IRBS AND THE TURN TO INDIGENOUS RESEARCH ETHICS.¹

Norman K. Denzin

I want to read the controversies and scandals surrounding IRBs within a critical pedagogical, discourse. Ethics are pedagogies of practice. IRBs are institutional apparatuses that regulate a particular form of ethical conduct, a form that may be no longer workable in a trans-disciplinary, global and postcolonial world. I seek a progressive performative cultural politics that enacts a performance ethics based on feminist, communitarian assumptions. I will attempt to align these assumptions with the call by First and Fourth World scholars for an indigenous research ethic (Smith, 1999; Bishop, 1998; Rains, Archibald, and Deyhle, 2000). This allows me to criticize the dominant bio-medical model ethical model that operates in many North American universities today. I conclude with a preliminary outline of an indigenous, feminist, communitarian research ethic. This ethic has two implications. It would replace the current utilitarian ethical model that IRBs utilize. It argues for a two-track, or three-track IRB model within the contemporary university setting.

CULTURAL POLITICS AND AN INDIGENOUS RESEARCH ETHIC

There is much to be learned from indigenous scholars about how radical democratic practices can be made to work. Maori scholars Linda Tuhiwai Smith (1999) and Russell Bishop (1998) are committed to a set of moral and pedagogical imperatives and "to acts of reclaiming, reformulating, and reconstituting indigenous cultures and languages... to the struggle to become self-determining" (Smith, p. 142). These acts lead to a research program committed to the pursuit of social justice. In turn, a specific approach to inquiry is required. In his discussion of a Maori approach to creating knowledge Bishop (1998, p. 207) observes that researchers in Kaupapa Maori contexts are

"repositioned in such a way as to no longer need to seek to give voice to others, to empower others, to emancipate others, to refer to others as subjugated voices, but rather to listen and participate... in a process that facilitates the development in people as a sense of themselves as agentic and of having an authoritative voice... An indigenous Kaupapa Maori approach..."
to research ... challenges colonial and neo-colonial discourses that inscribe "otherness"  
(Bishop, 1998, pp. 207-208).

This participatory mode of knowing  privileges subjectivity, personal knowledge and  the specialized 
knowledges of  oppressed groups. It uses concrete experience as a criterion of meaning and truth. It 
encourages a participatory mode of consciousness that locates the researcher within Maori-defined spaces 
in the group. The researcher is lead by the members of the community, and does not presume to be a leader, 
or to have power that can be relinquished  (Bishop, 1998, p. 205). 

The researcher gives the group a gift. The gift is a way of honoring the group's sacred spaces. In 
laying down this gift, the researcher rejects the ideology of empowerment. There is no assumption that the 
researcher is giving the group power. Rather the laying down of the gift is an offering, a pure giving. And 
in this act researchers refuse any claim to anything the group might give them in return. If the group picks 
up the gift, then a shared reciprocal relationship can be created (Bishop, 1998, p. 207). The relationship 
that follows is built on understandings involving shared Maori beliefs and cultural practices. In turn 
research is evaluated by Maori-based criteria, not criteria imported from the international literature, 
including Western positivist and postpositivist epistemologies, as well as certain versions of critical 
pedagogy which think in terms of grand narratives and "binaries ... [or] dialectical linear progressions" 
(Bishop, 1998, pp. 209-211).

Like Freire's revolutionary pedagogy, West's prophetic pragmatism, and Collins's Afrocentric 
feminist moral ethic (1991), the Maori value dialogue as a method for assessing knowledge claims. The 
Maori moral position also privileges storytelling, listening, voice, and personal performance narratives 
(Collins, 1991, pp. 208-12). This moral pedagogy rests on an ethic of care and love and personal 
accountability that honors individual uniqueness and emotionality in dialogue (Collins, 1991, pp. 215-17). This is a performative, pedagogical ethic, grounded in the ritual, sacred spaces of family, community 
and everyday moral life (Bishop, 1998, p. 203). It is not imposed by some external, bureaucratic agency. 

Within the Kaupapa Maori community this ethic sets out specific guidelines for respecting and 
protecting the rights, interests and sensitivities of the people being studied (Smith, 1999, p. 119). These 
guidelines ask that Maori researchers make themselves present in a face-to-face manner with the members
of the community they studying. In these encounters the Maori scholar listens, shows respect, shares
knowledge, and is cautious, gentle and humble (Smith, 1999, p. 120).

These are the qualities the Maori use to determine if "someone has 'good' qualities as a person" (Smith, 1999, p. 120). These ethical codes, are the same protocols that govern the relations the Maori have with one another and their environment. Through respect "the place of everyone and everything in the universe is kept in balance and harmony" (Smith, 1999, p. 120). Respect is a principle that is felt as it is performed, experienced and "expressed through all aspects of social conduct" (Smith, 1999, p. 120).

In the Maori context, the concept of person refers to a being who has a series of rights and responsibilities that are basic to the group. These obligations include a commitment to warm, respectful, interpersonal interactions, as well as a respect for actions that create and preserve group solidarity. There is also a commitment to a shared responsibility for one another, which extends to corporate responsibility for the protection of group property, including the knowledge, language and customs of the group (Bishop, 1998, p. 204). In this context, as Bishop (1998, p. 204) notes group achievement often takes the form of group, not individual performance.

This view of performance parallels the commitment within certain forms of Red Pedagogy to the performative as a way of being, as a way of knowing, as a way of expressing moral ties to the community (Graveline, 2000, p. 361; Grande, 2000, p. 356). Fyre Jean Graveline, a Metis woman, speaks:

As Metis woman, scholar, activist, teacher, healer

I enact First Voice as pedagogy and methodology

Observing my own lived experience as an Educator

Sharing meanings with Others ...

My Voice is Heard

in concert with Students and Community Participants ...

I asked: What pedagogical practices

Enacted through my Model-In-Use

contribute to what kinds of transformational learning?

For whom" (2000, p. 363).

**The Performative as a Site of Resistance**
Because it expresses and embodies moral ties to the community, the performative view of meaning serves to legitimate indigenous worldviews. Meaning and resistance are embodied in the act of performance itself. The performative is political, the site of resistance. At this critical level, the performative provides the context for resisting neo-liberal and neo-conservative attacks on the legitimacy of the worldview in question. Indigenous discourses, like those of the Maori, for example, are constantly under assault. Neo-liberals and neo-conservatives deny the culture any legitimacy, and blame its members for the problems that the members of the culture experience. Liberals encourage assimilation, and melting pot views of race and ethnic relations. Radical, emancipatory theorists “claim that they have the formula for emancipation of Maori as oppressed and marginalized people” (Bishop, 1998, p. 212).

Bishop, Collins and Smith remind us that these positions presume that persons inside an indigenous culture are incapable of solving their own problems. Neo-conservatives and postpositivists want to control the criteria that are used to evaluate indigenous experience, and these criteria usually involve statistics and outcome measures which record the appalling conditions in the culture (Bishop, 1998, p. 212). Liberals rewrite school curriculum, and “radical emancipationists argue that Maori cultural practices do not conform to their perspectives of how emancipatory projects should develop” (Bishop, 1998, p. 212).

Under the guise of objectivity and neutrality neo-conservatives deny the culture's rights to self-determination. Multicultural curriculum revisionists rewrite the cultures' narratives to fit a hegemonic liberal discourse. And some radical theorists think that only they and their theories can lead the culture into freedom, as if members of the culture suffered from an indigenous version of false consciousness (Bishop, 1998, p. 213).

Each of these political positions undermines the integrity of the indigenous culture and the culture's commitments to the performative as a way of being, as a way of knowing, and as a way of being political. The performative is where the soul of the culture resides. The performative haunts the liminal spaces of the culture. In their sacred and secular performances the members of the culture honor one another, and the culture itself.

In attacking the performative, the critics attack the culture. Smith states the issue clearly, "The struggle for the validity of indigenous knowledges may no longer be over the recognition that indigenous
people have ways of knowing the world which are unique, but over proving the authenticity of, and control over, our own forms of knowledge” (p. 104, italics in original).

**Resisting Colonialism**

In response to the continuing pressures of colonialism, and colonization, Smith (1999, pp.142-162) outlines some 25 different indigenous projects, including those which create, name, restore, democratize, reclaim, protect, remember, restore, and celebrate lost histories, and cultural practices. These indigenous projects embody a pedagogy of hope, and freedom. They are not purely utopian, for they map concrete performances that can lead to positive social transformations.

Smith's moral agenda privileges four interpretive, research processes involving decolonization, healing, transformation and mobilization. These four, complex, interdependent processes address issues of cultural survival, and collective self-determination. In each instance they work to de-colonize Western methods and forms of inquiry and to empower indigenous peoples. These are the states of "being through which indigenous communities are moving" (Smith, 1999, p. 116). These states involve spiritual and social practices. They are pedagogies of healing, pedagogies of recovery, material practices that materially and spiritually benefit indigenous peoples.

**A Moral Code**

In turn, these processes require a set of moral and ethical research protocols. Fitted to the indigenous (and non-indigenous) perspective, these are moral matters. They are shaped by the feminist, communitarian principles of sharing, reciprocity, relationality, community and neighborliness discussed in previous chapters (Lincoln, 1995, p. 287). They embody a dialogic ethic of love and faith grounded in compassion (Bracci and Christians, 2002, p. 13; West, 1993). Accordingly, the purpose of research is not the production of new knowledge, per se. Rather, the purposes are pedagogical, political, moral, and ethical, involving the enhancement of moral agency, the production of moral discernment, a commitment to praxis, justice, an ethic of resistance, a performative pedagogy that resists oppression (Christians, 2002, p. 409).

A code embodying these principles interrupts the practice of research, resists the idea of research being something that white men do to indigenous peoples. Further, unlike the Belmont Code (see below) which is not content driven, this code is anchored in a culture and its way of life. Unlike the Belmont
Code, it connects its moral model to a set of political and ethical actions which will increase well-being in Maori culture. The code refuses to turn indigenous peoples into subjects who have been turned into the natural objects of white inquiry (Smith, 1999, p. 118). These principles argue that Western legal definitions of ethical codes privilege the utilitarian model of the individual as someone who has rights distinct from the rights of the larger group, "for example the right of an individual to give his or her own knowledge, or the right to give informed consent ... community and indigenous rights or views in this area are generally not ... respected" (p. 118).

Bishop's (1998) and Smith's (1999, pp. 116-119) ethical and moral models call into question the more generic, utilitarian, bio-medical, Western model of ethical inquiry (see Christians, 2000). A brief review of the bio-medical model, also known as the Belmont Principles, will serve to clarify the power of the indigenous position.

**THE BIO-MEDICAL MODEL OF ETHICS AND THE BELMONT PRINCIPLES**

As Gunsalus (2002, p. B-24) observes, the rules governing human subject research are rooted in scandal: the Tuskegee Syphilis Study (AAUP, 1981, p. 358), the Willowbrook Hepatitis Experiment, Project Camelot in the 1960s, and a series of events in the 1970s, including Milgram's deceptions of experimental subjects, Laud Humphrey's covert research on homosexuals, and the complicity of social scientists with military initiatives in Vietnam (Christians, 2002, p. 141). Concern for research ethics during the 1980s and 1990, support from foundations, the development of professional codes of ethics, and extensions of the IRB apparatus "are credited by their advocates with curbing outrageous abuses" (Christians, 2002, p. 141). However, these efforts were framed, from the 1960s forward, in terms of a bio-medical model of research. As implemented, this model involves institutional review boards, informed consent forms, value-neutral conceptions of the human subject, and utilitarian theories of risk and benefits.

Today, the institutional protection of human subjects has expanded far beyond these original impulses, leading many to fear that there may be a growing "harm to academic freedom and scholar's First Amendment rights if the authority of IRBs is interpreted too broadly or becomes too intrusive" (Gunsalus, 2002, p. B-24). Puglisi (2001) demurs, arguing that these regulations "are extremely flexible and should
present no impediment to well-designed behavioral and social science research” (p. 1). This, however, is not the case.

At issue are five terms: human subjects, human subject research, harm and ethical conduct, and the institutional apparatus of the IRB itself, including its local make-up and membership. These five terms, in turn, are embedded in six larger institutional and cultural formations, or social arenas and social worlds: universities, and colleges; the federal government and its regulatory agencies; professional associations, such the AAUP; disciplinary associations, such as the American Sociological, Historical and Anthropological Associations; individual researchers; human subjects.

As currently constituted, IRBs privilege medical, and experimental science membership. This leads to the use of highly restrictive, bio-medical definitions of research, human subject, harm and ethics. It also leads to the uncritical implementation of federal guidelines, although the Bush administration has "allowed the charter of the National Human Research Protections Advisory Committee, which had been studying these issues to expire” (Gunsalus, 2002, p.B-24).

Professional associations, like the AAUP, act as watchdogs over the abuse of federal guidelines. Many disciplinary associations do the same, while also disciplining the conduct of their own members. Individual researchers have to work through local IRBs, while human subjects seldom have recourse to appeal procedures. However, Fourth World Peoples, as Smith and Bishop argue, are actively taking inquiry into their own hands and developing their own conceptions of human subject, researcher, research, ethics, harm, and community review apparatuses. 7

**Models of Critical, Interpretive Inquiry**

The IRB framework assumes that one model of research fits all forms of inquiry, and it does not. This model (below) requires that forms be filled out concerning consent, risks, benefits, confidentiality and voluntary participation. The model also presumes a static, monolithic view of the human subject, that is someone upon whom research is done. Performance autoethnography, for example, falls outside this model, as do many forms of participatory action research, reflexive ethnography, testimonios, life stories, life history inquiry, personal narrative inquiry, performance autobiography, conversation analysis, and ethno-dramas.
In each of these cases a collaborative, public, pedagogical relationship between subject and researcher is developed. The walls between subject and observer are deliberately broken down. Confidentiality disappears, for there is nothing to hide, or protect. Participation is entirely voluntary, hence there is no need for a consent form. The activity that makes up the research is participatory, that is it is performative, collaborative, action, and praxis-based. Hence participants are not asked to submit to specific procedures or treatment conditions. Instead, acting together, researchers and subjects work to produce change in the world.

The IRB model presumes a complex ethical framework (see below) that is problematic. This leads to a peculiar conception of harm, for why would a collaborative researcher bring harm to those studied? In short, the Belmont Principles (below) need to be re-casted in light of contemporary understandings of participatory, performance authoethnography and empowerment inquiry.

**The Professional Associations and Societies**

In 1998 numerous professional associations, including the American Historical Association, the Oral History Association, the Organization of American Historians, and the American Anthropological Association started communicating with one another and with over 700 Institutional Review Boards (IRBs) to encourage them to take account of the standards of practice relevant to the research in their specific disciplines (AAUP, 2001, p. 56).

Concern within the professional societies involved the bio-medical definition of research, and the corresponding definitions of harm, beneficence, respect, justice, and informed consent. The problems start with how the regulations define research. Research is defined as:

> any activity designed to test an hypothesis, permit conclusions to be drawn, and thereby to develop or contribute to generalizable knowledge expressed in theories, principles, and statements of relationships. Research is described in a formal protocol that sets forth an objective and a set of procedures designed to reach that objective.

This definition turns human beings into research subjects who may be exposed to harm because of the protocols that implement the research design.

The model works outward from the Belmont Report and its ethical principles (see Christians, 2000; Lincoln and Tierney, 2002; Lincoln and Cannella, 2002; Pritchard, 2002: AAUP, 2001, 2002). The current version of these rules, the 1991 regulations, and their revisions, are also known as the "Common Rule" (AAUP, 2001, p. 55; 2002). The Common Rule describes the procedures of review that are used by
more than 17 different federal agencies. It is presumed that this single regulatory framework will fit all styles and forms of research, but as Pritchard notes (see below) this is not always the case (2002, p. 8). In principle, the Common Rule is implemented through informed consent.

The Belmont Report sets forth three basic ethical principles: respect for persons, beneficence, and justice. Respect involves treating persons as autonomous agents, protecting them from harm, while protecting persons who exhibit diminished autonomy. Respect implies voluntary participation in the research project.

The principle of beneficence asks that research maximize benefits to the person, and the collectivity, while minimizing harm. Typically, harm has been determined through the application of the Common Rule which asks if harm or risk does not exceed what is "ordinarily encountered in daily life" (AAUP, 2001, p. 56). This rules asks that members of society accept the fact that long term benefits may result from research that harms, or places certain subjects at risk. Justice is the third ethical principle. It requires that persons be treated equally, that groups not be disadvantaged, in terms of being selected as subjects, or in being able to benefit from the research.

The three principles of respect, beneficence, and justice are implemented through disciplinary codes of ethics and through a set of procedures, administered by IRBs who follow the Common Rule. **Respect** is implemented through **informed consent** (passive, versus active). Informed consent involves at least three issues: insuring that subjects are adequately informed about the research, although deception may be allowed; insuring that the information is presented in an easily understood fashion, which may also include seeking third-party permission; insuring that consent is voluntarily given.\(^8\)

**Beneficence** is determined through a complex set of procedures that assess **risks and benefits**. The term risk refers to harm, while benefit refers to something of positive value to health or welfare. If it is determined that subjects are at risk, IRBs asks if the risks are minimal, and if they are minimized and if they are warranted (Pritchard, 2002, p. 8). Under this risk-benefit model risk is measured in terms of the probability of benefits, and benefits are contrasted with harms, rather than risks. There are multiples forms of harm: psychological, physical, legal, social, economic, cultural, and corresponding benefits. Risks and benefits must be assessed at the individual, family and societal levels. Risks must be exceeded by benefits, although risks at the individual level may be justified, if the benefits serve a larger cause. Although not
specified in the Belmont Report, codes of ethics developed by scholarly disciplines insist on "safeguards to protect people's identities and those of the research location" (Christians, 2000, p. 139).

The principle of **justice** is expressed in the assurance that there be fair procedures and outcomes in the selection of research subjects. Special populations should not be unduly burdened by being required to participate in research projects. The benefits of research should not be unfairly distributed throughout a subject population, nor made available only to those who can afford them.

**Exemptions**

Of course there are exemptions (see Puglisi, 2001, p. 34) from the Common Rule, creating a partial two-track IRB model (see below) if the three Belmont Ethical Rules are followed. Waivers can be given if the research involves normal educational practice, the use of interviews, previously collected materials, research on cultural beliefs, or the observation of public behavior. The discourse on exemptions reflects an attempt to fit the model to the human disciplines, but asks scholars within the respective disciplines to still adhere to the Common Rule. There is no attempt to rethink the Common Rule, in light of disciplinary differences.

**Internal Criticisms of the Model**

This regulatory model, with the apparatus of the Institutional Review Board, and the Common Rule, has been subjected to considerable criticism. Criticisms center on the four key terms, and their definitions: human subjects, human subject research, harm, and ethical conduct.

Science and ethics first. As Christians notes (2000), the Common Rule principles reiterate the basic themes of "value-free experimentalism--individual autonomy, maximum benefits, and minimal risks, and ethical ends exterior to scientific means" (p. 140). These principles "dominate the guidelines contained in codes of ethics: informed consent, protection of privacy, and non-deception" (Christians, 2000, p. 140). These rules do not conceptualize research in participatory, or collaborative formats. Christians observes that in reality IRBs protect institutions and not individuals. The guidelines do not stop other ethical violations, including plagiarism, falsification, fabrication, and violations of confidentiality.

Pritchard (2002, pp. 8-9) notes that there is room for ethical conflict as well. The three principles contained in the Common Rule rest on three different ethical traditions: respect from Kant; beneficence from Mill and the utilitarians; and justice as a distributive idea from Aristotle. These ethical traditions are
not compatible, they rest on different moral, ontological, and political assumptions, different understandings of what is right, and just and respectful. The Kantian principle of respect may contradict the utilitarian principle of beneficence, for instance.

Respect, Beneficence and Justice are problematic terms. Surely there is more to respect that informed consent, more that is then getting people to agree to be participants in a study. Respect involves caring for another, honoring them, and treating them with dignity. An informed consent form does not do this, and does not confer respect on another.

Beneficence, including risks and benefits cannot be quantified, nor can a clear meaning be given to acceptable risk, or to benefits that clearly serve a larger cause. Smith, and Bishop, for instance, argues that the collectivity must determine collectively what are the costs and benefits for participating in research. Further, individuals may not have the individual right to allow particular forms of research to be done, if the research has effects for the greater social whole. A cost-benefit model of society and inquiry does injustice to the empowering, participatory model of research that many Fourth World peoples are now advocating.

Justice extends beyond fair selection procedures, or unfairly distributing the benefits of research across a population. Justice involves principles of care, love, kindness, fairness, a commitment to shared responsibility, to honesty, truth, balance, and harmony. Taken out of their Western utilitarian framework, respect, beneficence, and justice must be seen as principles that are felt as they are performed, that is they can serve as performative guidelines to a moral way of being in the world with others. As currently enforced by IRBs, however, they serve as coldly calculating devices that may persons against one another.

Now research. Pritchard (2002) contends that the model’s concept of research does not adequately deal with procedural changes in research projects, with unforeseen contingencies that lead to changes in purpose and intent. Often anonymity cannot be maintained, nor is it even desirable, for example participatory action inquiry presumes full community participation in a research project.

Staffing presents another level of difficulty. IRBs are often understaffed, or have members who either reject, or are uninformed about the newer, critical qualitative research tradition. Many IRBs lack proper appeal procedures, or methods for expediting research that should be exempted.
Recent summaries by the AAUP (2001; 2002) raise additional reservations, which also center on the above five issues. These reservations center on the following:

**Research, and Human Subjects:**

** a failure by IRBs to be aware of new interpretive and qualitative developments in the social sciences, including participant observation, ethnography, autoethnography, and oral history research;

** the application of a concept of research and science that privileges the biomedical model of science and not the model of trust, negotiation and respect that must be established in ethnographic or historical inquiry, where research is not on, but is rather with other human beings;

** an event-based and not a process-based conception of research and the consent process;

**Ethics:**

** a failure to see human beings as social creatures located in complex historical, political and cultural spaces;

** infringements on academic freedom, by not allowing certain types of inquiry to go forward;

** inappropriate applications of the "Common Rule" in assessing potential harm;

** overly restrictive applications of the informed consent rule;

**IRB's as Institutional Structures:**

** a failure to have an adequate appeal system in place;

** the need to insure that IRBs have members from the newer interpretive paradigms;

**Academic Freedom:**

** First Amendment and academic freedom infringements;

** policing of inquiry in the humanities, including oral history research;

** policing and obstructing research seminars and dissertation projects;

** constraints on critical inquiry, including historical or journalistic work that contributes to the public knowledge of the past, while incriminating, or passing negative judgment on persons and institutions;

** a failure to consider or incorporate existing forms of regulation into the Common Rule, including laws of libel, of copyright, of intellectual property right;

** the general extension of IRB powers across disciplines, creating a negative effect on what will, or will not be studied;

** vastly different applications of the Common Rule across campus communities;
Important Topics Not Regulated:

** the conduct of research with indigenous peoples (see below);

** the regulation of unorthodox, or problematic conduct in the field, e.g. sexual relations;

** relations between IRBs, and ethical codes involving universal human rights;

** disciplinary codes of ethics and IRBs, and new codes of ethics and moral perspectives coming from feminist, queer and racialized standpoint epistemologies;

** appeal mechanisms for human subjects who need to grieve and who seek some form of restorative justice as a result of harm experienced as a research subject;

** Fourth world discourses and alternative views of research, science and human beings.

Disciplining and Constraining Ethical Conduct

The consequence, of these restrictions, as Lincoln and Tierney (2002) and Lincoln and Cannella (2002) observe, is a disciplining of qualitative inquiry which extends from granting agencies to the policing of qualitative research seminars and even the conduct of qualitative dissertations. In some cases, lines of critical inquiry have not been funded and have not gone forward because of criticisms from local IRBs. Pressures from the right discredit critical interpretive inquiry. From the federal to the local levels, a trend seems to be emerging. In too many instances there seems to be a move away from protecting human subjects, to an increased monitoring, censuring and policing of projects which are critical of the right and its politics.

Lincoln and Tierney (2002) observe that these policing activities have at least five important implications for critical, social justice inquiry. First, the widespread rejection of alternative forms of research means that qualitative inquiry will be heard less and less in federal, and state policy forums. Second, it appears that qualitative researchers are being deliberately excluded from this national dialogue. Consequently, third, young researchers trained in the critical tradition are not being listened to. Fourth, the definition of research has not changed, to fit newer models of inquiry. Fifth, in rejecting qualitative inquiry, traditional researchers are endorsing a more distanced form of research that is compatible with existing stereotypes concerning persons of color.

Christians summarizes the poverty of this model. It rests on a cognitive model that privileges rational solutions to ethical dilemmas (the rationalist fallacy), and it presumes that humanity is a single subject (the distributive fallacy). It presents the scientist as an objective, neutral observer. Private citizens
are coerced into participating in so-called scientific projects, in the name of some distant, public good. The rights-justice-and acts-based system ignores the dialogical nature of human interaction. The model creates the conditions for deception, for the invasion of private spaces, for duping subjects, and for challenges to the subject's moral worth and dignity. Christians calls for its replacement with an ethics based on the values of a feminist communitarianism, an ethic of empowerment, a care-based, dialogical ethic of hope, love and solidarity.

This is an evolving, emerging ethical framework that serves as a powerful antidote to the deception based utilitarian, IRB system. It presumes a community that is ontologically and axiologically prior to the person. This community has common moral values, and research is rooted in a concept of care, of shared governance, of neighborliness, or love, kindness, and the moral good. Accounts of social life should display these values, and be based on interpretive sufficiency. They should have sufficient depth to allow the reader to form a critical understanding about the world studied. These texts should exhibit an absence of racial, class and gender stereotyping. These texts, should generate social criticism, lead to resistance, empowerment and to social action, to positive change in the social world.

**The Multi-Track IRB Model**

It is necessary to rethink the single track IRB model. Some campus (Texas A & M) are moving to a two-track system, one model for the biomedical sciences, another model for the human sciences and the humanities. The current IRB system with its system of exemptions anticipates this shift. But the current system only looks for ways to fit anthropological, sociological, linguistic, historical, literary, or journalistic research into the Common Rule framework. A true two- or multi-track IRB model would be based on a new system of regulatory practice, if there was agreement that such a system was required. A humanities based, interpretive inquiry model, based on feminist, communitarian understandings would stand alongside a revised biomedical model. A more traditional, positivistic social science model might be represent the third track.

There are two other alternatives. A radical rethinking of the Belmont Principles would produce an inclusive, ethically empowering model that would be applied to all forms of inquiry. More radically, institutional IRBs would disappear. The regulation and supervision of inquiry would shift from the current
top-down, state-sponsored model to the local level entirely. Inquiry would be collaborative, done through the kind of moral give and take outlined by Smith, Bishop and other indigenous and First Nation scholars.

**A INDIGENOUS FEMINIST, COMMUNITARIAN ETHIC**

It is against this background, that indigenous peoples debate codes of ethics, and issues surrounding intellectual and cultural property rights. In this politicized space “indigenous codes of ethics are being promulgated ... as a sheer act of survival” (Smith, 1999, p. 119). Thus the various charters of indigenous peoples include statements that refer to collective, not individual human rights. These rights include control and ownership of the community’s cultural property, its and health and knowledge systems, its rituals, and customs, its culture’s basic gene pool, rights and rules for self-determination, and an insistence on who the first beneficiaries of indigenous knowledge will be.

These charters call upon governments and states to develop policies that will insure these social goods, including the rights of indigenous peoples to protect new knowledge and its dissemination. These charters embed codes of ethics within this larger perspective. They spell out specifically how researchers are to protect and respect the rights and interests of indigenous peoples. These are the selfsame protocols that regulate daily moral life in the culture. In these ways Smith’s arguments open the space for a parallel discourse concerning a feminist, communitarian moral ethic.

In the feminist communitarian model participants have a co-equal say in how research should be conducted, what should be studied, which methods should be used, which findings are valid and acceptable, how the findings are to be implemented, and how the consequences of such action are to be assessed. Spaces for disagreement are recognized, while discourse aims for mutual understanding, for the honoring of moral commitments.

A sacred, existential epistemology places humans in a non-competitive, non-hierarchical relationship to the earth, to nature, and to the larger world. This sacred epistemology stresses the values of empowerment, shared governance, care, solidarity, love, community, covenant, morally involved observers, and civic transformation. This ethical epistemology recovers the moral values that were excluded by the rational, Enlightenment science project. This sacred epistemology is based on a philosophical anthropology which declares that “all humans are worthy of dignity and sacred status without exception for class or ethnicity” (Christians, 1995, p. 129). A universal human ethic, stressing the
sacredness of life, human dignity, truth-telling and nonviolence derives from this position (Christians, 1997, pp. 12-15). This ethic is based on locally experienced, culturally prescribed protonorms (Christians, 1995, p. 129). These primal norms provide a defensible “conception of good rooted in universal human solidarity” (Christians, 1995, p. 129; also 1997, 1998). This sacred epistemology recognizes and interrogates the ways in which race, class and gender operate as important systems of oppression in the world today.

Thus do Smith, Bishop and Christians outline a radical ethical path for the future. In so doing they transcend Belmont Principles which focus almost exclusively on the problems associated with betrayal, deception, and harm. They call for a collaborative social science research model makes the researcher responsible, not to a removed discipline (or institution) but rather to those studied. This model stresses personal accountability, caring, the value of individual expressiveness, the capacity for empathy, and the sharing of emotionality (Collins, 1991, p. 216). This model implements collaborative, participatory, performative inquiry. It forcefully aligns the ethics of research with a politics of the oppressed, with a politics of resistance, hope and freedom.

This model directs scholars to take up moral projects that decolonize, honor and reclaim indigenous cultural practices. Such work produces spiritual, social and psychological healing. Healing, in turn, leads to multiple forms of transformation at the personal and social levels. These transformations shape processes of mobilization, and collective action. These actions help persons realize a radical politics of possibility.
REFERENCES


Education: Committee on Scientific Principles for Education Research.


455-486

This essay draws from Chapter 14 of Denzin (2003).

Smith (1999, p. 99) presents ten performative ways to be colonized, ten ways that science, technology and Western institutions place indigenous peoples, indeed any group of human beings, their languages, cultures and environments, at risk. These ways include the Human Genome Diversity Project, as well as efforts to scientifically reconstruct previously extinct indigenous peoples, and projects which deny global citizenship to indigenous peoples, while commodifying, patenting and selling indigenous cultural traditions and rituals.

The testimonio has a central place in Smith’s list of projects. She begins her discussion of the testimonio with these lines from Menchu (1984, p. 1): "My name is Rigoberta Menchu, I am twenty-three years old, and this is my testimony.” The testimonio presents oral evidence to an audience, often in the form of a monologue. Indigenous testimonios are "a way of talking about an extremely painful event of series of events. The testimonio can be constructed as "a monologue and as a public performance” Smith, 1999, p. 144).

Other projects involve a focus on testimonies, new forms of story telling, returning to, as well as reframing and re-gendering key cultural debates.

Decolonization reclaims indigenous cultural practices, and reworks these practices at the political, social, spiritual and psychological levels. Healing involves physical, spiritual, psychological, social, restorative processes, Transformation focuses on changes which move back and froth from the psychological, to the social, political, economic, collective levels. Mobilization, speaks to collective efforts to change Maori society at the local, national, regional, and global levels.

Federal protection of human subjects has been in effect in the United States since 1974, now codified in Title 45 Part 46 of the U. S. Code of Federal Regulations. Title 45, Part 46 was revised November 13, 2001, effective December 13, 2001. IRBs review all federally funded research involving human subjects to ensure their ethical protection.

Vine Deloria, Jr, (1969) proposes that anthropologists be made to apply to tribal councils for permission to do research, and that permission be given only if "he raised as a contribution to the tribal budget an amount of money equal to the amount he proposed to spend in his study” (p. 95).