

Ethics and the Biographical Artifact: Doing Biography in the Academy Today

Christine Wiesenthal
University of Alberta

THESE DAYS, BIOGRAPHICAL “ARTIFACTS” in the most mundane sense of the phrase have come sharply, even painfully, into focus for me. This is simply to confess that, at the end of several years of researching and writing my recent biography, *The Half-Lives of Pat Lowther*, I have yet to confront the truly terrible job of cleaning up my study, which is still cluttered to overflowing with all of those “things”—those physical remnants and records—that we tend to collect in the process of attempting to “reconstruct” a “life.” It’s a mess that calls to mind Mary Shelley’s “filthy workshop of creation.” And as I’ve been tripping over the accordion files, maps, photographs, and so forth that litter my study floor, I’ve also been grappling with the question of what to do with all of this material now that the book is done: now that the work is, in deed, a “fact”—“a thing done.”

As opposed to a “fact,” “a thing done,” *artifact* of course connotes instead “a thing made”—“an artificial product” of “human art and workmanship.”¹ Interestingly, the *OED* records the first usage of the word by the British poet Coleridge, who in 1821 deployed it in a long and loving epistolary disquisition on the “ideal qualities and properties” of a good

¹ Art -i -fakt: L arte, by skill + *factum* neut. of *factus*, pp of *facere*, “to do” more at *arm, do. OED*, 2nd ed.

CHRISTINE WIESENTHAL is a Professor in the Department of English and Film Studies at the University of Alberta, where she teaches mainly in the areas of creative writing and contemporary poetry. Her most recent books include *Instruments of Surrender* (BuschekBooks, 2001), shortlisted for the Stephan G. Stephansson and Gerald Lampert Poetry Awards, and *The Half-Lives of Pat Lowther* (University of Toronto Press, 2005), which was awarded the Canadian Historical Association's Clio Prize for British Columbia in 2005 and shortlisted as a finalist for the 2006 Governor General's Literary Award for Nonfiction.

inkstand. Long associated, then, with implements specific to “the art of writing,” the term artifact is also useful in relation to the genre of nonfiction—specifically, in relation to the epistemological ambiguity that all nonfiction writing trades in, as the forging of some form of experience into literary truth, or even fact-based prose.² It is, clearly, in this epistemological ambiguity—in its exploitation or acknowledgement—that ethics also enters the picture. For if the line between outright artifice and the slippery nature of nonfictional “truth” is any clearer for biographers than it is for, say, memoirists or poets, it nevertheless remains true that the biographical subject, or “I,” too, is fortified on the one hand by “art” and on the other by “fact,” just like the letter “i” literally encased in the middle of the word “art-i-fact.”³

In isolating the *biographical* artifact for particular attention, my focus here falls first on questions of what might be called the ethics of narrative form: on when and how biography might seek to acknowledge (or indulge) its status as an artifactual alloy of experience, memory, and “facts”; and on the problem of the tension between the constructed and subjective nature of biographical “truth,” on the one hand, and an awareness of life stories that seem to demand, especially on ethical and political grounds, a firm insistence on their non-fictionality, on their historical actuality as “things done”—however complicated those claims might be.

Such questions of narrative form, however, also emerge from a more comprehensive process of biographical research that is, I want to suggest, already ethically complicated because it invariably relies on an inductive or emergent methodology that is essentially context-specific and responsive in nature. For biographers working within the academy, moreover, this research process has, in recent years, also become newly compli-

2 See, for example, Bloom (1994). To take only the most obvious case of “creative” nonfiction seen to breach ethical norms, one need look no further than the recent controversy around James Frey’s bestselling memoir of addiction and recovery, *A Million Little Pieces*. Initially endorsed by Oprah as a book club choice, Frey’s gritty memoir has been discredited as wildly embellished in some parts and wholly fabricated in other details. In the outcry that ensued, Oprah retracted her support of the book, publicly chastising Frey and his publisher, Nan Talese, for “dup[ing]” her and “betray[ing] millions of readers”—a development that some book industry insiders now forecast may lead “agents, publishers and authors to be ... more cautious” in their “approach to the nonfiction market,” in terms of verifying the factual accuracy of books billing themselves as “memoirs” (Laurence Kirshbaum, quoted in Wyatt, 2006).

3 Perhaps the fact that the British spell the word with the middle syllable as an “e” could be said to further underscore the arbitrary and evanescent “truth” of this amalgamated theoretical character, the biographical “I.”

cated in terms of how it is played out in our larger institutional contexts. Here, I am referring specifically to forms of administrative oversight and regulation created in the wake of the Tri-Council's *Policy Statement on Ethical Conduct for Research Involving Humans*, implemented in 1998. I'd like to make space at the end of this discussion to consider some of the "far-reaching" and "standard setting" implications of this still-"evolving" Tri-Council policy document, which governs all post-secondary research involving living subjects, including work in the Humanities and Fine Arts (PRE, *Refinements 2*). I do so because the problems posed by this policy document, especially for researchers/creators in the Humanities and Fine Arts, should, I think, concern all of us—regardless of whether or not we write biographies or pursue "research involving humans." In what follows, then, I begin with the issue of biographical form as but the most visible "artifactual" outcome of a longer and more complex authorial negotiation of ethical principles and practices. In the context of current ethics regulation under our state funding agencies, and its arguably overly compliant institutional implementation, this already difficult process now also includes questions relevant to the integrity of academic freedom and intellectual culture.

♦♦♦

In 1997, a friend handed me a book called *Time Capsule: New and Selected Poems* by Pat Lowther. I'd seen Pat Lowther's name before but had never read more of her poems than appeared in a few anthologies. This time, I was struck. The poetry was interesting, and some of it remarkable. I was also struck by the intricate auto-/biographical frame of *Time Capsule*, which opens with an editor's biographical "preface" about Pat; includes introductory personal essays by Pat Lowther's two youngest daughters, Beth and Christine; and concludes with an "Afterword" by "one of Pat Lowther's ... friends," Lorraine Vernon. This apparatus fleshed out the tragedy of "a mother, ... activist and poet" who in 1975 met an untimely death at the bludgeoning hands of her second husband, Roy Armstrong Lowther (*TC* 16). This, just as she was turning forty and starting to enjoy a career that was hitting its strongest strides. Among other things, the *Time Capsule* editor noted Lowther's growing stature, in 1975, as a poet: in addition to the acceptance of her third collection of poems, *A Stone Diary*, she had recently been "elected co-chair of the League of Canadian Poets, and was teaching Creative Writing at the University of British Columbia." With her murder, "the loss to Canadian literature was widely acknowledged" (*TC* 14, 15). Mention is made of the League of Canadian Poets' 1981 establishment of the Pat Lowther Memorial Award as one of

the nation-wide commemorative tributes to the poet. Nevertheless, when I later checked, I discovered there was not very much else out there to be read about Pat Lowther, or her work. And so began my acquaintance with her writing, with the stories of her life and of her death, and, soon, with the actual lives of her surviving family and friends, too.

Eight years down the road, the book that resulted, *The Half-Lives of Pat Lowther*, is not a conventional biography in at least two senses. My account begins not with the facts of Lowther's birth but, rather, with (as it turned out to be) the strangely fictionalized nonfictional fact of her murder and her posthumous career as a tragic icon for a variety of personal and political causes. Secondly, rather than aiming to provide "a life" of Pat Lowther, the book works through a series of chronologically overlapping narratives, each of which examines different aspects of Lowther's life—her domestic, political, and intellectual contexts. Each of these "half-life" accounts also seeks to pay close attention to her poetry and its historical framework: What makes her a distinctive poetic voice of the 1970s? How did Lowther, a high-school dropout and former single mother, actually come to find a public voice, never mind a job at UBC? What was her relationship to the literary communities and formations of her times? In short, what *is* the so-called "legacy" of Pat Lowther?

If there are as many different biographical forms as there are lives available to biographers, then the artful part of biography begins in finding a form that somehow "fits" the individual life—that "fits" the life and, at the same time, also allows the biographer to signal that life story's retelling as an artifact, "a thing made," "an artificial product" of "human art and workmanship," to recall the *OED*. Postmodern innovations in biographical form, it seems to me, have tended to address part of this challenge by drawing explicit attention to the biographer as an agential presence and narrative function.⁴ While the effect of such self-inclusive reflexivity can make biography *seem* "more natural, more honest, more real" and, perhaps, more "creative," this approach yields, of course, no more necessarily uncontrived, unfiltered, or honest a peek into the "filthy workshop

4 Rosemary Sullivan's *Shadow Maker: A Life of Gwedolyn MacEwen*, Janet Malcolm's *The Silent Woman: Ted Hughes and Sylvia Plath*, and Rudy Wiebe and Yvonne Johnson's co-authored *Stolen Life: The Journey of a Cree Woman* are just a few prominent examples of the various forms of life writing that self-reflexively highlight the "constructed" nature of their truths by scripting the biographer into the story as a participant or collaborator in the re-making of the subject's life, actively recording details of the processes of biographical research and reconstruction.

of creation” than more impersonal accounts wherein the biographer never enters the narrative as anything but an implicit presence.⁵ Nevertheless, the popularity of the apparently more transparent subjective approach to life writing has led at least one nonfiction writer to a conclusion with which I tend to agree: “[T]oo often these days,” Philip Gerard says, “we enter the story whether it needs us or not” (50). In my case, the already dangerously dramatic and crowded story of Pat Lowther did not, as a rule, need me. (“I” show up a couple times early on but recede—along with Roy Lowther—as a visible presence over the course of the book, allowing a more sustained focus on Pat and her work.)

It was, instead, an entry in one of Pat’s notebooks which led me to a form that I thought might both “fit” her life and signal the limits of biographical “truth” as a subjectively manufactured artifact. Science intrigued Lowther, and the notebook entry was one of many in which she drew attention to the persistence of various kinds of elemental energies over time. Borrowed from the physical sciences, the idea of the half-life seemed accurate enough for the sad fact of her half-lived life, ruthlessly cut off at forty. But it also seemed appropriate as a metaphor for Lowther’s poetics and for aspects of a posthumous life that raised interesting questions about the energies of historical memory and its variable rates of transformation and erosion. Finally, as a structural principle of form, multiple “half-lives” seemed to offer a means of reinforcing the partial and arbitrary nature of my presentation of Lowther’s life—as well as of the problematic biographical premise of a unified subject.

Within whatever formal framework it can best invent in response to its subject, the artifactual licence of biography extends also, of course, to its internal arrangement of chronology and detail. In the particular instance of Lowther’s life, this involved the challenge of assessing a life story *as* a story, not just in terms of its dramatic possibilities but also in terms of the ethical and political implications of those dramatic possibilities. In this sense, biographical facts can and should inform and constrain a biographer’s imaginative options for narrative order and design, among other things. For me, the central issue in this regard was how—and where—to handle the fact of Pat’s violent death and its ensuing public fallout. Or, how best to write around the drama of what Sharon Thesen once starkly referred to as “the template of that tragedy, casting its form over every [Pat Lowther] poem” (1997, 19).

5 Gerard, 2001, 50. In the latter case, of course, such impersonal accounts generate the respective illusion of greater “objectivity” or omniscience.

Within whatever formal framework it can best invent in response to its subject, the artifactual licence of biography extends also, of course, to its internal arrangement of chronology and detail.

For life trajectories that come to rest at natural conclusions, the subject's death is often, as John Worthen puts it, "not so much a documentary fact, [but] more of a biographical opportunity" (237). But the "story" of Lowther's awful, unnatural death proved the very antithesis of any sort of "biographical opportunity." Indeed, my "decision" to start at the end was really not much of a choice at all. At this historical remove anyway, the biographical fact of Pat's murder looms instead before any would-be biographer as a sort of narrative imperative—at once, a crucial detail for any starting point *and* a dreadful final destination.⁶ It was a tragedy that promised, at the very least, to pull me along in the undertow of its foreknowledge and, at the worst, to make me risk cheapening Pat's death by exploiting that murderous end as any kind of narrative climax. ("You know," as a friend assured me early on, "people will skip right to the last chapter of the book to read about the murder.") The fact that this was a beginning *and* an end supplied in deed and effect by Pat Lowther's murderer also threatened to hold any account of her life somehow too firmly in Roy's grip. As I came to see that Pat's death and posthumous "life" posed some serious interpretative problems—problems that required working through *in advance* of any attempt to retell her life—I capitulated to the first half of the narrative imperative handed to me, by placing that problematic death first and addressing it squarely. But this was only as a means of trying to leave it behind, to free up the possibility of "arriving" at some other place of ending.

The book's opening section thus explores the question of "Pat Lowther" as a tragic icon—or, a fictionalized nonfiction—in some ways disturbingly pre-authorized or "blueprinted" by Roy, whose perversely symbolic crime set into motion what would be aptly described at his trial as "a real show" (McLellan 3A). Like reality television nowadays, this "show" was "reality" heavily scripted, and as a theatrical "show" it veered between the bipolar extremes of crude melodrama and Shakespearean high tragedy.

6 The problem of Lowther's death in this respect also relates, more generally, to the question (or illusion) of causality in biographical narrative:

Deaths in biographies are very often—*by their very position in the narrative*—seen not just as the necessarily final things to happen to the subjects ... but as culminating points which can be used to sum up and confirm what the *lives* have really been about. ... So-called documentary facts ... in a biography may be no more than materials manipulated by the biographer into an apparently seamless ... web of cause and effect, of inevitable and seamless progression. ...The biographer ensures that his [sic] centralizing magnet groups [random details] to form the shape of the rose: the life and its progress to death. (Worthen, 235, 237, emphasis added)

It was a “real show” that has, since Pat’s death, continued to unfold, in a heterogeneous body of cultural texts and commemorative literature. These materials are also examined in the early chapters of my book, in terms of “Pat Lowther’s” largely metaphorical “canonization” over time. But in beginning with the accounts of Lowther’s murder and the ambiguities of her posthumous “legacy,” my main aim was to illustrate the potency of that fate as a necessary pre-text for, and a complicating factor in, interpretations of her life. Too often and too easily, these have tended toward retroactive readings of the murder back in time, looking for dark portents or “causes” of that impending tragedy in Pat’s personal history (some sort of family dysfunction or childhood trauma); in her psyche (some sort of masochism or death-wish); and last, but not least, in her poetry (often referred to as “death haunted”).⁷

It is entirely true that many biographies readily take flight from the “available evidence” at this point, to “imaginatively” speculate about the victimized subject’s possible Oedipal trauma, fantasy, abuse, neglect, etc. (Rogers 2006). But to my mind, the *absence* of any concrete, obvious evidence of psychological or emotional dysfunction on the part of Pat and her family seemed information in itself. To “imaginatively reconstruct” possible scenarios to the contrary would, as far as I could see, serve mainly to help extend Roy’s death sentence backwards in time as a determining factor in and of *Pat’s* character and life. (Thus according him, I think, more authority over Pat’s life than is his due.) In this sense, my book avoids the kinds of “imaginative reconstruction” popular in some forms of literary biography and psycho-biography. Instead, it tries to re-see a life typecast as “victimized,” by taking an essentially anti-teleological approach—resisting even in its narrative design the notion of a human being directed from the start toward a certain end or shaped by a certain purpose or fate.

When and why one might choose to stray from, or stay close to, the facts or documentary evidence are, then, questions specific to the circumstances of each biographical instance and act. In the case of what I flatter

⁷ Thus, one reviewer of *The Half-Lives of Pat Lowther* faults the book for not developing “areas that require more imaginative reconstruction,” including such prime—or primal—“areas” as, “What drew [Pat Lowther] to dangerous men?” and “What was her relationship with her mother?” (Rogers, 2005). I find the persistence of such questions both poignant and disconcerting: poignant in that they reaffirm the sheer strength of our desire to somehow “explain” incomprehensible acts of senseless violence—in this case, an act perpetrated by a paranoid schizophrenic, but disconcerting, too, inasmuch as one could argue that the premise subtending such questions, by their insistence on tracing some element of causality back to the victim of violence, risks a subtler version of “she was asking for it all along.”

myself to think of as my “partnership” with Pat, it was a combination of considerations that guided my approach, including my lack of a personal acquaintance with my subject and the sensitive nature of her history. (Including the important fact that many of the principal “characters” in that history are still living today, making issues of privacy and disclosure constant concerns.) Perhaps it was also the extent to which Pat Lowther’s murder and afterlife emerged, over time, as a “real show”—badly riddled with bizarre perversions of truth, displacements of fact, and erasures of memory—that inclined me to anchor my narratives quite firmly in the “available evidence” in the end. All these sorts of factors help shape our assessment of what kinds of truth—and/or artful invention—a given biographical artifact can or should attempt to handle at a given historical moment.

♦♦♦

This account of ethical considerations around narrative form—of my struggle with the question of “the right way” to tell Pat Lowther’s story—reflects a highly compressed re-telling of an eight-year process that more or less initially coincided, in 1998, with the introduction of our major post-secondary policy document on research ethics, the Tri-Council’s *Statement on Ethical Conduct for Research Involving Humans*. And in the end, this regulatory context cannot go without some consideration, too. For questions about “the right way” to tell a story—about the principles informing any finalized narrative form—are also, of course, inextricably related to questions about “the right way” to research, pursue, and develop that “story” in the first place.

If the challenge of *principled* biographical practice stems, broadly speaking, from attempting to respond, in practice, to difficult theoretical problems of power and authority, voice and representation, then it is also true that biographical research is further complicated *in practice* by what John Worthen has called “the necessary ignorance of the biographer” (1995). I trace this “ignorance,” at least in part, to the biographer’s necessarily emergent methodology, which cannot know its outcomes in advance of their discovery. Consequently, such research relies on a form of procedural ethics that must remain alertly responsive and adaptive to case-specific circumstances—circumstances which are in themselves recombinant, calling for continuous re-evaluation as, for example, research findings and relationships with living sources shift over time. Herein lies at least part of the problem with the recent codification of research ethics within the academy, not just for biographers but for many researchers in the Humanities, who venture to engage in work “involving human subjects.”

In a word, the Tri-Council's *Statement on Ethical Conduct* is all about "generalizability."⁸ Generalizability not only informs the *Policy's* stated assumption that "research ethics principles transcend disciplinary boundaries" (i.2) but also informs its unstated assumption that many research ethics *practices* should "transcend disciplinary boundaries," too, and, further, its assumption that any "transcendent" or "generalizable" principles should take as their template in practice the conventions and paradigms of the clinical and experimental sciences. This bias has emerged as a persistent criticism in recent years. Echoing concerns raised to date largely by social scientists, a recent subcommittee report to the Tri-Council's Interagency Advisory Panel on Research Ethics (PRE) has sharply critiqued "the biomedical/experimental hegemony that currently dominates the *TCPS*" (*Giving Voice*, 10).⁹ Among other key issues that this report, entitled *Giving Voice to the Spectrum*, identifies as "priority areas for reconsideration," it singles out the *Policy's* definition of "free and informed consent" (27).¹⁰ It is specifically critical of the *Policy's* privileging of "the signed consent

8 The "fact or quality of being generalizable" or "thrown into general form" (*OED*) is the meta-principle informing the Tri-Council's very rationale: namely, to "harmonize the ethics review process" of SSHRC, NSERC, and the Canadian Institutes of Health Research (*TCPS* i.2). It also informs the *Policy's* basic definition of the term "research" (in part, defined as "generalizable knowledge" [*TCPS*, 1.1]).

According to Van den Hoonaard, the process of "ethical norming" began in the early 1990s when the three granting councils started the process of developing the *TCPS*:

The first draft of the Policy was issued as a memorandum on 16 November 1994. [That] draft was widely circulated but under the force of opposition on the part of academics and other researchers, the draft seemed to have withered away. It resurfaced in 1998 in revised form, and the councils quickly adopted it in [August] 1998. Universities now use the Policy, which was initially adopted to facilitate ethical approval of research funded by the three councils, to cover non-funded research, including undergraduate research. (20)

9 See also, for example, Van den Hoonaard 2001; Drakich *et. al.* 2002; Haggerty 2004.

10 The *TCPS* makes exceptions but stipulates that consent be "ordinarily obtained in writing" (2.1, emphasis added); the model of informed consent assumed is based on clinical trials. Although it is a "myth that written consent is always required by the *TCPS*," evidence documented to date suggests that this is often not the case in practice, with Research Ethics Boards (REBS) frequently insisting on requiring written consent (Ells and Gutfreund 365, 364). The SSHRC report, *Giving Voice to the Spectrum*, also questions the *TCPS's* definitions of "research," "minimal risk," and "human subject," all of which are categories the report shows to be predicated on positivist assumptions of the sciences. For

Examples of
“ethics creep”
and its
administrative
manifestations
abound.

form as a default expectation,” a protocol imported from the experimental sciences and just one example of an ethics requirement that is not adequately or appropriately “generalizable” to many disciplinary fields in the Social Sciences, Humanities, and Fine Arts, biography emphatically included. In such cases, the requirement of written consent is often “redundant and creates unnecessary formalities [that] impede research” by “imposing a legalistic framework” on relationships that are not neatly legal or clinical in their parameters, but, rather, more complexly participatory, collaborative, and often plural in nature (2004, 28).¹¹ This is to say that for biographers (as also for some ethnographers and anthropologists), working with sources entails an ongoing and multi-dimensional relationship, a constant negotiation of “consent” based on mutual trust and respect (and the inherent possibility of its betrayal, by either party).

For better or for worse, there are good reasons why, on the matter of consent, among others, biographers, for one, have historically relied upon established ethics practices more closely aligned to professional journalism, even in cases of “authorized” biography where a legal contract instantiates the work. Will Van den Hoonaard forecasts that if Research Ethics

example, the *TCPS* definition of “risk” tends to overlook the fact that, across disciplines, we are talking about a continuum that ranges from the potentially fatal in the medical sciences to research that poses virtually no danger to anyone at the Humanities and Fine Arts end of the “spectrum”—for example, interviews with public figures such as artists. As Haggerty points out, “risk” “has a precise meaning” in actuarial science and statistics, but university REBs are generally not dealing with a likelihood of “risk” of harm in this empirical sense: instead, it is “more akin to a subjective imagining of potential scenarios” of “untoward outcomes” even when actual “eventualities are vanishingly remote” (400). Finally, the SSHWC sub-committee report also calls for a stronger affirmation of academic freedom in ethical inquiry (16–18), pointing up at least one particularly “troublesome” clause in the *TCPS* which suggests that “the findings” of research “and their interpretation” may also be subject to oversight by university Research Ethics Boards (*TCPS* 1.8; *Giving Voice*, 18).

- 11 It has also been frequently noted that in many cases of research that is inductive in methodology, it is virtually impossible to obtain fully “informed”—and therefore fully “free” consent—at the outset of a research/creative project, anyway, since the research aims have yet to be uncovered. Nor is the issue any less complex at the bio-medical end of the disciplinary “spectrum.” As medical ethicists Ruth Fadan and Tom Beauchamp note, more rigorous procedures for “informed consent” in recent decades have not “changed the fundamental character of the physician-patient relationship.” For most medical procedures the “lines of authority and control seem roughly” to be as they always have been, reliant on a model of beneficence wherein “patients acquiesce to medical interventions,” rather than freely or “autonomously authorizing them” (100).

Boards continue to insist on mandated consent forms, and research funds remain dependant on this compliance, then certain forms of ethnographic research “may have to move away from the protection of the university community” (2001, 31), a move that might conceivably apply to fields such as auto/biography and other creative and performance-based research disciplines, as well. In this respect, it has been argued (and I agree) that writers and researchers within the university may be disadvantaged in relation to freelance writers and professional journalists, professions “comparatively free from the types of ethical scrutiny to which academic[s] are now subjected” (Haggerty 393; see also Shea 2004). While it is true that stricter methodological requirements help set scholarship apart from journalism, professional standards of research ethics and practices are an issue distinct from the *legislation* of such standards by new layers of administrative oversight and regulation that in some cases are threatening to infringe on the “essential freedom” that distinguishes scholarship in the first place: namely, “the institutionally guaranteed freedom to seek and impart new knowledge” (PRE, *Refinements* 26, Appendix I, 1.7).

Giving Voice to the Spectrum is an important document. Legitimizing concerns raised by qualitative researchers across the behavioural sciences, it explicitly reaffirms the conclusion that the “imposition of research-design standards from one field onto other fields” represents not just an unnecessary irritant but an “undermin[ing] of academic freedom” (27).¹² And yet, at the same time that crucial work is being done to “give voice” to our ends of the disciplinary “spectrum,” the “evolution” of the *Policy* is also caught in a terrible paradox by looking to extend fine print ethics “guidance” on areas, methods, and techniques “insufficiently covered” in the current document.¹³ The initiatives now underway to overhaul the *Policy* to better accommodate our research methods and requirements are double-edged. On the one hand, they include calls for a more discipline-specific, “proportionate approach to ethics review” that could (maybe) result in a more realistic and efficient handling of “risk assessment,” especially where it comes to the Arts.¹⁴ Casting a finer policy net over such fields, on the principle of inclusiveness, also presumably safeguards researchers

12 See also Van den Hoonaard, perhaps the first to make this point (2001, 31).

13 A subsequent discussion paper released by SSHWC states the committee’s “intention to recommend to the Interagency Advisory Panel on Ethics (PRE) that a section on qualitative research be inserted into the *TCPs*,” thereby extending ethics policy “guidance” in areas of particular relevance for the Fine Arts, Social Sciences, and Humanities (*Qualitative Research*, 5).

14 See PRE, *Refinements*, 2005, esp. 9–14, 22.

in these fields from ambiguous loopholes that could pose problems when interpreted by overzealous Research Ethics Boards. On the other hand, why is this policy net now being cast over fields in the Humanities and Fine Arts which have not historically been subjected to such regulation? And at what point does a more precise language of mandated “guidance” for our research communities come at the risk of proscribing our right to exercise—for better *or* worse—our own individual judgements about “the right way” to proceed with our work? Is meaningful particularity—a new emphasis in the most recent discussion paper released by the Social Sciences and Humanities Research Ethics Special Working Committee (SSHWC)—even possible in any general “policy” document?¹⁵

In the revisions being proposed to the *Tri-Council Statement*, we are witnessing, once again, what has variously been called “ethics drift,” “mandate creep,” or “mission creep”: the ongoing “expansion” and “intensification” of the ethics “regulatory system” and its “activities” within the academy (Haggerty 389; Nelson 73). Examples of “ethics creep” and its administrative manifestations abound.¹⁶ We may not cast it in the ominously Orwellian terms of Cary Nelson’s “brave new world of research

15 The most recent SSHWC report, *Qualitative Research in the Context of the TCPS*, struggles with this very problem: “Since each social setting involves unique relationships and social patterns, it is a challenge to formulate standard or uniform guidance” (18). The problem of situational ethics versus codified law is aptly restated by Mariana Valverde:

Formal abstraction is not an unfortunate accident of law but a constitutive feature [of it] ... everything can be compared to everything. ... In this sense, law is the opposite of justice ... Derrida, following Emmanuel Levinas, argues that justice “must always concern singularity” ... Justice, which always involves “an unlimited responsiveness and responsibility for the other” ... cannot be fixed precisely because it is not a state of affairs but rather a movement toward the particularity of the other. ... [It is] a movement that by definition can never be fully accomplished. (658)

16 Aside from the imposition of ethics oversight on fields in the Humanities and Fine Arts which have not so far been subjected to such regulation, the ever-widening ambit of REBS and institutional ethics bureaucracy is evident in manifold ways. For one thing, the *Tri-Council Policy*, a one-hundred-plus page document in itself, also comes with a sequel, half as long, called *Interpreting the TCPS*. But “creep” is more evident in the movement now afoot to accredit REBS through a federally centralized ethics super-committee, in effect adding a new layer of bureaucratic oversight to an already resource-strained (and environmentally unfriendly) process of institutional oversight. As Drakich et al. point out, the rationale for such accreditation is to provide “a public assurance system, but also to satisfy pressures being brought to bear on Canadian universities and researchers by the U.S. National Institutes of Health (NIH), which annually provides several million dollars in support of Canadian [health] research and

surveillance” (2004),¹⁷ but it is a fact that the bureaucratic regulation of our “ethics”—and, in some cases, regulation of the kinds of research sanctioned for us to pursue, too—only shows signs of future proliferation.

As sociologist Kevin Haggerty suggests, we might be questioning the “move away from a system based on an assumption of professional competence and responsibility to one based on institutionalized distrust, where researchers are presumed to require an additional level of oversight to ensure they act ethically” (391). We might be questioning the “need for accountability to REBS” for Humanities and Fine Arts disciplines never before subject to such requirements (SSHWC, *Qualitative Research* 16, emphasis added). We might note that opportunities for collegial discussion and debate of ethics policy have come only *after the fact* of the Tri-Council’s unilateral implementation of it in the first place (during the “consultation” time periods allotted by its ethics advisory committees, PRE and SSHWC). We might note that the Canada Council, mothership from which SSHRC was first launched in 1977, imposes no such corresponding ethics oversight or review on its grant holders as a condition of funding. We might note how such arts agencies continue to be vigilant about defending the “arm’s length” principle which has historically defined their relationship to state sponsorship and government policies of the day. And

researchers” (2002, 256). Ironically, the “public assurance” angle of institutionalized ethics oversight entails an illusion that perfectly enacts the play of Derrida’s “transcendental signifier,” since, at present, the only academic bodies immune from the regulatory mechanisms of ethics overview are REBS themselves. If a new federal accreditation body comes into being, it will shift to assuming the position of the transcendental signifier, itself above any ethics regulation. (For this reason, recent arguments to the effect that problems with research ethics policy “are not inherent in the TCPS itself, but rather, in its interpretation and implementation,” offer rather cold comfort, although they do provide a valuable resource for researchers [Ells and Gutfreund 360]). Another worrisome example of “creep” is in the related creation of new professional-managerial “ethics advisory” positions. One recent ad for a “Senior Ethics Advisor” at a prominent Canadian university specified in its job description the task of interpreting the TCPS and official policy in specifically *non*-medical research contexts, as well as educating faculty, staff, and students. The stipulated qualifications for this “senior” advisory position were an M.A. and three years “related experience”—not with any particular “non-medical” academic disciplines but, rather, “a background working with committees and/or boards” (*Globe & Mail* 28 April 2006). And finally, we witness “creep” in the increasing pressure on REBS to assume a broader and broader array of policing and monitoring responsibilities for renewals, expiries, transgressions, noncompliance, and so forth.

17 See Cohen (2007), Shea (2000), and Scarce (1999) for other accounts of research ethics regulation and academic freedom in the U.S. context.

we so-called “knowledge producers” in the Arts might reflect more carefully on how and why universities have been losing some important ground on that front in recent years and what that bodes for us in the Humanities and Fine Arts.

To be absolutely clear, I am not arguing, then, that ethics oversight is unnecessary in all fields. That the Nuremberg Code (1948) underwrites modern ethics regulation after the Nazi medical experiments of the Second World War is only the most harrowing reminder of the necessity for review in the biomedical fields. One need only glance at the similarly scandalous broader history of experimental science to see that there are good reasons for ethics review in many fields of the social and behavioural sciences—all of which, however, to my knowledge, have evolved rigorous disciplinary ethics standards and oversight mechanisms *prior* to the introduction of the TCPS, of Research Ethics Boards, and of their U.S. equivalents, the Institutional Review Boards (IRBs). My aim is rather to reinforce arguments already made elsewhere (for example, Nelson 2004): namely, that while the situated nature of applied ethics is as true for researchers in the biomedical and social sciences as it is for those in the Arts, the professional responsibilities and risks, the procedural checks for due diligence, the consequences of their failure, *and* the applicable statutory laws differ vastly.¹⁸ What I *am* arguing, then, is that the current Tri-Council requirements of ethics oversight at our “end” of the disciplinary “spectrum” are unnecessary and unacceptable, taking into account not only processes of formal peer review and informal peer consultation but the checks and balances of civil law for such “risks” as our work is most likely to pose: breaches of privacy, confidentiality, libel, plagiarism, etc.

At any rate, as a Humanities representative on an Ethics Board myself, what I am glimpsing is an institutional culture increasingly schooled to perceive all “risk” as a negative liability, with researchers encouraged or induced to adopt “better-safe-than-sorry” approaches and measures that can amount to forms of unnecessary self-censorship. Being called upon to “prove,” up front, that one’s work meets “a common standard” of ethical research that is essentially designed for experimental scientists—for

18 To take only one obvious example, the first principle of medicine is “Do no harm,” as the TCPS indeed fleetingly acknowledges (i.7), but what REBS—depending on the disciplinary representation and backgrounds of their membership—may risk under-appreciating is that this is not necessarily the case with many forms of Humanities and Fine Arts research, including social critique, biography, cultural criticism, investigative and literary journalism, and certainly not art (Is good art always “moral?”).

whom concepts like “risk” include the grave prospect of actual fatality—can be even more intimidating than reading the Tri-Council *Policy* itself (which is bad enough). Perhaps it is not surprising, then, that many applications for ethics “clearance” from Humanities researchers nowadays seem to reveal an anxious readiness for *over-compliance*, constructing, for example, needlessly elaborate “risk minimization strategies” in cases where the actual likelihood of “harms” is negligible to zero or, more disturbingly, “voluntarily” offering to their research subjects anonymity or veto power over use of interview materials, even in cases where the proposed research is purely impersonal in focus and there are no concerns regarding consent or vulnerable populations. It is, perhaps, a variation on a new phenomenon that has been elsewhere aptly dubbed as “obedience by anticipation.”¹⁹

Rather than devising means of “voluntarily” fettering our research to “prove” its ethical integrity, researchers in the Arts, thus far, understandably, the “silent” end of the disciplinary “spectrum”—since ethics reviews as such are essentially foreign to our disciplinary histories—need to be reasserting at every opportunity our rights to free critical inquiry and to the inherent “risks” of authorship, in particular.²⁰ As Cary Nelson notes, there are no “ultimate arbiters of ethics and professional conduct. There are only ongoing struggles with complex, competing responsibilities ... So it goes” (79). At the other end of the disciplinary “spectrum,” medical ethicists concur, albeit with very different potential consequences at stake: “Moral dilemmas require a balancing of competing claims in untidy circumstances” (Fadan and Beauchamp 20). What it all comes down to, as the latest report published by the Social Sciences and Humanities Research

19 Toni Samek, unpublished “Summary Report on Conference on Academic Freedom Post 9–11,” Toronto, 28–30 September 2005, 3. As Ells and Gutfreund point out, the notion that “anonymity *must* be guaranteed” is the “#1” “myth” about the *TCPS* (363, emphasis added). Nevertheless, the phrasing of the *TCPS* on this matter—“*As a general rule*, the best protection of confidentiality of personal information and records will be achieved through anonymity” (3.2, emphasis added)—again reflects “a general rule” of the sciences and social sciences, wherein the “anonymization” of data is “standard” practice. Far from being “a general rule,” anonymity is rather the exception in many fields of Humanities research. In the recent cases to which I allude above, of researchers in the Humanities and Fine Arts who are, in effect, automatically adopting or acquiescing to the “general rule” or “norms” of disciplines in the sciences and social sciences, we witness the playing out, in practice, of what Van den Hoonaard has called the Tri-Council’s aim of “ethical norming.”

20 As far as scholars and artists in the Humanities and Fine Arts are concerned, I think the American writers Nicholas Hentoff and Harvey Silvergate say it best: “If you really want to be safe from legal liability, you should write about gardening, and try to avoid criticizing the pesticide industry” (156).

Ethics Special Working Committee (SSHWC) indeed acknowledges, is professional competence and personal integrity, or “diligent attention on the part of the researcher” (*Qualitative Research* 18).²¹ These are human variables that no number of review boards or ethics “certificates” can ever guarantee, whether prior to or post the Doctor of Philosophy degree.

Incidentally, aside from summarizing the findings of its important predecessor, *Giving Voice to the Spectrum*, the latest SSHWC discussion paper, *Qualitative Research in the Context of the TCPS*, makes no point of explicitly reinforcing the principle of intellectual freedom “in the context of the *TCPS*.”²²

♦♦♦♦

It’s an interesting intersection, the difficult story of Pat Lowther and the institutional context framing the conditions of its re-telling in the present. Lowther, whose poetry evolved in close accord with her political commitments as a socialist and a feminist, once said that a writer’s responsibility was “mainly to stay alert.”²³ That remark applies, I think, to academics as well, as we witness the rise of a managerial—and well managed?—professoriate. Like Cary Nelson and medical ethicists Ruth Fadan and Tom

21 Nevertheless, here are some of the survey questions posed in this recent SSHWC discussion paper:

As the writing of early field notes may or may not coincide with actual research projects, how do such notes relate to gaining ethics approval if they do mature into actual research projects?... Should institutions develop special review procedures for ... unexpected and immediate “emergency or disaster” research?... Should researchers be able [i.e., required] to submit general research intentions and procedures in anticipation of such unique research environments, while working within appropriate ethics guidelines? ... Accommodation of the *TCPS* to this style of research would require that researchers provide REBS with appropriate information regarding the various *preliminary and future stages* of their research. (*Qualitative Research* 15, emphasis added)

Questions of this sort bring to mind Thomas King’s wonderful discussion of ethics in his Afterword to *The Truth About Stories: A Native Narrative*: “Now, I’m not saying that we don’t have *any* ethics. I’m just suggesting that we don’t have the ones we think we have” (159, emphasis original).

22 In its preamble, the *Qualitative Research* discussion paper notes that its predecessor “identified the need to balance the rights of research subject subjects, particularly in the social sciences and humanities, with the need for free and open inquiry” (6). But the issue is not raised elsewhere in the document, nor does it factor into the survey questions upon which SSHWC intends to base its final recommendations for revisions to the *TCPS*.

23 Undated loose-leaf draft of author statement for anthology contribution to *Mountain Moving Day*, in the possession of Beth Lowther.

Beauchamp, Lowther would have also richly appreciated the problem of negotiating relentlessly “competing responsibilities” and “untidy circumstances,” faced as she was with poverty, four children, a mentally unstable husband, and a growing array of professional and volunteer obligations, all of which pressed on her time and energy for writing. Her own notoriously chaotic work space at home—“untidy circumstances” indeed—reflected the stress of these multitudinous claims. And perhaps there is nothing better, after all, than a writer’s “filthy workshop of creation” as a metaphor for the inherently “untidy circumstances,” “moral dilemmas,” and “competing claims” that will always confront those of us who write—whether within or outside the academy. At least, as Mary Shelley might add, so long as we remain human.

Works Cited and Consulted

- Bloom, Lynn Z. *Fact and Artifact: Writing Nonfiction*. New Jersey: Prentice Hall, 1994.
- Cohen, Patricia. “As Ethics Panels Expand Grip, No Field is Off Limits.” *New York Times*. 28 February 2007.
- Coleridge, Samuel Taylor. “Selection from Mr. Coleridge’s Literary Correspondence with Friends, and Men of Letters.” *Blackwood’s Edinburgh Magazine* 56.10 (October 1821): 241–59.
- Drakich, Janice, Karen R. Grant, and Penni Stewart. “The Academy in the 21st Century.” *The Canadian Review of Sociology and Anthropology* 39.3 (August 2002): 249–60.
- Ells, Carolyn, and Shawna Gutfreund. “Myths about Qualitative Research and the Tri-Council Policy Statement.” *The Canadian Journal of Sociology* 31.3 (2006): 361–73.
- Fadan, Ruth R., and Tom L. Beauchamp. *A History and Theory of Informed Consent*. New York: OUP, 1986.
- Gerard, Philip. “Taking Yourself Out of the Story.” In *Writing Creative Non-Fiction*. Eds. Philip Gerard and Carolyn Forché. Cincinnati: Story Press, 2001. 50–56.
- Gillen, Charles T. “The Bog-Like Ground on which We Tread: Arbitrating Academic Freedom in Canada.” *The Canadian Review of Sociology and Anthropology* 39.3 (August 2002): 301–21.

- Grant, Karen. "A Conversation on the Future of the Academy with James Turk, PHD, Executive Director, Canadian Association of University Teachers." *The Canadian Review of Sociology and Anthropology* 39.3 (August 2002): 261–74.
- Haggerty, Kevin. "Ethics Creep: Governing Social Science Research in the Name of Ethics." *Qualitative Sociology* 27.4 (Winter 2004): 389–412.
- Hentoff, N., and Harvey Silvergate. "Avoiding Self-Censorship: A Guide to the Detection of Legal Land Mines." In *Writing Creative Nonfiction*. Eds. Philip Gerard and Carolyn Forché. Ohio: Story Press, 2001. 140–57.
- Horn, Michiel. "The Mildew of Discretion: Academic Freedom and Self-Censorship." *Dalhousie Review* 72.4 (Winter 1992–93): 439–66.
- King, Thomas. *The Truth About Stories: A Native Narrative*. CBC Massey Lecture Series. Toronto: House of Anansi, 2003.
- Lowther, Pat. *Time Capsule: New and Selected Poems*. Vancouver: Polestar Press, 1997.
- McLellan, Don. "Verses and Verdicts." *Vancouver Sun* (29 April 1975), 3A.
- Nelson, Cary. "The Brave New World of Research Surveillance." In *Office Hours: Activism and Change in the Academy*. New York: Routledge, 2004. 69–80.
- Roger, Robin. "Half-Lives of Pat Lowther Seen from the Hub of a Wheel." *Vancouver Sun* (21 January 2006).
- Samek, Toni. Unpublished "Summary Report on Conference on Academic Freedom Post 9–11." Toronto, 28–30 September 2005.
- Scarce, Rik. "Good Faith, Bad Ethics: When Scholars Go the Distance and Scholarly Associations Do Not." *Law and Social Inquiry* 24.4 (Fall 1999): 977–86.
- Shea, Christopher. "Don't Talk to the Humans: The Crackdown on Social Science Research." *Lingua Franca* (September 2000), 27–34.
- SSHRC Research Ethics Special Working Committee (SSHWC). *Giving Voice to the Spectrum*. Report to the Interagency Advisory Panel on Research Ethics. June 2004.
- SSHRC Research Ethics Special Working Committee (SSHWC), *Qualitative Research in the Context of the TCPS*. Follow-up Report to the Interagency Advisory Panel on Research Ethics. December 2006.
- Thesen, Sharon. "Earth's Dark Anvil." *Vancouver Review* 24 (1997): 19.

- Tri-Council Policy Statement on Ethical Conduct for Research Involving Humans*. 1998, 2003.
- Tri-Council Interagency Advisory Panel on Research Ethics (PRE). *Refinements to the Proportionate Approach to Research Ethics Review in the TCPS*. December 2005.
- Tri-Council Interagency Advisory Panel on Research Ethics (PRE). "Process and Principles for Developing a Canadian Governance System for Ethical Conduct of Research Involving Humans." June 2002.
- Valverde, Mariana. "Derrida's Justice and Foucault's Freedom: Ethics, History, and Social Movements." *Law and Social Inquiry* 24.3 (Summer 1999): 655–78.
- Van den Hoonaard, Will C. "Is Research Ethics Review a Moral Panic?" *The Canadian Review of Sociology and Anthropology* 38.1 (February 2001): 19–36.
- Worthen, John. "The Necessary Ignorance of the Biographer." In *The Art of Literary Biography*. Ed. John Batchelor. Oxford: Clarendon, 1993. 227–43.
- Wyatt, Edward. "Live on Oprah, A Memoirist is Kicked out of the Book Club." *New York Times*. 27 January 2006.

