# The Possibilities of Sustaining Critical Intellectual Work Under Regimes of Evidence, Audit, and Ethical Governance

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## Introduction

THE CHALLENGE of sustaining critical intellectual work is one that impacts directly on my own thinking and writing (Clegg, 2005b). This collective challenge is not just a personal one[1] in terms of finding safe spaces to reflect and explore (Clegg, Rowland, Mann, Davidson, & Harlow, 2005). It also involves trying to develop appropriate epistemologies from within which to think creatively about agency (Archer, 2000; Clegg, 2006) as well as critiquing ideas which close down thinking (Clegg, 2005a; Evans, 2004; Maclure, 2005). In her paper on the corporate culture of higher education, Lewis (2005) lists the seemingly bewildering array of global issues that impact on the academy and our lives, and she challenges us to consider the migrations of patriarchy into new spheres, and the transmogrification of forms of domination. The idea of migration is not singular and, as Hughes (2002) reminds us, the metaphors of nomad and exile point to the ways old meanings are not simply lost in travelling, nor is there a necessary end point. How meanings shift in new locations and yet still resonate with laid down meanings from older locations, however, should concern us. Forms of domination like forms of resistance are saturated with history. In this paper I am concerned with particular migrations into higher education and I want to explore some of the insidious practices and policies which make it more difficult for critical intellectual work to achieve recognition. It is not that critical work is not being produced, nor indeed that academics do not recognise and attempt to resist the increasing stressful conditions under which they labour, but that they are simultaneously enacting and complicit in the very practices which oppress them. Perfomativity is inscribed on the bodies and minds of academics and particularly on women's bodies, as Acker and Armenti (2004) so tellingly illustrate in *Sleepless in Academia*, and the costs of maintaining a critical voice can be high. In order to analyse these pressures, I am going to concentrate on the micro-politics of research in England, because while the policies that flow from governments are part of the

general neo-liberal repositioning and commodifcation of education and knowledge in general, the particular ways in which this is played out have local peculiarities and analysing these can help us understand the ways in which what may seem small technical changes produce their larger scale effects.

Changes in higher education are being brought about indirectly through the operation of the 'evaluative state' which regulates universities at one remove. Universities remain independent organisations, but their funding and audit means that they are constantly manoeuvring to meet targets. This means that performance is now measured in ways that inscribe 'excellence' in relation to public purpose (Neave, 2005; Clegg, 2007). Nowhere is this clearer than in relationship to research output and productivity, where internationally competitive research is now a matter of public policy and research measurement results in an increased concentration of funding on the 'best.' The language of judgement is of course couched in terms of the technical-rational discourses of good practice and accountability. I, therefore, want to deconstruct these discourses and examine three closely related practices: The turn to 'evidence' and re-endorsement of positivist assumptions; audit, and the commodifcation of knowledge; and the new governance of research ethics. All three areas involve seductive arguments about the public good, and in all three areas there are academic enthusiasts some of whom are arguing from positions that have their origins in previous critiques of privilege. It is important to delve into the detail of arguments, including noticing the silences and elisions, if we are to understand the power these ideas can hold as well as simultaneously demonstrating the ways they function as pernicious ideologies (Barnett, 2003) in the transformation of higher educational practice.

## Evidence—'Positivism' Re-endorsed

An ideology of evidence is increasingly powerful in defining what counts in educational and other areas of research. The idea of evidence and explanation have a long history in the philosophy of science and in attempts to justify the emerging social sciences, as if by extension, knowledge of the social world could be made more rigorous and offer the rewards associated with more prestigious sciences especially physics. These attempts, of course, are not politically innocent. Popper, in his attack on historicism in the two volumes of *The Open Society and Its Enemies* first published in 1945, and revised and reissued in the 1960s, used his reconstruction of the methodology of the natural sciences to dismiss those parts of social science he saw as overly ideological in favour of his own preferred political option of piecemeal social engineering: "*A social technology is needed whose results can be tested by piecemeal social engineering*" (Popper, 1966, p. 222; italics in original).[2] Arguments about evidence and the proper form and function of theorising and in particular the relationship to practical social policy are, therefore, not new nor politically neutral; indeed many of the ideas belong to the foundational claims for Comptean sociology and the desire for an objective science summarised in his epigram: From Science comes Prevision, from Prevision comes Control. The continual reinvention of these claims and the forms they take are therefore of some interest.

Contemporary policy makers are thus not original in demanding that the social sciences provide them with knowledge that can form the basis for rational social policy making. This philosophical tradition has been described not unproblematically as positivism.[3] Despite the troubled intellectual history of the term, broadly speaking, we can take positivism to involve an ontology of an atomised, regular universe of facts in which regularity is taken as evidence of

(Human) cause and effect, and where the real is reducible to experience. Hence, what counts as evidence is reasonably easy to define epistemologically if difficult to produce in practice. In its modern reincarnation the demand for an evidence-base shares many of the foundational claims of its forebears including the concern that social science should be useful.[4] In the UK the New Labour government in particular has championed this approach. David Blunkett, as Minister for Education, argued in 2000 that "we need social scientists to help determine what worked and why, and what types of policy initiative are likely to be most effective" (cited in Evans & Benefield, 2001, p. 527). This drive to establish effectiveness was linked to funding initiatives and their need to ensure value for money in relation to measurable outcomes. The discourse of 'what works' has, therefore, become dominant in judging the value of research outputs, and educational research in particular has been castigated for failing to deliver proper cumulative evidence that could inform policy and practice.

The re-endorsement of positivist assumptions in the demand for an 'evidence-base' is heavily influenced by the perceived dominance of experimental data in medicine and the 'gold standard' of randomized controlled trials (RCTs). This in turn has produced a preference for forms of literature review known as systematic review. The argument in medicine is that clinicians cannot keep pace with the rate of change and that systematic reviews summarising best practice are necessary to inform clinical decision making. In such reviews quality assurance judgments are made about the value of evidence from different sources with the randomized controlled trial representing the 'gold standard' and review evidence weighted accordingly (Torgerson, 2003; Torgerson & Torgerson, 2001). There are of course good reasons why RCTs are powerful in providing robust evidence of effectiveness, and their use to test pharmacological and other clinical interventions is well established.[5] However, the debates within health care have been equally as passionate as those within education (e.g. French, 2002; Parker, 2002). The critique of the medical model has a long history and Nutley, Walter and Davies (2003) are not untypical in characterizing the biomedical model as reductionist and positivist. I have argued elsewhere at greater length why the underling understanding of experimentation, and the procedural approach to systematic review adopted by the evidence-based movement, are epistemologically flawed (Clegg, 2005a). They are based on a set of ontological assumptions which render the practice of both the natural and social sciences incomprehensible. There is a need for this sort of immanent critique precisely because the arguments for evidence are couched in serious intellectual terms and defended by credible academics and should not be lightly dismissed.

Despite these attempts to point to epistemological inadequacies in the account, the discourse of evidence-based has migrated from medicine into health and social care more generally, and into education and general claims about the purpose and function of social science. Moreover, arguments which are powerful in one context, and may have considerable merit, take on new ideological charges in their new locations. These are not disembodied free floating sets of ideas, the institutional mechanisms for producing systematic review and providing an 'evidence-base' are now well established.[5] It is not, therefore, implausible to see the movement for evidence-based as the coming of age of Popper's (1966) impassioned advocacy of piecemeal social engineering, and as a form of governmental technology in the Foucauldian sense (Winch, Creedy, & Chaboyer, 2002).

The evidence-based movement shifts authority from professionals to the supposedly objective territory of measurable outcomes. A common element in the contemporary attack on the professions is the extent to which the legitimacy of professional decision making is no longer deemed to be based on what might be accounted as professional wisdom, often founded in

tradition. Instead it is thought to reside in the weight of evidence, produced by other members of the community or by the researcher community, independently sifted through external review. The profound mistrust of intellectuals and professional judgment, frequently characterized as based in 'producer' interests, predates New Labour and like much of the present Government's policy are a direct legacy of the previous conservative regime and Thatcherism. One of its key tropes is the championing of what are deemed to be 'consumer' interests against those of teachers, health workers and other providers of services. The spectacular political success of the evidence-based movement, however, has been its ability to weave together themes and arguments which had their origins in projects of the left, including feminism, to those of the right.

Oakley (2000, 2001), a notable second wave feminist pioneer, is one of the chief advocates of the evidence-based movement. The shifts in her position in relationship to feminist debates, signaled by her defense of 'evidence-based,' are instructive. She has moved from the 'us' of feminist practice to a reformer, albeit one still feminist in her sentiments, campaigning for the rights of and protection of others less socio-economically privileged and denied voice. Her argument is that professionals should have evidence as their interventions can have negative as well as positive effects on those they purport to help and that professionals are, therefore, duty bound to take evidence seriously. The radical roots of this argument are not difficult to discern, there is a long history of feminists opposing patriarchal decree dressed up as professional judgment, and not infrequently masquerading as science. However, Oakely's (2000) argument has subtly shifted emphasis from its original location within feminism. In her justification of evidence she places professionals on the side of those who intervene to protect those who are acted on; she is therefore arguing on behalf of 'others' less fortunate. Feminists and other radicals argued from the point of view of the interests of those involved in political struggle a point of view of direct identification, in 'our' interests. Although the universalizing tendencies on the left and within feminism may have come perilously close to 'othering' and speaking on behalf of the other, the intention was clearly emancipatory not ameliorative. However, Oakely's argument does not question the power dynamics involved in the policy making process. The desire for evidence is premised on existing social inequalities of power which can then be ameliorated, rather than on an argument for the transformation of power relations as such. It thus confirms Oakley's own position on the reformist liberal wing of feminism. Here we are firmly in the territory of 'piecemeal social engineering,' rather than imagining more radical futures.

Oakley (2000) also re-analyses the 'paradigm wars' concerning method which took on renewed impetus in the late 1960s influenced by the impact of feminism. Arguments about method, however, carry a politics which transcends the issue of method as such, and encompass concerns about who produces 'legitimate' knowledge in a culture. The feminist critique formed part of a broader radical analysis of professionalism, and what at the time was seen as the complicity of professionals within the industrial-military complex (Schön, 1983; Clegg, 1999). Early feminists in the women's health movement, for example, delivered a radical critique of medical practices, especially those concerning the management of child birth, by pointing out that despite the veneer of scientificity medical practitioners had no evidence that routine interventions (e.g., routine episiotomy, shaving and so on) increased positive health outcomes for women or babies (Our Bodies Ourselves, 2003).

Evidence, including that from quantitative studies, as well as the qualitative work which gave voice to women as agents, was used to challenge the scientificity of medicine and expose its practices. One of the ironies was that much medical practice denying a voice to women and other marginalised groups was not based on data from RCTs, or indeed from anywhere else. Rather,

assumed patriarchal authority was used to bolster routine and often abusive interventions. The debate about evidence is, therefore, about discursive location not simply method as such. In recent times, as noted above, we have seen that the argument against professional knowledge is being deployed by policy makers, influenced by cost considerations. Thus the genealogy of the call for evidence and a distrust of professionals is complex, with ideas that were once part of the discourse of the left and feminism(s) being re-worked and disarticulated from their radical roots and being mobilized as a way of attacking professional judgment and autonomy from the political right. More subtly, some strands in feminist thinking itself, as I have shown in Oakley's case, have been susceptible to being yoked to attacks and controls on professionals from those with political power, rather than from below. Evidence invoked in evidence-based practice is being used to undermine professional judgment, not from the perspective of mobilized groups of political activists, but based on the 'objective' judgments of other professional who claim to be protecting the interests of 'users' or increasingly 'customers' as part of the reforming project of New Labour.

In the case of higher education, students are being re-positioned as the new user/customers and new professionals in the form of managers and academic developers (McWilliam, 2002) are on hand to argue for evidence-based transformation of academic practice in the student/consumers' interests. The structure of the argument is the same as we noted in the case of Oakley's intervention where the authority to intervene depends on acting as a voice protecting 'others.' Where student voices are referenced directly through mechanisms like student satisfaction surveys, they are frequently claimed by the institution and funding bodies as 'evidence' about the performance of staff. Herein, lies some of the contractions of the return to positivism, since many of those who want to champion the idea of 'evidence' and new teaching methodologies (or in the case of medicine or mental health new interventions) come from within traditions, feminism included, that were highly critical of the status quo. It is undoubtedly true that professional autonomy in medicine and in higher education was a source of misogyny, and class and other forms of prejudice based on elite recruitment and training. The idea of evidence in itself, therefore, is seductively appealing as a bastion against prejudice and abuse. The problem is that it is being mobilized as part of a political modernization project which depends as much on a doctrinaire commitment to neo-liberalism as it does on any real concern for evidence, which is blatantly ignored when it fails to conform to policy makers preferences. Nonetheless, the idea of 'evidence' produces an official narrative of the connection of academic work and research to practice that indeed does drive the policy agenda, even if, as Lather (2003) so pithily reminded us, as an *ex post facto* rationalisation.

It is also worth pausing to note questions the evidence-based movement ignores. It does not subject the terms of the debate to prior critique, thus the formulation of the problem to be solved or the intervention to be evaluated is taken at face value. The 'problem' is set by policy makers. Much feminist and other radical criticism is located in precisely problematizing the initial starting point of inquiry and disrupting the common sense of appearance. In the evidence-based movement the metaphors are one of clarity. However, as Strathern (2000) shows in her paper on 'the tyranny of transparency,' we should be wary. She argues that transparency, rather than being neutral and obvious, is a metaphor that has a tyrannous dimension and operates so that other kinds of reality are '*knowingly* eclipsed.' Evidence-based practice in this sense knowingly eclipses the realities of professional practice, questions about the increased intensity of work and increased student numbers are bracketed and put aside in consideration of 'evidence' about what works best and how practice can be 'improved,' but the situation itself with its stresses and class

and gendered inequalities are brushed aside. As MacLure (2005) argues in her damning analysis of systematic reviews in education, the protocols they rest on appear designed to prevent any actual reading of the texts they purport to review. Instead they operate to undermine the trustworthiness of peer review and critique, substituting instead a mechanical review procedure to establish 'good practice':

> Systematic review is just one part, I suggest, of a pervasive attempt to reconfigure and regulate professional and academic identities by acting on the very words people speak and write …The intellectual, social and political implications of this are malign. If the project of disabling critique and disciplining academic work succeeds, the outcome is likely to be a diminution in the social usefulness of research knowledge, the continuing oversimplification of educational problems and solutions, and a less well-educated, less critical community of researchers. (MacLure, 2005, p. 408)

As academics in the social sciences and education we suffer the double impact of this movement: Firstly in terms of the type of work that is increasingly being commissioned (as producers of 'knowledge'), and secondly as recipients of knowledge based on systematic review (Clegg, 2005a). The reduction of knowledge to forms of 'evidence' identified through systematic review, and the effective resurgence of positivism, eliminates the messy realities of the personal as understood in feminism and reduces 'improvement' to the narrow politics of what is possible and the now.

## Audit and the Commodification of Knowledge

I have argued above that the renewed, Government sponsored, advocacy of forms of research and review underpinned by positivistic understandings of evidence presents a serious challenge to more critical forms of inquiry, and that it must be subject to immanent critique. However, as well as impostor epistemologies there are also important questions of institutional form, and pressure directly on research productivity. This is in part linked to systematic review. As MacLure (2005) points out, these techniques are now taught as part of a Master Degree at University of London, more generally the Funders Forum of the National Educational Research Forum (NERF) has identified a skills deficit, and some sort of systematic review is increasingly being required as part of government contracts and other research grants, albeit often in a diluted form rather than the full Evidence for Policy and Practice Information (EPPI) Centre methodology. The question, therefore, is a broader one about the commodifcation of knowledge and as part of this the now widespread acceptance that as researchers we will bid for money to do research whose terms are largely preset by the sponsor be they commercial, government, charitable, or quasi-independent research organisations responsible for distributing public money. Knowledge and knowledge production have become exchangeable and indeed valuable commodities and as such open to measurement and audit.

The commercialisation of research and trading of research as a commodity is almost taken for granted. Most research money is now subject to tendering and bidding, and intellectual property rights are carefully guarded. The contract research treadmill exerts massive and often invisible costs. Researchers bid competitively against one another, the same or other academics are then involved in expert and peer review, and the actual work of fulfilling the contract, as both

Reay (2004) and Hey (2001, 2003) have pointed out, is largely done by an insecure overexploited predominantly female workforce, whose position frequently deprives them of the chances to build up the cultural capital associated with research as well as the material benefits of permanent employment. Contracts frequently do not allow proper time for academic dissemination to take place and so in the pressure to accumulate the necessary academic capital researchers write up in their own time while simultaneously bidding for more contracts, more money. What is so shocking is the normalisation of these practices. Critical work is placed at the margins of such activity and mainly written for a purely academic audience, while Universities now appoint Research and Business Development Directors (some even simply Business Development) committed to bringing in more, preferably profitable, contact research. There are also pressures to develop other sources of 'third stream income,' through consultancy and the exploitation of intellectual property rights through patent and spin-off companies. In some areas of science this is very big business indeed, and it is clear that much research policy both at institutional and governmental level is now being driven by models of big science.

Commercialisation of research has paradoxically gone hand in hand with audit and research selectivity. Paradoxically, because the rhythms and time pressure on commercial work differ from those of the more pristine forms of work required for prestigious publication; industrial and practitioner critics of the current UK selectivity exercise, the Research Assessment Exercise (RAE), have complained that the RAE, which operates on the basis of academic peer review, favours pure research at the expense of applied research. However, the prime focus of the RAE is to increase the selectivity of funding and to fulfil the Government's commitment to international excellence, indeed such is the pressure that international excellence itself is now graded. The psychic costs of all this in terms of academic time, stress and sheer misery cannot be underestimated. Academics have been so successful in competing that the funding body has raised the threshold of the grades which it will fund, thus successful newer universities having received some boost to their aspirations are now finding that the bar has been raised in ways that will make it even more difficult for them to succeed. While in the more prestigious institutions not being 'research active' threatens both jobs and esteem. More fundamentally, however, the very success of the exercise, which has undoubtedly increased research productivity, is contributing to the splitting of academic roles with increased numbers of research only staff, some on inflated salaries having been competitively poached from rival institutions. The funding body itself has expressed anxiety that the RAE has disadvantaged women and has put mechanisms in place to audit the transparency and fairness of institutional procedures this time around, but of course what audit cannot capture are the subtle gender dynamics which make academic life more difficult for those with caring and other responsibilities. Nor is it possible to measure the impact on the sort of work which is produced and published. However, as Sheikh (2000) has pointed out, it puts pressure on the notion of authorship as the pressure to demonstrate productivity escalates. RAE judgements of quality are essentially conservative in their views of what constitutes disciplinary excellence, by definition it favours work that is agreed is good. Feminist and other radical work often directly seeks to break boundaries and cut across disciplines, writerly conventions, and academic decorum; it is to an extent, therefore, positioned outside the hegemonic definition of the really good. This is not to say that such work does not count; there are some notable cases where highly successful and prestigious careers have been built on the claims of critique, but the constant second guessing of the rules of the game, of peer reviewed papers, what counts as prestige measure and the like have a depressing psychic effects. These pressures are

not uniform across the sector, but the RAE and its discontents have become an almost obsessed locus of conversation at academic gatherings.

In terms of what it means to be an academic, both entrepreneurial activity and audit are increasingly acting to split the profession, with those who are successful withdrawing from teaching. Thus what we are experiencing is a profound attack on the integrity of academic practice as such (Nixon, 2004), and as Barnett (2003) notes, this in turn produces a counter ideology of learning and teaching in which research and teaching become the terms of a dualism. The auditing of research is reshaping academic subjectivities, research active/inactive have become descriptive terms, and academic careers have been restructured creating teaching as its opposite. These pressures de-legitimise the role of critical thought as fundamental to both teaching and research, as an integral value in and of itself, and as a mode of being which also can contribute to the public good through turning its gaze outside the academy as well as within it.

These arguments about the pernicious effects of audit and commercialisation do not depend on a romantic view of the past. The ideals of collegiality, and the integration of all aspects of the academic role were undoubtedly honoured at best only partially and the campus novel of various periods is sufficient to remind us that backbiting, snobbery, and lechery were as much a part of the dreaming spires as was the relative absence of women and students from other than privileged backgrounds (Evans, 2004). The point of documenting the newer pressures that face the university is rather, as suggested in the introduction, to explore the transformations in forms of domination, and to be alert to their internal contradictions. Taken altogether Baert and Shipman (2005) writing from a Humboltian not a critical stance note that:

> The academy's exposure to market pressures, through the malleable if not penetrable shell of peer-pressured audit, can be seen to have at least three consequences. Firstly it leads to a double commodification of knowledge. Not only are research projects bound to be more successful with grant bodies if they somehow promise cash-value at the end of the road, those projects become a commodity within the academic unity. They allow academics to buy themselves out of academic teaching, to employ research assistants and so on. Secondly, senior academics are forced to adopt managerial models to run big projects, to supervise the people working under them and to control the finances involved…Thirdly, there are clear ramifications at the level of professional identity...The notion of who you are and what kind of research you do is continually restructured around these shifting needs. (p. 175)

That these contradictions have been analysed at length by numerous academics writing about the academy is a cause for hope, however, there is a gap between the radical intent and the possibilities of refusal and actual practice. One of the problems of academic life is that there is no simple identity of interests. Careers have been made as well as broken through audit and in the successes and failures of commercialisation, and feminists and other critics often find themselves isolated when confronting blatant unfairness, for example, in the loading of pastoral and other less prestigious duties onto the least powerful in the academic hierarchy. Male dominance in the most prestigious universities and disciplines among the professoriate remains. Moreover our own practices of peer review, competitive bidding for grants and so on, privilege self-promotion and self-interest above collegiality. In this climate even seemingly benign and self-evident measures such as the demands for more ethical care in research can threaten critical work in unpredictable ways as the next section will argue.

## Risk and the New Governance of Research Ethics

Drawing on the earlier work of Mary Douglas, McWilliam (2004) in her analysis of changing the academic subject, points to the ways in which risk has come to feature in the academy and:

> the ways that rationalities of risk can work as a logic for naming a particular set of practices as 'risky' and also for determining what sorts of mechanisms ought to be put in place to minimise the now apparent danger. (p. 153)

As with the argument about evidence it is not that the idea of managing risk is inherently bad, but that its discursive location within the structures of audit begin to transform the academic's relationship to his or her own work, what counts is "the degree of intimacy that academics have with the record" (McWilliam, 2004, p. 159) not with the student or with the research. The funding body in England (HEFCE) now advises Universities on how to manage risk in order to achieve their organisational objectives. The subject of risk here is not the student or the research, but the impact on how the organisation itself achieves its goals. The example HEFCE give in their briefing involves an analysis of the risks, at various levels, to the strategic objective 'To be a world class university'. The example is instructive as it links directly to the codification of excellence described above. Of course this is not the only metric 'widening participation' and a number of other strategic objectives could also be codified and analysed in relation to risk. This shifting of emphasis to how things are managed rather than the substance of the thing itself can be clearly seen in relationship to research ethics, where what was once considered to be within the professional judgement of academics and a matter of self-governance and autonomy is now subject to management and audit.

In the UK the chief funding body for educational and other fundamental social research is the Economic and Social Science Research Council. The Council has long reflected Government priorities and its mission reassuringly echoes the themes that have been rehearsed above regarding a concern with quality and useful knowledge:

> The Economic and Social Research Council (ESRC) is the UK's leading research funding and training agency addressing economic and social concerns. We aim to provide high quality research on issues of importance to business, the public sector and government. (ESRC)

The ESRC has recently produced its Research Ethics Framework, which while in theory only applies to work it funds, in practice will become the benchmark for compliance across the sector. The intervention, as with the 'evidence-based' movement, mirrors developments in health where public scandal and demands for increased accountability now involve intensive ethical scrutiny of all research in health and social care including that conducted on staff, and incorporating judgements about the scientific merit of proposals. While the ESRC is presented as a framework, it is apparent that in fact it is mandatory for those in receipt of grants. It also carries sanctions, and is procedural in its prescription for what universities must do and show that they have done. Kushner (2006), commenting on these developments in 'a lament for the ESRC,' decries the development as a step change in its use of stipulatory language in which he detects an ideological commitment to audit which goes beyond the mere administration of research grants. The document is characterised by the sorts of low-level trust of professionals that far from reassuring an

implied public in fact is a token of the very lack of trust it seems to address. Moreover, the document is redolent with the discourse of protecting the other which marks Oakley's defence of evidence based research. Even the cover is instructive. It contains nine images, six of which picture what might be taken to be vulnerable people: two infants, two pictures of young people, one very elderly man, and the hand of a nurse holding a patient's hand in bed. Thus the visual message reinforces the textual; the public must be protected. In contrast there is nothing that would invite researchers to enquire into the politics of research, "The ESRC is urging social researchers to align themselves more and more clearly with government policy agendas. How profound is that ethical issue?" (Kushner, 2006, p. 10).

Institutions themselves, commercialisation, the power dynamic between researchers and sponsors are bracketed out of consideration, the emphasis is on Universities controlling their own researchers to manage the risk of harm. Yet, as Scott (2004) has argued in making the case against the reduction of ethical matters to procedural judgements, universities are inherently value laden institutions. Indeed, he makes a compelling case that with the advent of mass education, the greater diversity of type of institution and of types of knowledge, there is an even stronger argument for the ethics of higher education to be articulated as a broader set of intellectual values rather than be confined to narrowly scientific judgements.

There can be no question of course that there are important ethical issues in research, many feminists have been prominent in analysing these and in articulating a philosophy of care. While some of these approaches have been criticised for essentialising women's morality, a critique of the denial of full moral agency to women (and other oppressed social groups) is an enduring feature of feminist attempts to think about ethical problems. An understanding of ethics as both constituting and being constituted by the subject, has been at the heart of much feminist ethical writing. While ethics cannot, therefore, be reduced to the procedural, there is nothing in principle wrong with ethical scrutiny by peers. We know that the most abused by research in the past have not infrequently been the most vulnerable; the contraceptive pill for example was tested on impoverished Latin American women with scant attention to the real dynamics of informed consent. Indeed these abuses continue. There is growing evidence that pharmaceutical companies are moving their trials to less well regulated countries to avoid the tighter ethical protocols the UK Government is imposing on clinical trials. The concern is that in making judgments about scientific worth and propriety the prejudices of those scrutinising research will gain ascendancy, so that judgements about the policy significance, for example, of a piece of research might be a factor, eliding the question of useful for whom. If we think of feminist and other critical research whose aim might be to ask awkward questions of the powerful, and about the funding and governance of research itself, then the issue of ethical governance becomes more troublesome.

> Some of the most powerful forms of data collection are excluded from scrutiny by fiat: All data collection involving human participants normally requires prior ethical approval with the exception of the following, which are not considered 'research'; routine audit, performance reviews, quality assurance studies, testing within normal educational environments, service evaluations, polling on current public policy issues, and literary or artistic criticism. (ESRC)

Not withstanding the inclusion of artistic freedom, it does seem that the most intrusive forms of data collection which are most likely to have negative and indeed punitive consequences for individuals are simply deemed to be above ethics. Most of the routine practices in institutions of

higher education, which directly impinge on the lives of their employees, are excluded from scrutiny. Indeed the simple question 'is this research?' is in some ways the most problematic. As a researcher into higher education practice I am aware that much of the data collected for academic development and organisational change projects are never reviewed in terms of the ethics of the project. People's consent is assumed or even mandated, information collected for one purpose is used for another, anonymity is not guaranteed, and it is usually those with most power over people's lives who have access to these data, not the relatively prudent and powerless, self reflexive, critical social science researcher.

The real difficulties of insider research are illustrated by Collins and Wray-Bliss' (2005) analysis of the complexities of collecting data in contexts where one is a committed actor. These situations are fraught with difficulty about whether to speak or remain silent. They analysed a case where a colleague had (successfully) pursued an anti sex-discrimination legal case, and where the data they were using emerged out of their personal involvement in the case. In this account direct voice was denied to some participants, a decision which was taken with extreme caution and with reference to the British Sociological Associations Statement of ethical practice dealing with contexts 'where power is being abused' or where researchers are acting in the 'public interest.' They draw on Bauman's insights into the ways organisations function through the suppression of morality which is replaced by procedural and instrumental criteria as illustrated above. The dilemmas for the researchers are difficult in instances of becoming knowledgeable about organisational practices which involve what McNamee (2001) terms 'guilty knowledge': knowledge of harm to innocent others and where there is no simple sense of how to act. The fear must be that under regimes where organisations are concerned with managing reputational and other sorts of risk, and where ethics become increasingly stipulatory (albeit under the guise of advise and peer-review), it will become harder not easier to pose difficult and troublesome questions of higher education, and to sustain critical work.

## Concluding Reflections: The Importance of Noticing

I am not suggesting that the tendencies I have noted are all simply bad. Practice based on a lack of evidence, which is secured without ethical care, and is unaccountable is not defensible in terms of any feminist ethic, and in their critiques of patriarchal professional practices, feminists have been at the forefront of challenging oppressive practices. However, while contemporary proponents of 'evidence' care about the impact that interventions have, and advocates of audit often passionately believe in challenging professionals in order to improve teaching and other forms of practice, we must recognise that the context in which these criticisms are made have decisively shifted. The discursive location of these newer practices of audit and evidence are positioned in relationship to the powerful and policy makers who increasingly set the terms of debate about what is useful knowledge, what is open to ethical scrutiny and what is excluded, and who is held accountable and in what ways. These practices subtly, and sometimes not so subtly, in the case of research selectivity, change the boundaries of practice within higher education. In doing so, they also change the conditions for critique and critical work. Indeed the very conditions of work make both intellectual and practical intervention more difficult. The shift from elite to mass education has resulted in increased intensity of work. Academics experience constant time-pressures, and while there are those on hand to tell them how to deal with large classes, manage assessment more effectively, and use new technologies to relieve the load, the

lived experience of many practitioners suggest that life inside the academy is fraught with internal and external contradictions. The pressure of clock time and task time makes reflection and dwelling-in-time more difficult. Moreover, the feminisation of the student, and to a certain degree the staff body, has reduced the prestige of academic work and for most participants dramatically reduced the material rewards associated with it. While there is much to be welcomed in the newer voices and experiences inside higher education, Scott's (2004) view that subject positions have become almost infinitely malleable is belied by the stubborn inequities associated with class and the resilience of identities based on experiences which remain gendered both in terms of disciplinary knowledges and the worth of a degree on graduation.

The real difficulty for critical work is in the lack of spaces within which to explore collective interests and sustain collegiality. This is in part structural as selectivity bites deeper, and in teaching, the demands of audit are experienced as creating more and more work: see MacWilliam's (2004) notion of intimacy with the record not the more fluid flow of ideas or interaction. My argument for noticing these pressures is not one simply of pessimism, but some of the tendencies I have noted are precisely not inevitable nor do they over-determine our responses. I have written at greater length elsewhere about the politics of refusal and of speaking against indifference (Clegg, 2005b) and of the challenge of creating safe spaces for reflection (Clegg, et al., 2005). Evans (2004) has written powerfully about the possibility of the university becoming slowly emptied of creative meaning and speculates on the possibility that critical thought will find new spaces from which to speak. In some ways this should not alarm us, since most critical thought in the twentieth century originated from outside the academy and had to fight to make its voice heard within. However, I endorse absolutely her defence of education and her view that words matter:

> Unless we wish to live in a world where difference, nuances, boundaries and indeed disagreement disappear into the iron grip of the bureaucracy of the market economy we have a responsibility to demonstrate our engagement (and interest in) the context within which we work. (p. 151)

Words do matter. We should contest the reduction of reading to systematic review, of research to RAE performance and the winning of grants, and the reduction of ethics to matters of procedure. She rightly cautions against the seduction of retreating into the private, pointing out that "Debate, discussion and even disruption do provide interest and inspiration and it is often the less well-ordered context which gives rise to the more creative work" (Evans, 2004, p. 151). This paper has attempted to disrupt some of the dominant ideas and practices that currently pervade universities in the hope that through debate we will create grounds for more creative and collective ways of moving forward.

## About the Author

Professor Sue Clegg heads the Centre for Research into Higher Education at Leeds Metropolitan University. She has written about the 'personal' from a feminist perspective and explored students' understandings of personal development planning and the significance of temporality for understanding higher education. She has recently published work on academic identities and research exploring how teaching and learning have become an object of scrutiny.

## NOTES

**1.** I have found working with the CAD Collective immensely stimulating, and I am particularly grateful to Barbara Grant for her generous comments on an earlier draft of this paper. Thanks also go to Karen Smith for her comments and for being a constant source of support and solace.

**2.** Interestingly, Popper defends the 'rationalist' Marx against historicist versions. Moreover, his vision is social democratic in its impulses and arguably to the left of the social engineering agenda now being pursued.

**3.** Not unproblematically because there are philosophical nuances in the different ways positivism is described which Halfpenny (1982), for example, lists.

**4.** I have made this argument at great length elsewhere Clegg (2005a) and this paper repeats some of this earlier material, but my intention here is to situate these arguments in a broader context

**5.** Although the reasons why experimentation is powerful cannot be accounted for under positivist assumptions. I have argued elsewhere that the power of the critical realist critique of both positivism and idealism lies in being able to give an account of the power of experimentation through posing the transcendental question of the conditions of the possibility of science.

**6.** The Evidence for Policy and Practice Information (EPPI) and Co-ordinating Centre part of the Social Science Research Unit (SSRU) at the Institute of Education in London was established in 1993 (The Evidence for Policy and Practice Information and Co-ordinating Centre 2003). The Centre's aims are closely aligned to those of the Chochrane Collaboration (2003) set up in 1993 as an international organisation involved with the preparation of systematic reviews, the National Health Service based Centre for Reviews and Dissemination (2003) established in January 1994, and National Institute for Clinical Excellence (2003).

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