional districts of the Grand Council, which includes the provinces of Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island, and Quebec. Members of the original Mi'kmaq Ethics Watch included community elders, leaders and researchers. Indeed, referring to Canada, Menzies (2001, p. 21) writes that:

Many Indigenous communities have now instituted research protocols that researchers must abide by when researching in an Indigenous community. Such protocols, whether community—or researcher initiated, ultimately contribute to the establishment and maintenance of respectful research relations.

This body works in similar ways to institutional REBs: Members receive and consider research proposals and assess them against ethics norms and protocols generated by Indigenous peoples themselves. The purpose is similar to that of institutionally focused REBs, except that the primary goal is to protect Mi'kmaq peoples and Mi'kmaq knowledge (Battiste, 2007, pp. 126–127). The Mi'kmaq Ethics Watch was instigated by the Grand Council of Mi'kmaq to "assert the responsibility and authority of Mi'kmaq People as guardians and interpreters of their culture and knowledge systems" (Brant-Castellano, 2004, p. 108). Further, the protocol applies to "any research ... or inquiry into the collective Mi'kmaq knowledge, culture, arts, or spirituality" (Mi'kmaq Ethics Watch, 2000, para. 7). While the protocols centralize the review of research applications, primary responsibility for monitoring is allocated to communities that fall under the auspices of the Grand Council (Brant-Castellano, 2004).

Doing things for ourselves

The suggestion that we develop a pan-Māori ethics process to support Māori research

endeavours is likely to cause discomfort for some REBs and non-Indigenous researchers, for as Glass and Kaufert (2007, p. 27) write, REBs “are accustomed to being the sole arbiters of the ethical acceptability of a project”. However, it is worth remembering that “most conventional boards are not yet well prepared to meet the demand of communities for a more interactive partnership” (p. 27). No doubt some, including Māori and other Indigenous researchers, will advocate that we continue to participate in REBs as we have done for the past two decades, so we might impact practice “from within”. There is some validity to this position because most, if not all, New Zealand REBs include Māori academics as members or external advisors. Furthermore, as previously mentioned the guidelines employed by most REBs include a sub-section dedicated to research practice involving Māori and/or Pasifika peoples. And yet, despite all this attention far too many Māori academics and post-graduate researchers continue to report dissatisfaction with the REB processes (see Hudson, 2004, and Walsh-Tapiata, 2003). So, by all means we should continue to engage with the academy’s REBs, if for no other reason than to provide guidance on Indigenous ethics, as well as “polite censure” and gentle chastisement for unethical, disempowering conduct and decisions when necessary. However, it is also evident that we must be more forceful in our attempts to effect change in the academy’s attitudes and practices. One way of doing so is to develop a Māori-dominated ethics process that is dedicated to supporting Māori post-graduates, established researchers and non-Indigenous scholars wanting our guidance on conducting ethical research with Māori. A process of this kind will focus in part on holding REBs, government agencies and private researchers accountable if their conduct negatively impacts Māori researchers and Māori research participants.

In anticipation of resistance from REBs, especially non-Māori academics and researchers, I

offer the following rationale for the proposed Māori-led ethics process:

- to provide a body that works to operationalize Māori self-determination in the realm of knowledge production;
- to provide emerging and experienced Māori and non-Māori researchers and the academy’s REBs with an experienced body of experts with whom they can engage with to enhance their ability to carry out ethical research with Māori;
- to provide a Māori-dominated body to which Māori individuals, organizations, hapū, iwi and communities can turn to for support when issues arise with the conduct of researchers, REBs and academic institutions; and
- to empower us to send a strong message to the non-Indigenous academy and the institutions they serve that their perspective on “how to research” the Indigenous Other is no longer hegemonic.

Anyone arguing against this suggestion should consider the recent United Nations Declaration on the Rights of Indigenous Peoples adopted by the General Assembly in 2007, which recognizes member states’ poor treatment of Indigenous peoples and calls for “control by Indigenous peoples over development affecting them and their land” (p. 2), and the need for Indigenous peoples to give their “free, prior and informed consent” (p. 6) to any decisions or actions that affect their well-being. Inarguably, the actions of researchers and research bodies, including REBs, fall within the range of institutions to which this principle of Indigenous empowerment applies, for as Brant-Castellano (2004, p. 102) rightly reminds us:

Fundamental to the exercise of self-determination is the right of peoples to construct knowledge in accordance with

self-determined definitions of what is real and what is valuable. Just as colonial policies have denied Aboriginal Peoples access to their traditional lands, so also colonial definitions of truth and value have denied Aboriginal Peoples the tools to assert and implement their knowledge. Research under the control of outsiders to the Aboriginal community has been instrumental in rationalising colonialist perceptions of Aboriginal incapacity and the need for paternalistic control.

Furthermore, the development of an indigenous-dominated ethics process will enhance the prospects of the “decolonization of the research project” (L. Smith, 1999a) which

proffers a (re)centering of indigenous world-views into research methodologies based on subjectivity (perspective or voice), insider knowledge (authenticity), reciprocity (giving back) and the non-exploitative design of research that “benefits” the community and not the researcher. (Coram, 2011, p. 41)

The academy, especially members of REBs, and the general population of researchers, might hesitate at the idea of an Indigenous-led ethics process. No doubt some will view it as just another level of “red-tape”. Schnarch (2004, p. 93) pre-empts such concerns when he writes:

Some researchers may balk at the idea of an Indigenous review/approval process, construing it as political interference contrary to academic freedom. They do, however, readily accept the constraints of peer review for funding proposals, journal articles, and so on. As with academic review, an Indigenous review process is generally intended to ensure quality of the work, its relevance, and the appropriateness of interpretation.

Having prompted various counter-arguments, I see no reason why we cannot proceed to develop a Māori-specific ethics body in the

social sciences. A vehicle already exists upon which to build the process, namely the Māori Association of Social Sciences, which I believe can easily be turned from a representative/relational body, into one that actively works to support and protect researchers and research communities.

Concluding remarks

A key motivation for the Indigenous focus on Western modes of knowledge construction was the role this activity played in the colonization process and its ongoing role in Indigenous marginalization in the neo-colonial context (Tauri, 2009). As Battiste and Henderson (2000, pp. 132–133) write, “Most existing research on Indigenous peoples is contaminated by Eurocentric prejudice [and thus the development of] ethical research must begin by replacing Eurocentric prejudice with new premises that value diversity over universality.” If we are to achieve self-determination over our own knowledge construction processes, then it is imperative that we challenge the power and authority the academy has over the production process; a power that is centralized in institutionally centred bodies such as REBs. This call to action should not be interpreted as an attempt to marginalize institutionally based REBs, but to provide Māori-dominated processes for protecting our researchers and research participants from the well documented problems Indigenous peoples have been having with institutionalized ethics processes across all settler societies. Whether the Māori-focused REB works separately from existing institutional REBs or as an adjunct body that advises and guides them is an issue that would need to be addressed by Māori scholars (in the first instance), during the development phase.

While we must acknowledge that the stated intentions of REBs and their members are “to do good” and protect the vulnerable, we must always acknowledge that in the first instance

they will always be wedded to the institutions from which they derive, for as Bradley (2007, p. 341) relates:

By controlling the models of research, who gets to speak and how subjects get to represent themselves, IRBs are in a powerful position as part of the institutional structure. In this position they can, and often do, silence the voices of the marginalised and perpetuate an academic political economy and a traditional top-down research and professional model that quantify and objectify human lives by keeping them nameless, faceless and voiceless.

Glossary

hāpu	kinship group, sub-tribe
hui	gathering, meeting, assembly, seminar, conference
iwi	extended kinship group, tribe
tika	to be correct, true, upright, right, just, fair, accurate, appropriate, lawful, proper
whānau	extended family, family group

References

- Absolon, K. (2008). *Kaandosswin, this is how we come to know! Indigenous graduate research in the academy: Worldviews and methodologies* (Unpublished PhD dissertation). University of Toronto, Toronto, Canada.
- Agozino, B. (2003). *Counter-colonial criminology: A critique of imperialist reason*. London, England: Pluto Press.
- Anthony, R. (2004). Consistency of ethics review. *Forum Qualitative Sozialforschung/Forum: Qualitative Social Research*, 6(1), online.
- Battiste, M. (2000). Introduction: Unfolding the lessons of colonisation. In M. Battiste (Ed.), *Reclaiming indigenous voices and vision* (pp. xvi–xxx). Vancouver, Canada: University of British Columbia Press.
- Battiste, M. (2007). Research ethics for protecting indigenous knowledge and heritage: Institutional and researcher responsibilities. In N. Denzin & M. Giardina (Eds.), *Ethical futures in qualitative research: Decolonising the politics of knowledge* (pp. 111–132). Walnut Creek, CA: Left Coast Press.
- Battiste, M., & Henderson, J. (2000). *Protecting indigenous knowledge and heritage: A global challenge*. Saskatoon, Canada: Purich.
- Berg, L., Evans, M., & Fuller, D. (2007). Ethics, hegemonic whiteness, and the contested imagination of “Aboriginal community” in social science research in Canada. *ACME: An International E-Journal for Critical Geographies*, 6(3), 395–410.
- Bishop, G. (1998). Freeing ourselves from neo-colonial domination in research: A Māori approach to creating knowledge. *Qualitative Studies in Education*, 11(2), 199–219.
- Bradley, M. (2007). Silenced for their own protection: How the IRB marginalises those it feigns to protect. *ACME: An International E-Journal for Critical Geographies*, 6(3), 339–349.
- Brant-Castellano, M. (2004). Ethics of Aboriginal research. *Journal of Aboriginal Health*, 103, 98–114.
- Brant-Castellano, M., & Reading, J. (2010). Policy writing as dialogue: Drafting an Aboriginal chapter for Canada’s Tri-Council policy statement: Ethical conduct for research involving humans. *The International Indigenous Policy Journal*, 1(2), online.
- Butz, D. (2008). Sidelined by the guidelines: Reflections on the limitations of standard informed

- consent procedures for the conduct of research. *ACME: An International E-Journal for Critical Geographies*, 7(2), 239–259.
- Christians, C. (2007). Cultural continuity as an ethical imperative. *Qualitative Inquiry*, 13(3), 437–444.
- Coram, S. (2011). Rethinking indigenous research approval. *Qualitative Research Journal*, 11(2), 38–47.
- Denzin, N. (2008). IRBs and the turn to indigenous research ethics. *Access: A Zone of Comprehension and Intrusion*, 12, 97–123.
- Derrida, J. (1982). White mythologies. In Bass, A. (Ed.), *Margins of Philosophy* (pp. 213). Chicago, IL: Chicago University Press.
- Eikeland, O. (2006). Condescending ethics and action research. *Action Research*, 4(1), 37–47.
- Ellis, J., & Earley, M. (2006). Reciprocity and constructions of informed consent: Researching with indigenous populations. *International Journal of Qualitative Methods*, 5(4), 2–13.
- Ermine, J. (2000). *A critical examination of the ethics in research involving indigenous peoples* (Unpublished master's thesis). Saskatoon University, Saskatchewan, Canada.
- Glass, K., & Kaufert, J. (2007). Research ethics review and Aboriginal community values: Can the two be reconciled? *Journal of Empirical Research on Human Research Ethics*, 2(2), 25–40.
- Haggerty, K. (2003). *Ethical drift: Governing social research in the name of ethics*. Paper presented at the American Law and Society meeting, Pittsburgh, 5–8 June.
- Hammersley, M. (2006). Are ethics committees ethical? *Qualitative Researcher*, 2, 4–7.
- Henderson, J. (1997). *The Mi'kmaw Concordat*. Halifax, Canada: Fernwood.
- Hudson, M. (2004). *He Matatika Māori: Māori and ethical research in health* (Unpublished master's thesis). AUT University, Auckland, New Zealand.
- Juritzen, T., Grimen, H., & Heggen, K. (2011). Protecting vulnerable research participants: A Foucault-inspired analysis of ethics committees. *Nursing Ethics*, 18(5), 640–650.
- Katz, J. (2007). Toward a natural history of ethical censorship. *Law and Society Review*, 41(4), 797–810.
- Kieth-Spiegel, P., & Koocher, G. (1985). *Ethics in psychology*. New York, NY: Random House.
- Knight, M., Bentley, C., Norton, N., & Dixon, I. (2004). (De)constructing (in)visible parent/guardian consent forms: Negotiating power, reflexivity, and the collective within qualitative research. *Qualitative Inquiry*, 10(3), 684–699.
- Lorenz, C. (2012). If you're so smart, why are you under surveillance? Universities, neoliberalism, and new public management. *Critical Inquiry*, 38, 599–629.
- Maddocks, I. (1992). Ethics in Aboriginal research: A model for minorities or for all? *Medical Journal of Australia*, 157(8), 553–555.
- Manson, S., Garrouette, E., Goins, R., & Henderson, P. (2004). Access, relevance and control in the research process: Lessons from Indian country. *Journal of Aging and Health*, 16(5), 585–775.
- Marker, M. (2003). Indigenous voice, community, and epistemic violence: The ethnographer's "interests" and what "interests" the ethnographer. *Qualitative Studies in Education*, 16(3), 361–375.
- Marker, M. (2004). Theories and disciplines as sites of struggle: The reproduction of colonial dominance through the controlling of knowledge in the academy. *Canadian Journal of Native Education*, 28(1/2), 102–110.
- McIntosh, T. (2011). Māori and cross-cultural research: Criticality, ethicality and generosity. *New Zealand Sociology*, 26 (Special Edition), 61–75.
- Menzies, C. (2001). Reflections on research with, for, and among indigenous peoples. *Canadian Journal of Native Education*, 25(1), 19–36.
- Mi'kmaw Ethics Watch. (2000). *Mi'kmaw research principles and protocols conducting research with and/or among Mi'kmaw people—Principles*. Retrieved from <http://www.cbu.ca/unamakil/research>
- Ministry of Social Development. (2001). *Responsiveness to Maori strategy—Phase 1*. Wellington, New Zealand: Author.
- Minnich, E. (1990). *Transforming knowledge*. Philadelphia, PA: Temple Press.
- National Ethics Advisory Committee. (2012). *Ethical guidelines for observational studies: Observational research, audits and related activities* (Revised ed.). Wellington, New Zealand: Ministry of Health.
- Piquemal, N. (2000). Four principles to guide research with Aborigines. *Policy Options*, 21(10), 49–51.
- Reid, C., & Brief, E. (2009). Confronting condescending ethics: How community-based research challenges traditional approaches to consent, confidentiality, and capacity. *Journal of Academic Ethics*, 7, 75–85.

- Schnarch, B. (2004). Ownership, control, access, and possession (OCAP) or self-determination applied to research: A critical analysis of contemporary First Nations research and some options for First Nation communities. *Journal of Aboriginal Health* (January), 80–95.
- Schwandt, T. (2007). The pressing need for ethical education: A commentary on the growing IRB controversy. In N. Denzin & M. Giardina (Eds.), *Ethical futures in qualitative research: Decolonising the politics of knowledge* (pp. 85–98). Walnut Creek, CA: Left Coast Press.
- Smith, A. (1997). Indigenous research ethics: Policy, protocol and practice. *The Australian Journal of Indigenous Education*, 25(1), 23–29.
- Smith, L. (1999a). *Decolonizing methodologies: Research and indigenous peoples*. Dunedin, New Zealand: University of Otago Press.
- Smith, L. (1999b). *Kaupapa Māori methodology: Our power to define ourselves*. Seminar presentation to the School of Education, University of British Columbia, Vancouver, Canada.
- Tauri, J. (2009). The Māori social science academy and evidence-based policy. *MAI Review*, 1. Retrieved from <http://www.review.mai.ac.nz/index.php/MR/article/view/198/203>
- Tauri, J. (2012). Indigenous critique of authoritarian criminology. In K. Carrington, E. O'Brien, M. Ball, & J. Tauri (Eds.), *Crime, justice and social democracy* (pp. 217–233). London, England: Palgrave.
- Tuck, E., & Fine, M. (2007). Inner angles: A range of ethical responses to/with indigenous/decolonising theories. In N. Denzin & M. Giardina (Eds.), *Ethical futures in qualitative research: Decolonising the politics of knowledge* (145–169). Walnut Creek, CA: Left Coast Press.
- United Nations. (2007). *United Nations declaration on the rights of indigenous peoples*. General Assembly Resolution 61/295, 13 September.
- van den Hoonard, W. (2001). Is research-ethics review a moral panic? *The Canadian Review of Sociology and Anthropology / Revue Canadienne de Sociologie et d'Anthropologie*, 38(1), 19–35.
- van den Hoonard, W. (2006). New angles and tangles in the ethics review of research. *Journal of Academic Ethics*, 4, 261–274.
- Walsh-Tapiata, W. (2003). The praxis of research: What can social services learn from the practice of research in an iwi setting? *Social Work Review*, 15(3), 25–29.
- Watt, D. (2007). On becoming a qualitative researcher: The value of reflexivity. *The Qualitative Report*, 12(1), 82–101.
- Wax, M. (1991). The ethics of research in American Indian communities. *American Indian Quarterly*, 15(4), 431–455.
- Wilson, W. (2004). Indigenous knowledge recovery as indigenous empowerment. *American Indian Quarterly*, 28, 359–372.
- Wiwichar, D. (2004). Nuuchah-nulth blood returns to west coast. *Ha-Shilth-Sa*, 16 December.