

Whose Ethics? Whose Interests?

The Tri-Council Policy and Feminist Research

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MY INTEREST IN CONVERSATIONS about the impact of the Tri-Council Policy Statement: *Ethical Conduct for Research Involving Human Subjects*¹ on qualitative inquiry comes from my work as a feminist researcher in Education. In the 1980s, my doctoral work involved ethnographic research in a school setting—a project that met the university ethics requirements of the time, but left me with many concerns about the ethics of field work and the limits of feminist ethnography. Later, as an academic, I documented my attempts to disrupt hegemonic institutional discourses and practices—a form of autobiographical inquiry now under threat from research ethics boards who are expected to implement the new guidelines. Presently, I am involved in a government funded research project that raises many concerns about the implications of the policy for participatory action research. The implications of the Tri-Council policy on feminist research practice needs to be documented, concretized, and challenged. The following questions must also be addressed: Who is implicated? Who benefits? Why now?

Feminist researchers have long raised questions about the inadequacy of positivist research approaches to explain the oppression of women and bring about social change.² The Tri-Council policy with roots in the biomedical and physical sciences and the positivist social sciences is yet another example of the need for continued vigilance. Qualitative researchers argue that rules about anonymity, confidentiality, informed signed consent, and the identification of harms and risks are inappropriate and insufficient for qualitative research (Christians, 2005; Van den Hoonaard, 2002). Marlene deLaine (2000) argues that the regulations are especially problematic for feminist scholars. deLaine (2000) says a positivist ethics policy “tends to neglect the wider moral and social responsibilities of simply being a researcher...[and negates] the complexity and specificity of any given ethical or moral dilemma” (p. 17). She says many ethical dilemmas in research arise from “unanticipated consequences” involving “values, ideals, moral, professional and personal standards, intuition and feelings” (p. 17). Similarly, Eve Browning Cole, and Susan Coultrap-McGuinn (1992) argue, “In feminist ethics, thinkers emphasize that the particular context, not abstract principles of right and wrong, must shape and inform morally appropriate choices” (p. 2). Ethics in research is deeply tied to questions of feminist epistemology. As Linda Martin Alcoff (2001) says: “The central problems that feminist epistemologies address are not

the same as those listed in any mainstream epistemology textbook: feminists tend to focus on experience, testimony, or memory rather than perception, a priori knowledge, or induction” (p. 842). But as Linda Hutcheon (1988) reminds us: While problematizing dominant practices it is not possible to “step outside of that which you choose to contest...you are always implicated in the values you choose to challenge” (p. 3).

Knowledge production is also political and ideological (Chrisjohn & Smith, 2006). It is no accident that the Tri-Council rules are being imposed in neoliberal regimes. Bronwyn Davies (2005) sums up neoliberalism as:

A move from social conscience and responsibility towards an individualism in which the individual is cut loose from the social; from morality to moralistic audit-drive surveillance; from critique to mindless criticism in terms of rules and regulations combined with individual vulnerability to those new rules and regulations, which in turn press towards conformity to the group. (p. 12)

Knowledge/power relations in neoliberal times determine what counts as scientifically valid research; the rules and regulations about what counts as ethics in research are part of the equation; and only research that conforms to the rules will be approved and funded.

It is also no coincidence the policy is being imposed just when feminist ethnographies, oral histories, critical autobiographies, and narrative research methodologies are gaining a foothold in the academy, when poststructural feminist scholars are troubling notions of researcher authority, while challenging themselves and others about power and control in research. However, the imposition of the standardized Tri-Council policy on university communities makes it difficult for researchers to avoid being caught in neoliberal individualistic discourses and practices. As Davies (2005) says, feminist scholars “do not exist solely on one side or the other, but on both...The possible is embedded in the (im)possible” (p. 5).

In Canada, feminist scholars have long raised questions about feminist ethics. In the early 1990s, the Canadian Research Institute for the Advancement of Women funded collaborative work on feminist ethics. In developing a theory of feminist ethics, Code, Ford, Martindale, Sherwin, and Shogan (1991) said, “Ethics must be contextualized to provide meaningful answers to moral dilemmas people actually experience...a focus on universality distracts from the need to consider the details of actual experiences” (p. 10). A publication specifically on research ethics followed; this provided a series of questions meant to create dialogue about how feminist research could be conducted “ethically, respectfully, and safely” (Muzychka, Poulin, Cottrell, Miedema, & Roberts, 1995, p. 1). In 1997, Resources for Feminist Research published a special edition entitled *Passionate Ethics*, to commemorate the life of Kathleen Martindale. Guest editors, Barbara Godard and Pamela McCallum (1997) stated:

[Martindale collapsed] the distinction between ethics and politics in a move crucial for feminist theory. [Martindale argued] feminism engages in an ethical claim that [asymmetries of power] relations are unjust...[and] a political critique claiming that these situations have been socially made and so are politically resolvable. (p. 5)

In the same collection, Debra Shogan (1997) wrote: “[Kathleen Martindale] saw feminist ethics not as “a set of prescriptions [but]...as a critical tool which asks who the subject of ethical requirements is and recognizes that social position and social context differentially affect moral

obligation” (p. 60).

In this article, I show how feminist research is implicated in dominant discourses and practices, and how positivist rules about research ethics constrain feminist practice, making feminist research (im)possible. I raise ethical issues in my own feminist research practice and show how they both reflect and resist the neoliberal discourses and practices inscribed in the Tri-Council policy. I treat my own practice and the ethics policy as texts to be de-coded, drawing out the contradictions, dichotomies, silences, and biases (Czarniawska, 2004). As Barbara Czarniawska (2004) says, “to deconstruct a text is to draw out conflicting logics of sense and implication with the object of showing that the text never exactly means what it says or says what it means” (p. 97). Robert Merrill’s (1988) words on the construction of ethics policies still hold:

We cannot get beyond modernism until the lure of ethics and aesthetics as totalizing narratives or legitimations that mask contradictions and fissures is recognized...in Foucault’s words “not to discover what we are but to refuse what we are. (p. x)

My purpose is not to add on to the Tri-Council policy, or to impose new rules; to attempt either would be a betrayal of feminism. Rather my purpose is to show how feminist research is ambiguous, contextual, and political, and requires meaningful dialogue at the local level, not the imposition of rules grounded in positivist research paradigms.

Feminist Ethnography: Researcher as Colonizer?

For my doctoral research (Eyre, 1992), I explored the social construction of gender in a co-educational practical arts classroom—a curriculum area that had previously been strictly sex segregated. The research involved observations of classroom interactions and interviews with teachers and students over the course of a school year, in a school situated in a lower socio-economic neighbourhood of Vancouver. I attempted to follow feminist research methodologies of the time: Challenging positivist notions of researcher objectivity; interviews were to be more like conversations; teachers and students were to participate in the analysis; and I was to insert myself reflexively into the text. All of which are deeply connected to ethical questions about how one should proceed in relation with people whose lives are to be interpreted and made public.

The research met all university ethics requirements governing research with human subjects, including signed informed parent and teacher consent, promises of anonymity and confidentiality, and avoidance of harm and risks to participants. At the time I saw each requirement as democratic, but I now see how they worked against feminist practice. For example, although parents signed consent forms, did the parents know what they were consenting to, especially in situations where English was a second language? Was refusal to participate a viable option for parents in new immigrant and refugee families? Would I have been granted access in a more affluent established neighbourhood? Also what choice did the teachers have? Were they pressured by school administrators? And, should the students have been given rights as research subjects? Looking back, I am amazed that none of the students or teachers openly objected to my continual looking, eavesdropping, and endless note taking. Was I just another regulatory force in their lives?

And what about my promises to do no harm? While focussing on constructions of gender, and to some extent heterosexism, I did not seriously attend to other oppressive practices, such as

racism and class violence, and their intersections. Ignoring difference can contribute to the perpetuation of other forms of dominance and is therefore an ethical issue: “To ignore differences among women and within women, while attempting to combat women’s oppression, keeps intact the dynamics of gender domination and subordination as well as the dynamics of race, class, and sexuality” (Code et al., 1991, p. 24). In other words, there were ethical issues about power relations attached to my research question and subsequent analysis that deserved closer scrutiny.

My concerns about harm also now include my thoughts about how the teachers felt when they saw their lives “fixed in print, formulated, summed up, encapsulated in language, reduced in some way to what the words contain” (Josselson, 1996, p. 62). Was it what the teachers expected? Was I able to “represent the voices of others and in so doing care for their integrity, humanity, and struggles?” (Britzman, 1991, p. 12). Did my research account lead to harmful judgments against the teachers and students by teachers or school administrators? Unlike Ruthellen Josselson, who reinterviewed her participants about how her writing affected them, I have never gone back. Moreover, should I have taken “responsibility for the resultant social action that may [have] result[ed] by design or consequence from the study” (Moss, 2004, p. 371)? A similar question arose during my oral defence when the external examiner asked why I hadn’t attempted to do something about the sexual harassment I witnessed in the classroom. As a novice researcher, the question left me perplexed; “Would my interference not have compromised my role as ethnographer?” Obviously, the examiner’s question was deeply connected to “academic by-standing...and ethic and moral concerns” (Lundy & McGovern, 2006, p. 53).

Other ethical concerns with the project have to do with narrative authority, voice, and representation—issues the university research policy did not, and still does not, address. Despite my intent to challenge hierarchical researcher practices, the dissertation was my re-presentation and re/presentation (Allred, 1998)³ of students’ and teachers’ classroom lives; my authoritative account. My promises to break down hierarchical barriers between myself and the research participants, did not work as planned. The teachers and students did not have time in their hectic days to participate in the analysis in other than a superficial way. Instead, my individualistic desire to complete the work took precedence. I carried out a traditional qualitative analysis, dissecting transcripts, looking for patterns, constructing themes, and selecting key quotes to support my argument. Although I incorporated myself up-front (a thin attempt at reflexivity, but somewhat brave at the time), I joined the “disembodied ‘objective’ knowers...[who] drown the poem of the other with the sound of our own voices, as the ones who know, the experts about how people make sense of their lives and what searching for meaning means” (Lather & Smithies, 1997, p. xvi).

My foray into field work supports Judith Stacey’s (1991) now classic argument about the (im)possibility of feminist ethnography. My example also shows the role mainstream university ethics requirements play in reinscribing processes and practices of domination. Unproblematized rules of consent enabled my complicity in practices of surveillance, assimilation and colonization. Promises to “do no harm” did not prevent me from producing knowledge that reinforced racism, class violence and harmful stereotypes about youth, so favoured by mainstream health researchers and policy makers. My realist/critical tale (Lather, 1991) reinforced the individualistic blame-the-victim ideologies about teachers and students, promulgated by neoliberal regimes.⁴ As Pam Allred (1998) says, “The idea that ethnographic subjects are free to present their own meanings in any radical sense neglects the ways in which the dominant culture provides hegemonic meanings” (p. 154). In short completion of the positivist ethics requirements of the time,

now formalized and standardized in the Tri-Council policy, has smoothed over ethical dilemmas of epistemology and methodology and enabled the perpetuation of individualistic ideologies and colonizing practices.

Autobiographical Inquiry: Researcher as Whistleblower?

Following my doctoral research, I began to critically examine my contradictory positioning as a feminist in the academy. First, I explored my own classroom as a site of heterosexism and homophobia (Eyre, 1993). Later, I carried out a critical discourse analysis of how a university community responded to a sexual harassment case and troubled my response to it (Eyre, 2000), and following my involvement in a public/private partnership I raised questions about the ethics of corporate control of curriculum projects (Eyre, 2002). Although I did not actually name people, I did not conceal their positions, locations or the levels of institutional involvement.⁵ My purpose was to challenge institutional practices, not specific individuals. Of specific interest here is that I did not submit any of the topics for ethics review. In work that blows the whistle on corporate practices, criteria of anonymity and confidentiality makes no sense, obtaining institutional consent is unlikely, and promising to do no harm to corporate bodies and executive careers defeats the purpose. In this way the Tri-Council policy works against critique of corporate practices, and in current neo-liberal managerial regimes makes feminist work (im)possible.

Ethics requirements of anonymity and confidentiality in autobiographical inquiry are already threatening the future of graduate work in the academy. Teachers are especially vulnerable. In New Brunswick, for example, a provincial gag order bans teachers from speaking out against the province, and a “professional ethics” clause prevents teachers from speaking publicly about their colleagues. It may only be a matter of time before these rules are applied to teacher research. The rules are already operating in Prince Edward Island, where school officials have threatened a teacher with dismissal unless she rewrites her autobiographical thesis and presents her school in a more positive light, i.e., school administrators do not want the teacher to write about heterosexism and homophobia in the school. In Alberta, a teacher who witnessed a school shooting, and wrote a masters thesis about institutional response to violence, was required by the university to rewrite her thesis so that the school and location were no longer identifiable, even though the shooting and the location were on the public record (Chambers, 2004). In other words, the ruling relations (Smith, 1990), the combined surveillance forces of schools and universities are posing a serious threat to the possibility of autobiographical inquiry by practising teachers.

However, the question about whether the Tri-Council policy should be imposed on autobiographical work is not as straightforward as it may first appear. I recently worked with a graduate student who did not wish to submit her proposed autobiographical work for ethics review. The student said her autobiographical piece was her constructed account, her historical memory, and didn't require verification as a “truth”; to request consent would be to silence her voice. Although recognizing my complicity, I requested she submit her proposal for ethics review. However, the issue became a moot point. The Research Ethics Board stated the proposal did not require review because “any risk...appears not to exceed the minimal risk outlined in the Tri-Council policy...[and] the project is one that would not normally fall under the rubric of ‘research’”(personal communication). Whereas the response to the question of risk deserves further dialogue, the dismissal of autobiographical research as a legitimate form of inquiry is indicative

of the threat it poses to current neoliberal regimes, and raises questions about the future of feminist research and scholarship in the academy.

Feminist Participatory Action Research: Researcher as Collaborator?

A final example to show the (im)possibility of feminist practice under the Tri-Council policy, involves my participation in a national, government funded, feminist participatory action research project on violence in young women's lives. The project involves focus groups with high-school-aged young women as group facilitators talking to their peers about violence in "girls" lives. Access to participants in New Brunswick was obtained through an advisory group of adults who represented schools, First Nations communities, and community organizations. Each focus group was held in the presence of an adult mentor and a research assistant who taped and transcribed the conversations. The purpose of the project is to bring about social change by "empowering" young women and informing policy makers about violence in young women's lives, from the points of view of the young women themselves. The participatory action research design fits many attributes of feminist scholarship and feminist ethics.

Although this is a national project, compliance with the Tri-Council policy is required in each province and at each site. I checked off the "boxes" for the New Brunswick project, promising anonymity and confidentiality, informed consent, and avoidance of harm. But each category is a fiction. For example, how can anonymity and confidentiality be assured when adult researchers are required by law to report knowledge of child abuse to child protection authorities; this rule is applied to the group facilitators and the research participants.⁶ A "duty to report" raises ethical dilemmas for researchers in deciding when information should be ignored, when further inquiry is warranted, and under what circumstances promises of anonymity and confidentiality should be betrayed (Lundy & McGovern, 2006). Further issues around anonymity will arise in writing-up the project, especially if the researchers try to avoid the problem of dissecting participants' voices and take a straight narrative approach. As Susan Chase (1996) points out, it is possible that the "research participants [will] easily recognize themselves in our texts and readers who know them may recognize them too, even when pseudonyms and other forms of disguise are used" (p. 45).

Problems with the notion of informed consent are similar to those already addressed, but there are additional concerns because this is a government funded project. For example, the project is continually monitored; including periodic audits of the project through questionnaires and telephone interviews with the adult researchers and the young women group facilitators. Questions directed at the young women include requests for information about parent's occupation, mother's level of education, their own economic situation, and whether the young woman has had a child, etc. When I questioned the relevance of the questions and objected to the process, I was reminded of the requirements of voluntary participation, informed consent, the right to withdraw without penalty. But this assumes the young women understand the possible links between the questions asked and individualistic, blame-the-victim, policies and practices and increased state surveillance.⁷ Also, promises of confidentiality, i.e., the information will be locked away for so many years, are not necessarily binding if governments deem the information of value to them.

The project leaders also expect the researchers to participate in promotional activities—another form of surveillance. There are requests for photographs of the young women facilitators

and requests for autobiographical pieces for the project newsletter and website. I have resisted responding to these requests because of my concerns about exploiting the young women and the “the tendency to exoticize and essentialize childhood and children’s culture” (Strandell, 2002, p. 22). Again, the project leader’s response deferred to voluntary participation and informed consent. But the young women do not necessarily understand the politics of how their bodies can be used for research purposes. Their willingness to comply was evident when, during a team retreat at a local hotel, the manager appeared with a camera to take photographs of the young women for the hotel website! Although a hotel website may appear to be more problematic than a research site, researchers can also use images of youth to promote their own work and secure funding, in other words, to support the demands of an individualistic, competitive, corporate culture. At the same time, I ask myself if I am re-victimizing the young women by undermining their intelligence, political savvy, and sense of agency? I weigh this risk with the danger of legitimizing feminist research as a tool of surveillance and a colonizing practice.

Simplistic notions of avoiding harm are also a concern. Promises of power sharing, community involvement, and benefits to community rub against researchers’ and community workers’ competing responsibilities, heavy workloads, long-distance travel, and dangerous driving conditions. As such, despite collaborative efforts, there is a danger that young women may be used merely to collect data, which again raises concerns about exploitation, narrative authority and questions about who benefits from the research. Moreover, the harm that might come from young women’s willingness to disclose in focus groups what they know about violence in girls’ lives is unlikely to be prevented by having a trusted adult on hand and directions about where to seek counselling, as promised. And what happens when the focus groups are over? Research on/with/for women, on topics such as violence, heightens ethical concerns that cannot be taken care of by superficial promises. As Pam Alldred (1998) argues, “a discursive approach requires us to consider reflexively the institutional power carried by researchers and to avoid creating the illusion of ‘democratized’ research through the fantasy of empowerment” (p. 151).

Questions of harm become even more complex when researchers are granted access, in the name of participatory research, to specific communities. For example, non-Native researchers have historically had access to First Nations peoples, observing, interviewing, taking stories, and using “data” against the very people they are supposedly trying to help.⁸ Roland Chrisjohn, et al. (2001), argue that today much of what counts as health research in First Nations communities is part of “Canada’s enduring war against Indigenous children” (p. 1), and often works under the guise of community partnerships. Whereas the “new” CIHR (2006) research policy for research involving Aboriginal peoples claims to address some of the issues, Chrisjohn & Smith (2006) argue that the guidelines continue to perpetuate colonial, patriarchal discourses and genocidal practices, and are yet another more subtle form of colonization.⁸ The situation is such that First Nations peoples are refusing to comply with non-Native researchers, taking “ownership, control, access and possession” (Schnarch, 2004, p. 80) of research in their own communities.

Good intentions are not enough. My involvement as a white researcher with First Nations young women in the project, has left me with many concerns about exploitation in university-community research. Nathalie Piquemal (2001) states:

The ethical question that has to be answered is how [non-Native] researchers can be morally responsible in their use of what they learn, without betraying the confidence of the community and the people with whom they interact. (p. 68)

However, as Marie Battiste (1998) argues, historic practices of eurocentrism, colonialism, and racism cannot be easily “wiped away by an informed and enlightened people” (p. 5). When researchers’ questions and analyses merely reproduce harmful stereotypes, when the research is of dubious benefit to the research participants, and when ownership remains with the dominant group, research becomes yet another colonizing practice (Smith, 1999). Linda Green’s (2006) words serve as a warning to us all. She writes:

We have entered a time in which universities are taking on a new role. Universities are acting much like anthropologists, as they venture boldly out into the “untamed wilds” of communities and community organization in quest of valuable untapped knowledges, trading various small favours in exchange for the cultural riches and artefacts...in the name of participatory research. (p. 2)

I have provided a few concrete examples of some of the ethical dilemmas that can arise in feminist research and the role that mainstream ethics guidelines play in framing research practice. Although the Tri-Council policy may create an illusion of fairness and justice, it works to reinscribe neoliberal ideologies and practices of individualism, corporatism, and surveillance. To impose positivist rules supports individualistic ideologies by detaching research from its social and political contexts and creating the illusion that ethical dilemmas have been addressed and research can proceed unproblematically. The requirement of informed consent becomes a tool of surveillance and control when research is intended to challenge dominant practices, or when people are not equally located to know what they are signing, understand the legal implications of what they are agreeing to, or the politics behind what being “informed” means. Further, participants are not necessarily equally positioned to refuse to participate or withdraw at any time. Moreover, ethical issues especially important for feminist research, e.g., issues of voice, representation, narrative authority, ownership, and benefits, are not included in the new guidelines. They are not meant to be; to raise such questions would reveal the political interests in research practices. In short, the Tri-Council policy smoothes over or cannot address ethical questions that require careful reflection and open discussion by feminist researchers. If feminist research is to work toward positive social change for all women, it is imperative feminist scholars challenge the imposition of the Tri-Council policy and resist complicity in neoliberal ideologies and practices by continuing to push difficult questions about power and control in research.

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NOTES

1. Tri-Council Policy Statement: Ethical Conduct for Research Involving Human Subjects (TCPS)

(1998/2000/2002). [Http://www.pre.ethics.gc.ca/english/policystatement/policystatement.cfm](http://www.pre.ethics.gc.ca/english/policystatement/policystatement.cfm)

2. See Virginia Olesen (2005) for an historical overview of feminist challenges to dominant research paradigms, feminist epistemologies and methodologies.
3. Pam Alldred uses 're-presentation' to indicate that she has actively produced her research account, and 're/presentation' "when emphasizing its significance for cultural politics" (149).
4. The dissertation received a Dissertation of the Year Award, 1992. I assumed the award had to do with the quality of the work, but now wonder if it succeeded because it also resonated with dominant discourses and practices.
5. Curiously, the editor of the *Canadian Journal of Education* included the institutional identification, whereas the editor of *Gender and Education*, fearing legal repercussions, requested that I re-write my submission so that the university was not identifiable.
6. The issue of reporting suspicion of child abuse to child protection services raises conflicting ethical issues. It would seem to me to be impossible for women with children to talk about violence in their lives without implicating the children. Currently, there appears to be increased government interest in research on mothers' experiences of violence and the effects on infants and children, from the points of view of the mothers. Which raises questions for me about surveillance and whether the women participants know the risks of being reported and having their children apprehended in the name of child protection?
7. In a school district in New Brunswick, mothers with children diagnosed with attention deficit disorders and who wish to receive additional support in schools are required to complete a questionnaire that asks about their family situation and whether they consumed alcohol during pregnancy.
8. In February 2006, The Native Studies Program, St. Thomas University, Fredericton, New Brunswick, hosted a day-long session: "Research and Research Ethics in First Nations communities: Developing Research Ethics Protocols That Work." Presenters, Andrea Bear Nicholas, Roland Chrisjohn, and Andrea Smith raised many examples of past and current genocidal practices against First Nations peoples carried out in the name of scientific research in Health and Education.
9. Other "revised" guidelines need careful scrutiny, e.g., Ethical Guidelines for Conducting Research Involving Homeless People, Government of Canada, National Homeless Initiative, 2004.

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