

Chapter 10

The Neoliberal Institutional Review Board, or Why Just Fixing the Rules Won't Help Feminist (Activist) Ethnographers

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In 2011, after enduring much protest from ethnographers and qualitative researchers, the Office for Human Resource Protections, which determines the rules relevant to the operation of Institutional Review Boards (IRBs), proposed changes to the regulations and solicited responses. The American Anthropological Association (AAA) prepared a detailed and lengthy response to the proposed changes, noting in particular that “the object of regulation” ought to be more carefully defined (Lederman and Dobrin 2011). Rather than referring to “research” with “human subjects,” the report argued, “human experimentation” and/or “biomedical procedures” are more properly the kind of work with which IRBs ought to primarily be concerned. Such attention to detail is important, but I want to argue that what we really have is a structural problem. IRBs present yet another manifestation of neoliberalism in the academy whose primary purpose is no longer to ensure ethical treatment of human subjects but rather to shrink the vistas of legitimate research to those forms that support the tenets of neoliberalism itself: the positivist, the quantitative, the experimental.

This essay, then, is about the effect of the neoliberal IRB on feminist ethnographers. We must negotiate IRBs each time we attempt fieldwork and, as neoliberalism continues to suffuse the consciousness and context surrounding IRBs, our ability to do our work in ways that do not capitulate to neoliberal

worldviews becomes compromised. Feminist ethnographers have a long history of being forthright in critiques of our discipline. The watershed volume *Woman, Culture, and Society* (Rosaldo 1974) exposed the masculinist bias in anthropology generally; *Women Writing Culture* (Behar and Gordon 1995), for its part, was an incisive response to the influential volume *Writing Culture* (Clifford and Marcus 1986), taking that work to task for failing to include women and their perspectives. Women anthropologists of color have critiqued anthropology for its own internal colonizing practices (Harrison 1997a), describing and naming the very particular ways in which they do work on behalf of anthropology even when they might prefer not to do so (Harden 2011). This feminist strategy of calling to account is an important one. In the ongoing debate regarding positivist or interpretive approaches in social science, the role of the IRB in shoring up a positivist bias has been neglected. While scholars debate among themselves the pros and cons of a variety of approaches to knowledge construction and enquiry, the IRB operates as an instrument of neoliberal consciousness biased heavily toward the positivist, the quantifiable, and a definition of evidence that is startlingly narrow. This problem is more than one of philosophies of enquiry into social problems or processes. As a powerful assertion of a masculinist worldview, the resurgence of positivism directly delegitimizes feminist forms of knowledge production and related activist aims. Framed in the neutral language of quality assurance, evidence, and objectivity, the neoliberal stance embodied in the IRB is poised to stifle those forms of enquiry that challenge these foundational assumptions about what constitutes knowledge in the first place. Thus feminist ethnographers have at least two problems to attack: first, the impact of IRB decisions on giving access to our own research; second, the structural role of the IRB itself in the neoliberal transformation of the academy more broadly.

Drawing upon anecdotal experiences from numerous colleagues at a range of U.S. institutions, including my autoethnographic experiences, I first assert that this work need not have been submitted to IRB review! This particular piece is a form of testimony and summons up informal conversations that have begun to multiply as I shared glasses of wine, telephone calls, and other forms of keeping in touch with colleagues, former students, and friends. As such, this chapter is itself based upon feminist forms of knowledge gathering and analysis.

Positivism and the Politically Engaged Feminist Ethnographer

I can still remember what became a common exchange when I was conducting my dissertation research on children and consumption in a poor African American neighborhood in New Haven, Connecticut. “Oh, you must have seen a lot of Air Jordans,” people would comment. “Well, actually I only saw two pairs,” I would answer. “Your sample must not have been scientific,” I was told

more than once, and with a firm tone of authority. This utterly unscientific turn to the supposedly scientific is exactly the sort of slip-up in logic that typifies the current moment. The job of science, in this interaction, is to shore up the prejudice and beliefs of the interlocutor. Evidence that challenges those beliefs is simply not scientific and may therefore be dismissed. These issues are amplified when the methods at issue are not those that are popularly understood as constituting science. What emerges is an absurd situation in which IRBs are focused not on the ethical nature of the research, but whether or not it constitutes research according to a narrow and under-informed definition of what research is. Experts in social and cultural research may know of many established and legitimate ways to scientifically gather evidence and analyze it; the broad range of what counts as research is rapidly being shrunk to the controlled experiment or anything that can be quantified and regressed. Although the purpose of the IRB is to protect the rights and welfare of human subjects, the training and assumptions that typically dominate the membership of IRBs does not allow them to engage with most feminist research with a nuanced understanding of the ways in which intimately engaged, dialogic, and power-questioning work is highly ethical and indeed protects the rights and welfare of participants. Drawing upon the work of Stuart Hall (1993), I will argue that the dramatic retrenchment in understandings of the range and quality of legitimate research is more about reinforcing the dominant than it is about ensuring the practice of ethics in research. As such, it promotes understandings of research that are masculinist rather than feminist, positivist rather than interpretive, white rather than brown, black, or yellow.

Key elements of this structural problem include the rising culture of assessment (also called “quality assurance”); the growth of risk-management protocols; and changes in the way higher education is funded and its institutions managed. One signature aspect of neoliberalism is its Orwellian capacity for renaming the world around it in its own image: today the rich are referred to (by some, at least) as “job creators.” Similarly, the culture of assessment is ostensibly a movement to ensure that individuals, departments, and institutions are doing what they set out to do and doing it well. In practice, however, the culture of assessment often results in a stifling of research and investigation, ensuring nothing more than mediocrity. Risk management, for its part, centers upon managing risks to the institution, and this point of view has leaked into the ways that IRBs view risk, although their charge is to evaluate the risk to research participants. In recent decades, colleges and universities have moved to a distinctly entrepreneurial economic and management model, one with far-reaching implications for what kinds of work are supported, and what are not. Much of this new strategy aims to capture biomedical funding, and disciplines of all sorts are urged to find ways to access those revenue streams on behalf of the university. Each of these three elements shares a distinct preference for data or evidence that falls within a biomedical model; a valorization of positivist knowledge formation; and a system in which income generation (for the

institution and often from private sources) becomes a proxy for the quality of the work.

As universities have moved into working more like capitalist enterprises, the constitution and survival of disciplines and departments has become overtly monetized. The money is, generally, in science and technology, and in biomedicine in particular. Entire universities have rapidly been reshaping themselves as hubs of biomedical research and innovation, creating new arms along those lines, and shrinking or eliminating other areas of enquiry and exploration. The university—like the state—no longer seeks to provide an overall space in which social reproduction takes place but, rather, expects its constituents to provide the knowledge capital that justifies their continuance, and therefore also justifies any investment that might be made in their interests. To put it bluntly, those departments and individuals that bring in money are rewarded, those that do not are left to languish. Increasingly strapped for funds, colleges and universities can no longer even pretend to wholeheartedly subscribe to enlightenment notions of the free exploration of knowledge in which knowledge for knowledge's sake is its own best justification.

Just as the rich have been renamed “job producers,” research has been redefined as that which supports the neoliberal regime. The IRB has also become an instrument of the monetization push that privileges a narrow range of research above other forms. This has been accomplished not through direct renaming but through a confluence of practices and pressures that have, as Louise Morley (2003) states, “reworked subjectivities.” The institution of the IRB, like the assessment culture that circumscribes it, can be understood as arising from a need to address real and persistent flaws in university governance, standards, and methods of evaluation. The understandable result of these flaws, Morley explains, has been a loss of trust in the authority and expertise of universities and the people who run them. However, the solution has been that “[r]outine, rather than deviant practices, have been subjected to scrutiny. . . . The advantage is that powerful groups are being held more to account. The disadvantage is that success criteria for complex public services are being reduced and manipulated into over-simplistic classifications” (Morley 2003:6). These oversimplistic classifications are a key symptom in the mismatch between feminist forms of research and the expectations of the IRB. The problem, as I said earlier, is unlikely to be solved through better definitions, though working toward such definitions is a necessary undertaking. Feminist researchers are from the outset primed to work against the tenets of neoliberalism, but because the ultimate function of the IRB is to work in service of neoliberalism itself, feminist research is unlikely to successfully combat the IRB on its own, neoliberally defined, territory. As a neoliberal institution, the role of the IRB is in fact to enforce a narrowed view of what research actually is. It is in this way that the IRB starts to look like the welfare system, whose purpose can be seen not so much as providing support to individuals in need, but primarily as compelling a narrow range of behaviors from them. From this point of view, no amount of clarification is likely to gain us any ground; our best options, like

those of recipients of welfare benefits, are to get out of the system, appear to comply, or figure out workarounds.

After sketching this dismal scene, I must also point out that, in a number of places, research with human subjects has grown dramatically, and goes virtually without oversight. It is these spaces that are likely to provide fertile ground upon which we might continue our work. Spaces nearly free from oversight have, paradoxically, proliferated, even as IRBs have colonized research spaces in colleges and universities. In the private sphere, in some parts of government itself, and in the security sector, researchers can undertake their work under conditions regulated very differently than they are in higher education. To be specific, in these places research goes nearly unregulated, period. This efflorescence of the private as a space of freedom is a hallmark of neoliberalism, of course. The private as the province of feminist research is long established, though these new forms of the private are not quite what most feminist theorists had in mind. And yet these new, private spaces offer an odd possibility for feminist researchers to continue their work, if they are ready to leave the academy and locate themselves elsewhere. Populating such spaces with the kinds of knowledge feminist ethnographers produce holds within it the potential to reshape knowledge production in unexpected ways that we might well welcome as much as we ought to fear them.

I-R-B, Easy As . . . 1-2-3?

The IRB, like any number of other federally mandated programs, is one that arose out of a well-documented need to ameliorate unacceptable prejudice and unethical practices and behaviors, and to engineer a more democratic society. Most social science researchers can cite chapter and verse the reasons why human subjects review was first created. Nearly all discussions of human subjects protections point to the Nuremberg trials of Nazi scientists and to the infamous Tuskegee syphilis study as the flashpoints around which IRBs were created. For example, the regulations and research ethics webpage of the Office of Human Subjects Research contains links to the Nuremberg Code (Germany 1948) and the Belmont Report (1978). It seems no accident that both cases typically invoked in the IRB origin myth involve the abuse of power in the interest of racist regimes. The ethical lapses were horrific and terrifying, including Nazi doctors immersing Jewish concentration camp inmates in ice water to see how long it took them to die, and American doctors allowing syphilis-infected Black men to go untreated because they wanted to see for themselves the etiology of the disease. Recent revelations show that work connected to the Tuskegee study had even more insidious elements, such as the purposeful infection of Guatemalans with syphilis (Smith 2010). Just as the nostalgic discourse of racism exempts all but the most visibly egregious from having to acknowledge complicity, the history of the IRB traces its origin myth

to the most extreme examples as its object lessons, a move with problematic outcomes. On the one hand, what is unethical is rendered highly visible. What constitutes the unethical, however, remains unidentified, leaving the question of personal culpability at a comfortable distance. Yet, as Dr. King himself noted, most racism was aided and abetted by the “appalling silence” of a great many good people (King 1963). The systemic evils of segregation were put in place and maintained primarily by everyday types, not by hordes of hooded men rampaging through the towns, schools, and churches where segregation was the order of the day. In his own way, King was making a cultural and structural argument about the way in which racism works, and the same argument can be made with regard to unethical research. Even while identifying the egregious instances that are undoubtedly unethical, the broad range of everyday practices rendering ethics a tenuous practice remains in place. The bodies of oversight focus both on the utterly egregious and the minutely relevant while, at the same time, in other sectors, the ethics (or lack thereof) of practice receives no oversight whatsoever.

The elements coming together within neoliberalism have made feminist social science especially indigestible in large part because feminists are likely to attack neoliberalism rather than to maintain an “appalling silence” about it. Here I think of the way in which Catherine Lutz has mounted a sustained critique of empire and the United States (2002a and b; 2006). In addition, the incisive works of Emily Martin and Donna Haraway are just two examples of the ways in which feminist thinkers have exposed the patriarchal assumptions built into science that presents itself as objective (Haraway 1984, 1989; Martin 1991, 1994). In a feminist discussion of the culture of assessment, Morley (2003) argues that it is more than a strategy: it is also tool in creating neoliberal subjectivities and has been spurred by a moral panic, bearing the imprint of that moral panic. The culture of assessment requires the use of “oversimplistic classifications” and needs clear and unequivocal answers.

For their part, IRBs certainly partake independently of this moral panic, which is intensified by assessment culture, since assessment tools and standards are typically applied directly to IRB protocols and oversight. To show evidence of being on the job and hard at work, in response to the moral panic, IRBs end up striving to demonstrate their own effectiveness—which is a priori exhibited in the form of evidence that is measurable and quantifiable. Even though several mechanisms exist for what is known as expedited review and exemption from review, IRBs typically utilize these options very little, presumably for fear of appearing lax. When approached in the spirit—and according to the letter—of stated national regulations, most forms of ethnographic and feminist research qualify for either expedited review or exemption. However, Morley emphasizes, in the context of a moral panic, formerly unsurveilled activities come under scrutiny as an indication of increased watchfulness. What is interesting here is that the kinds of invasive and potentially life-destroying practices that the rules were devised to prevent in the first place are actually easier to approve; they are presented in the kind of language and format familiar to IRB members. Because

the language, method, and theory of feminist ethnography departs often dramatically from such dominant formats, it often receives greater scrutiny, despite posing few to no risks to participants of the sort for which IRBs were formed in the first place. Grounded theory, emergent methodologies, and reflexive practices are some examples of the specific challenges feminist research tends to put before IRBs, which generally want all possibilities spelled out beforehand. Furthermore, fine-grained work with the homeless, battered women, transgender youth, and drug users often faces challenges from IRBs that, primed as they are to protect institutional interests, find it difficult to imagine how the research can be undertaken in ways that render the institution damage-proof. The kinds of questions researchers face from IRBs are reflect more the limitations of institutional imagination than ethical concerns for research participants.

How has it come to this? Writing about a similar moment—the culture wars of the 1980s, Stuart Hall stated that “This moment essentializes differences in several senses. . . . It sees difference as ‘their traditions versus ours,’ not in a positional way, but in a mutually exclusive, autonomous, and self-sufficient one” (1993). In his essay, Hall noted that even as Black popular culture was saturating an increasingly globalized world, there was a rush back to tradition, to “the classics,” to the very white, patriarchal norm so starkly highlighted by Black popular culture itself (and embraced by so many normative subjects). In the current IRB dilemma we see a retrenchment to scientific norms that are (supposedly) real and true, and this nostalgic view of science is not unlike a call to “traditional family values”—a call to the good old days when the natural order of things was maintained rather than disrupted. It is no accident that it is the subaltern, the marginalized, the feminist researcher who has so often turned to “other” methodologies to interrogate the world around her; likewise it is no accident that both the researcher and the methodologies are increasingly delegitimized and essentialized as the polar opposite of what “real” science ought to be. To be more blunt, the IRB has become an instrument of the kind of retrenchment identified by Hall, one through which the standards of the dominant are enforced upon everyone, and an instrument through which voices of dissent are silenced even before they can be investigated.

Moving Sideways: Federal Mandates and Social Change

The IRB exists at universities ultimately because of federal financial aid to students. The link is complex, and bears similarities both to Title IX and welfare systems, which I will explore further in the following section. Each of these federal mandates is ostensibly aimed at ensuring the general well-being of those within its sphere. However, in each case, the rules and regulations can take on a

life of their own, and real outcomes end up being beside the point even to the level that the initial intent of the rules and regulations is utterly upended.

The federal government works to shape access to resources by requiring recipients—whether states, institutions, or individuals—to adhere to specified rules and requirements. This adherence is ensured through tying access to the funds to those rules themselves. The federal government is limited by states' rights issues from creating a legal structure built around limits or requirements. The welfare reforms enacted by President Clinton imposed a five-year lifetime limit on access to services, but this limit applied only to federal funds; states could extend that limit with their own funds if they chose. The limit became a de facto reality when the multiple and intersecting programs that constitute "welfare" could not coherently operate without adhering to the federal guidelines, despite being objectively free to do otherwise. Similarly, human subjects review cannot be required as a matter of federal law. In higher education, it is the acceptance of federal monies that instigates the requirement for a given institution to have a functioning IRB. Those federal monies include student financial aid, and it is this ubiquitous form of federal funding that makes the IRB an equally ubiquitous body. It is this foundational tie with access to federal money that creates between the IRB and researchers a dynamic that is distinctly similar to that between welfare clients and welfare bureaucracies.

In *The Possessive Investment in Whiteness*, George Lipsitz (1998) detailed the way in which equal housing laws appeared to meaningfully address the pressing problem of housing discrimination while at the same time doing virtually nothing to create change. This was accomplished in the case of housing discrimination, he argues, by putting laws on the books that set the penalties for discrimination so low that they posed little or no deterrent value to landlords, sellers, or banks. While on the one hand the symbolic value of the legislation was great, the ability of those who had actually suffered discrimination to get meaningful redress was virtually nil.

Title IX, the education legislation aimed at ensuring equity for women, is similarly toothless. This was made startlingly clear to me when, at an institution I will call Hilltop College, I wrote to the federal Title IX office, enumerating instances showing that the institution was not following its own stated Title IX procedures, a situation that was well on its way to creating a hostile and inequitable environment for women, particularly for female students. Specific violations included the fact that the men's basketball team had laundry service for their uniforms while the women's basketball team did not; a pattern of preventing women from using the college dance studio so that the men's football team could use the space, despite already having other spaces available to them; and provision of after-hours access to the athletic facility to members of men's teams, but not to women dancers. The college dance program serviced more women than all the other athletic teams put together and yet was not allocated resources commensurate to its level of service. The response I received from the federal Title IX regional office was that since the college had Title IX procedures, there was no complaint I could legitimately put before the federal

Title IX offices. I distinctly remember a surreal phone conversation in which I sputtered, “You mean as long as the college has procedures written down it doesn’t matter if they are followed?” The answer, in short, was “Yes.” When I explained that for two years there had been no designated reporting officer in the department of residential life—as required by Hilltop’s own regulations—I was sent a letter saying my case had been closed. The point here is that enforcement of Title IX is, at least in my experience, lacking.

For the IRB, knowledge that enforcement is primarily an idea and not a reality might be rather comforting, yet this is not the case. Too many IRB members, like welfare case managers, find themselves laboring in a situation where they must conform to masses of rules they find opaque yet necessary. As a result, they become at once rigid and arbitrary in the ways in which those rules are enforced, primarily because they are afraid of making a mistake. For example, although the common rule states clearly that ethnographic research can be deemed exempt by IRBs, in my experience this rarely, if ever, happens. The truly bizarre similarity between the lack of Title IX enforcement and the micromanagement of human subjects research is that, in both cases, issues of central concern to feminists are given short shrift. Both give the appearance of meaningfully addressing important problems, while providing little or no redress to those whose problems are meant to be ameliorated. The key here is that while the federal government requires institutions to have policies and practices governing these issues, the mere existence of those policies in practice indemnifies the institution from nearly any claim from individuals who experience inequities within that institution’s operation. Under these circumstances, institutions can rightly presume that simply having procedures in place is enough to indemnify them from substantial harms, financial or otherwise.

Within this realization is a seed of strategy. Because institutions are free to construct their own IRB protocols, there is no barrier to creating specialized IRBs whose charge it is to deal with specific forms of research. Already at many large institutions, various IRBs are specialized, with one attending to the medical school, and another to the rest of the university. That principle could certainly be expanded, and the formation of ethnographic IRBs that review only interpretive social science research would not contravene the regulations already in existence. Formation of such specialized review bodies would likely significantly lower the workloads of IRB members, who tend to be tasked with reviewing a wide range of research that their training and experience has not prepared them to evaluate effectively.

Workarounds

Anthropologists have been among those to document and powerfully analyze the discrepant ways in which welfare seeks to “help” clients while at the same time engaging in practices that make actual change virtually impossible. Imposing

requirements and procedures that are invasive, infantilizing, and in many cases, simply impossible to follow, clients find themselves caught in what Dána-Ain Davis describes as a “Kafka-esque web” of contradictions (2006:180; see also Davis, this volume). Saddled with work requirements (or looking-for-work requirements), but with no access to free childcare, single parents often cannot meet the requirement to work (or look for work) while remaining responsible to their children’s well-being. Moreover, as Davis notes, information is often selectively imparted or rules inconsistently enforced. Similarly, when IRBs implicitly or explicitly define qualitative and activist research as problematic, or haphazardly invent standards of evaluation, investigation that moves away from the more clearly delineated biomedical models suffers. One colleague of mine who conducted dissertation fieldwork in a Middle Eastern country was forced by her home institution (an Ivy league University) to create a relationship with an IRB in her host country. This requirement is indeed best practice and untested by the AAA on principle. The problem was that in her host country there was no such thing as the IRB, but there was a highly repressive political regime. My colleague had arrived in her host country intending to conduct research on women and politics. As her work progressed, her interlocutors told her over and over again that the real thing she needed to look into was sexual revolution. In the meantime, members of her host country IRB were spying on her and those with whom she spoke. What her home institution had failed to account for was that the host country might not have an understanding of ethics commensurate with that in the United States. My colleague was forced to conduct a huge amount of “red herring” research in order to protect her research subjects; needed to send her field notes via encrypted FTP to her advisor; and kept an entire computer full of field notes utterly unconnected to her project. The host country ultimately placed her under house arrest for six weeks, bringing her field research to a close.

This rather dramatic case illustrates one of the more disheartening results of recent changes: normative research on uncontroversial questions becomes easier to conduct, while research raising questions about difference, inequality, marginalization, violence, drugs, prostitution, or any other “risky” topic becomes more difficult to undertake. In the case above, the Ivy League IRB required a researcher to create an IRB in a host country, even though the host country had no guidelines of its own regarding ethical research. The result endangered both the researcher and, potentially, her interlocutors. This situation is beyond a methodological impasse: under current conditions it has become increasingly difficult to explore and produce knowledge about the very processes with which feminists have long been fundamentally concerned. Similarly, Christa Craven (this volume:105) recounts how the neoliberal emphasis on representing what is often characterized as “both sides” of an issue becomes reframed as research bias, even in a project oriented around investigation of an activist community. The result here was an attempt to have Craven re-orient her research to present the supposed other side of the issue, even when that was inappropriate to the whole intent of the research.

One clear outcome of IRB practices is that getting research approved can be an unworkably slow process that often involves so many rounds of submission and comment that some simply give up. At Hilltop College this problem was acute for students, who had to submit their projects to the IRB within the first two or three weeks of the term if they were to have any hope of having their projects approved before finals week. Expecting students to design a study on a topic within the first two weeks of the semester is pedagogically absurd and, as a teacher, I was left with only bad options: either forgo attempts to allow students to do their own research, or have them produce fake proposals that could be approved. For their part, IRB members were so flooded with proposals they felt utterly unequipped to meet the workload. Unable to recognize that this workload was brought on by their own insecurity and the imposition of rules of scrutiny beyond those required by the government, the IRB seemed incapable of reassessing its criteria and thus ruling a good part of student research exempt from full review. This move would have been entirely reasonable and within the extant regulations. These circumstances left it impossible for students to discover and define their own research projects, a process that normally takes at least a month to six weeks. It eventually came to the point where a large proportion of Hilltop's social science researchers, particularly ethnographers, knew that there was virtually no way to teach research methods to students that would include actually doing ethnographic research. Like cornered clients in welfare dilemmas, we were left to figure out workarounds, some of which skirted the letter of the law/policy, or simply meant not telling anybody what we were doing. Like welfare clients, then, many of us placed ourselves in the position where being "found out" could have significant consequences.

Two of my colleagues initiated a long-term research project that is located inside a juvenile detention facility. Their work had to pass that facility's IRB, which was a rigorous and time-consuming process. They chose not to undergo review at Hilltop, which would have set them back another several months, but would have allowed them to integrate students into the project. They still feel deeply the loss of that opportunity for providing a means for students to participate in meaningful research. Having repeatedly struggled with the review process at Hilltop, however, they were convinced that it was not worth their effort.

In my own case, doing a workaround had interesting and generative results. Teaching a class on children and childhood, which was also designated as a course in which students would learn the basics of ethnography, I early on decided that I would limit students to observation in public places where there would be no need to secure the consent of research subjects or the IRB. I expressly forbade my students from talking to anyone while conducting their observations. Confined to observation, it turned out students learned that aspect of fieldwork much better than I had seen them do before; they delved into critical social geography, visual analysis, and chased down regulations about public space, civil rights, and census data on the areas they were interested in.

All of this resulted in astute ethnographically-oriented work that was as rich as it was deep.

One student in the class was interning at an organization that provided services to homeless families with children. She approached the organization with an idea for a research project and asked them if it was something that would be of use to them. Because her work was performed under the umbrella of the organization, she was not required to complete IRB review at Hilltop. She secured permission from the organization to share her research with the class. In this way, she was able to immerse herself in a more fully ethnographic experience, and this collaborative model is one that can be used with broad benefits both to students and the organizations with whom they partner. This particular project had the advantage of being “real world,” and because the student was responsible to an organization, she took her work especially seriously. Moreover, the work was indeed valuable to the organization, and her findings provided value that accrued both to the organization and its clients. This was a wonderful outcome, but on the other hand, it was a single student out of fifteen that had this experience. Finally, the limitations meant that I was not able to have students learn a range of other skills, particularly those related to interviewing, whether formal or informal, and the analytical skills associated with understanding that sort of research material.

Understanding the IRB situation as like being on welfare is especially helpful because it clarifies that the problem will not be effectively addressed by improving definitions or tweaking the rules; rather, the rules and definitions are integral to the formation and maintenance of the situation, and this is unlikely to change. The root of the problem lies elsewhere, in the very neoliberal circumstances that generated the IRB (welfare system) in the first place. For example, as the AAA code of ethics statement notes, historians and journalists do many of the same kinds of “research” that ethnographers do and yet are not subject to human subjects review (American Anthropological Association 1998). These kinds of nonsensical, slippery distinctions are exactly of the type that are at work in welfare institutions, and their function is to keep the situation unstable enough that those seeking support will not upset the apple cart. Redefining the purview of the IRB may well temporarily relieve the pressure felt by ethnographers, but is unlikely to address the fundamental problem, which is the neoliberal logic that created the current version of the IRB in the first place.

Freedom in Private Spaces

At the same time that oversight of university research has increased exponentially, the use of academics in the military and security sectors has grown dramatically. In contrast to the hypervigilance exercised in the academy, however, oversight of the ethical behavior of these researchers sees virtually no systematic regulation. While the government requires universities to police the

ethics of research, the same ethical standards are not applied to government activities, particularly in the military and security sectors, where the lack of oversight is justified by nebulous claims of national security. Like neoliberalism itself, oversight and application of ethical standards is Janus-faced: heightened in some areas, and virtually lacking in others.

A comparison of the ethical positions of the American Psychological Association (APA) and the AAA is a case in point. In the wake of the Abu Ghraib scandal, the APA worked to carefully parse the ways in which its members might ethically participate in torture, for instance specifying that they could observe and advise but not be present in the room where interrogation and torture were taking place (Pope 2011). It was only after sustained and passionate pressure from the membership that the APA board revised its recommendations and issued an unequivocal condemnation of its members' participation in interrogations or torture. The AAA, in contrast, soundly rejected the notion that any of its membership could participate in interrogations or similar kinds of encounters and consider that participation ethical. Yet the stances of the national organizations were, to some degree, merely window dressing. Individual practitioners, absent any form of rigorous review, oversight, or evaluation, were—and are—free to decide for themselves what counts as ethical and what does not (Peacock et al. 2007). This, again, is an area deeply in need of research. We know, more or less, what took place at Abu Ghraib. What we do not know, however, is how anthropologists conduct themselves when working in circumstances that prime them and sometimes may compel them to behave unethically. The ultimate irony is that getting IRB approval to conduct such research seems virtually impossible.

Kiss my Assessment

Today, I work at an art school, which has no IRB, since research of the type typically overseen by the IRB is not part of the art school tradition. In my present position, it would be perfectly feasible for me to enjoy the fact that I am off the radar screen and proceed on my merry way, as long as I do not seek any form of federal funding. The reality is that it is unlikely the question of IRB review would ever be raised in relation to my work because I am now a faculty member at an art school. This situation puts me within the letter of the law, perhaps, since I can just say of any of my projects “hey, this is art,” and who is to say differently? Strangely, I now find myself desiring IRB review in part to legitimate my work as real ethnography, and in part to demonstrate my adherence to ethical principles. Perhaps I too am a victim of having acquired a neoliberal subjectivity.

My argument to this point has certainly more than hinted that just this sort of pushing out is one of the inevitable outcomes of the current IRB situation. What the pushing out process has not accounted for, however, much as

hegemonic practices cannot anticipate the gaps that will be exploited by resistant practices, is that many will find themselves in positions where they are nearly free. There are any number of activist, feminist, radical researchers like myself who have left the mecca of the liberal arts institution or R1 university, given up tenure, and taken jobs (or made careers for themselves) that offer a good measure more intellectual freedom and greater income than before. Significantly, and perhaps ironically, many of these positions are in the belly of the beast: in places like Microsoft, Google, and other technology giants, our work and insights are treated with a delicious combination of bemused tolerance and benign neglect, along with a sweet budget and a free rein over investigations. What we don't have, however, are anthropology students, and in many cases, neither do we have control over our intellectual property. The intellectual property problem is actually something of a distraction as it is a growing practice for universities to require that faculty grant all patent and intellectual rights to the institution. This practice, in turn, is tied to the potential for intellectual property to generate profit to the institution, and here the IRB is implicated yet again. IRBs are best prepared to evaluate the types of research most likely to become money-makers, and as a by-product, this advance preparation leaves them under-prepared to evaluate research—such as that in an activist and feminist vein—that tends not to produce patentable or venture-making results. It is not exactly that IRBs expect research to produce income, but as the emphasis in expectations at numerous levels of the institution push departments, faculty, students and research toward those investigations most likely to generate funding, IRBs become that much less invested (so to speak) in other types of research.

Here, the profit-driven elements that have infiltrated much IRB functioning come together with the neoliberal narrowing of legitimized research topics. The agendas of feminist activist researchers are multiply disadvantaged: not likely to generate income; not on a proper topic; using suspect methods; framed as fundamentally biased. This was pointed out to me by Mary L. Gray, whose research has focused on rural, lesbian, gay, bisexual, transgender and queer teens. Gray's own run-ins with IRB approval processes show that the active, engaged position she takes was problematic for the IRB both because of the marginal status of her research subjects, and also because that very marginality made the relevance in terms of neoliberal priorities, seem questionable. Noting the overwhelming power of queer invisibility as a disciplining force, she writes that "the politics of youth sexuality and gender research may compromise the ability of researchers and university institutions to circulate and extend this scientific dialogue" (Gray 2009:185). That is, because youth sexuality and gender research are difficult topics, sensitive and even taboo, there is quite a bit of discomfort generated when people such as Gray want to investigate them. The structure and expectations of the IRB processes themselves become barriers to the open investigation of these important questions, both because making queer youth visible is transgressive, and because a lack of transgression has insinuated itself into definitions of what constitutes beneficial research.

In her current position at Microsoft, Gray is free to pursue this line of research, and even encouraged to do so, whereas in the academic setting (and academic freedom aside) conditions made such free enquiry into these questions much more difficult. It should perhaps be no surprise that among the contradictions emergent in this particular moment is that intellectual freedom may be greatest in the very organizations that wield the most economic power, and that as higher education institutions scramble to prove their legitimacy in order to get access to the funds they need, their orbits shrink into neatly circumscribed territories virtually devoid of innovative potential. It is in the end a swing of the pendulum. At some point, we might expect things to move in the opposite direction.

Among the most potentially interesting developments is that the growth of the IRB has spawned a large and growing business of its own that includes conferences, training courses, consultants, and—significantly—private IRB companies that provide external review for research at all sorts of institutions, ranging from medical facilities to private companies and universities. Here lies an opportunity that I hope some group of entrepreneurially motivated feminist ethnographers might take up: to form a review company that markets itself as specifically and specially equipped to evaluate ethnographic, feminist, and other forms of nondominant research. By taking the process into our own hands, using the system to our own best advantage, such an organization might prove effective, indeed.

Conclusion

My characterization of the current moment, with regard to the way in which IRBs operate, has tended to take the dimmest view, if only to dramatically highlight the dilemmas in which many of us find ourselves. I am strangely heartened by the potential that lies within the new spaces of freedom generated in the private sphere. Given the movement of so many higher education institutions toward neoliberal models of governance and operation, the academy as a space of freedom is most certainly under attack and likely to survive only in a profoundly changed form. Of course, having left a traditionally tenured position, I feel compelled not only to justify my move by declaring it a good one, but also to encourage others to take similar leaps into new and different spaces. The call is not, I hope, merely self-serving. Of course we must continue to fight for and advocate for a space for feminist activist ethnography within the academy. Looking beyond that traditional space, to consider the ways in which we might do our work in the way that we choose, define our own trajectories, create our own futures, is also eminently worth doing. And if it means escaping the clutches of the IRB, so much the better. Better still, taking the IRB into our own hands is something that is eminently doable. Know the rules, and exploit them to your advantage. Call for the formation of separate IRBs for

ethnographic and interpretive research. For those of us who are in positions to retake, remake, and refashion the culture and conduct of IRBs at colleges and universities, I urge you to join me in doing just that.