

*AAWP 2007*

**NO LAUGHING MATTER:  
ETHICS AND HUMAN RESEARCH IN THE ARTS**

Steve Evans  
Flinders University

**Abstract**

How does ethics screening affect research in writing programs? The Social and Behavioural Research Ethics Committee (SBREC) at my university has recently been dealing with an increasing number of applications regarding projects based around the writing of life stories. While there are necessarily sensitivities about the feelings and rights of the human subjects, an insistence on ethical screening is sometimes seen as antagonistic to research in the creative arts.

I have previously considered the way in which creative writing programs deal with the emerging ethical 'intrusion' in activities that, hitherto, had been regarded as requiring only an informal code of conduct (NHMRC Ethics in Human Research Conference 2005). This paper updates that earlier work, including a review both of U.S. ethical guidelines for conducting oral history interviews and the events this year at QUT regarding a controversial documentary film project on disabled people. It points to some future actions that could address the emerging situation as it concerns research in life writing.

**WHAT THIS PAPER COVERS**

Imagine you are settling down with your partner to take in a night's television. You start watching a show about house renovation projects when a shot comes up that includes cars parked in a posh interstate suburb. Your partner perks up and says, 'Hey! That's our car! What was it doing there in August? Weren't you at a conference then?' You look more closely at the screen and notice that they have blurred all the numberplates. As you sink back into the couch, you reply, 'Gee, it is similar, isn't it? I didn't realise there were so many.'

Why do the TV producers do this? Most likely it is to prevent the possibly embarrassing revelation of someone's whereabouts and, thus, keep lawyers out of the picture. Inadvertent disclosure is just one aspect of ethics screening. Properly attending to the interests of all human subjects involved in research is part of that screening and it should be anticipated with good project design. In the context of life writing, it means taking into account even the secondary characters and what might be revealed about them. Of course, there are more significant issues to consider as well.

In this paper I will:

- outline some particular concerns in the creative arts at my own university;

- comment on the definition of research as it applies to the creative arts, initially through looking at the U.S. experience with conducting oral history interviews;
- discuss matters of ‘truth’ in representing human subjects;
- look at the function and importance of consultation;
- examine some pressures on creative arts students, both of an artistic and a commercial nature; and, hopefully,
- point to some future actions that could address the emerging creative arts ethical research situation.

I am not proposing a detailed analysis and differentiation of the ethical dimensions of various forms of writing projects, such as the nature of authorship in collaborative life writing. That would be a huge task, and well beyond the limits of this paper. My focus is essentially on the way in which life writing projects do or do not fit well within the regime of ethics screening in tertiary environments.

## **THE STORY SO FAR**

In much behavioural research, the emphasis is on measuring people’s actions in order then to arrive at a suitable summary position; an explanation of that behaviour and an assessment of its importance. Such analysis of influencing factors, whether motivational or inhibiting, focuses not on the individual but on gaining better knowledge of group conduct. Of course, research involving human subjects takes many different forms, even in the humanities.

In the creative arts, it might involve weighing up issues of narrative structure, or analysing theories about movie audiences’ preference for happy endings, or considering how landscape features in post-colonial novels, etc. These are all matters at the gross level, that is, they are considered from an aggregated view. It has been argued that this intention to generalise from results is what characterises the scientific approach to research — an issue to which I will return later. The generalising method does not apply, however, to the large amount of creative arts work that concentrates on the few rather than the many, or even on a single character. Once we move away from broad data collection and general issues of theory, we place much more weight on the individual experience, the life lived, and I would contend that we will find looming problems with ethical standards of conduct in research in this area if appropriate action is not taken.

I teach in literature and writing courses at Flinders University in South Australia. My recent discussions with colleagues and students in the creative arts, suggest a combination of ignorance and resentful curiosity about how the spotlight of ethical standards might affect their current research practices when it falls upon them. This, I think, is largely explained by three reasons:

- lack of familiarity with the protocols of research;
- the growth of postgraduate study in the creative arts, particularly in life writing (and thus a greater level of research activity); and
- increasing sensitivity within the university about protecting both the research

subjects and its own reputation.

I held a seminar on research ethics for postgraduate students in writing programs in April 2005 that raised several queries:

- Some students questioned the applicability of current ethics procedures where the subject matter was autobiographical. For example, if a student was undertaking a creative work based on a period when she lived in Afghanistan and wanted to write about real people and events thirty years past, what ethical procedures would or should apply to her representation of these? After all, she argued, who owned the account that she was preparing if not her?
- One student queried the need to apply for permission to discuss issues of craft and writing theory with her fellow writers, where she intended to use that material in the exegesis accompanying her creative work. Can't I just have a chat with them, she asked?
- A teaching colleague questioned whether our ethics committee makes any distinction between what is appropriate ethical practice in the creative part of the PhD and in the exegesis:

Material which is based on the student-author's own experience and transformed into fiction (whether in any part recognisable by a hypothetical reader) must surely be in a different category from research material gathered for the exegesis — I / we fear that creative work could be shackled if the guidelines are applied without serious consideration for the differences between creative & critical work.

Golden, 2005: Email

This is a new and difficult territory for some students and supervisors in the creative arts. It is not unique to my university and that point was reinforced when I helped a Western Australian postgraduate student through the rationale and process for ethical approval, particularly relating to the rights of subjects who were offering oral histories (Wright, 2004, email). No researcher yet, in my experience anyway, is claiming that they must have a completely free rein in this regard, but there is some sensitivity — about both not knowing how the standards apply and about the potential impact on creative work in universities. Where, they ask, does the balance lie that will allow creative expression to exist without being stifled by administrative process? Are they right to be concerned?

It is not necessarily the case that the creative spirit is being suffocated, but there is an undeniable perception that obstacles are being thrown up by imposition of ethical procedures. So, why is it happening? What is the problem?

### **Consenting Adults**

While awaiting the issue of the latest National Statement early this year, Australian academics, Bamber and Sappey, remarked at an industrial relations conference that: 'One aspect of the "ethics industry" is that it has induced people to plan their research more systematically. However, this also tends to inhibit exploratory and serendipitous research.' Their gripe was that needs of social scientists may not be met and, therefore,

‘that some researchers feel the need to fly below the HREC radar.’ It sounds like what a number of writing researchers have been saying (Ritchie & Shopes [n.d.]: Online).

One complaint was that ‘some HRECs try to intervene in research design in ways that have no apparent connection with ethics.’ Later they added, ‘One of the key roles of HRECs should be to facilitate useful research, not to distort or confound it.’ This echoes the comments of a number of researchers, especially when confronted with control processes originally drawn up for biomedical research (Ritchie & Shopes [n.d.]: Online; Sieber, Plattner & Rubin 2002: Online).

Nonetheless, in my experience reviewing thousands of applications, such fears need not be well founded. I believe that no comment was ever made about research methodology in my committee’s written responses to applications except where there were severe shortcomings apparent (and some people do not describe their plans well). It is not the job of HRECs to design research projects; poor design is the researcher’s problem. If there seems to be a notable disjunction between the stated aims and possible outcomes of the project due to flaws in research design, a comment might be offered but approval not be withheld. On the other hand, if such a defect seems likely to result in a considerable waste of time for the subjects, then the methodology might be queried and a conditional approval given. The latter situation *is* an ethics issue and the committee is entitled to protect the human subjects.

If I am not dismissing these objections too lightly, I would certainly accept that there is a *perception* of ethics committees hampering research either through the basic fact of the application process requiring extra paperwork or, and more especially, where the request for approval project is so close to the commencement date that it allows little or no time for amendment. That’s a recipe for frustration, but not necessarily due to any fault of the HREC. I have to acknowledge, though, that if people say applying for ethics approval is too time-consuming or too difficult, something must be done.

### **Laughing at the Disabled**

If you want to see what fuss can arise around an issue of ethical treatment of research subjects, try googling ‘Laughing at the Disabled’. In April this year, two Queensland University of Technology academics, John Hookham and Gary MacLennan, publicly criticised a film project by PhD student, Michael Noonan, for its allegedly unsympathetic representation of two intellectually disabled protagonists.

The film, a work in progress, was shown to the two main characters, the men’s families, members of two disability organisations, an external psychologist, to Noonan’s peers for their advice, and to a faculty ethics committee. It was screened at Noonan’s confirmation seminar (the basis of approval to continue candidature) where Hookham and MacLennan firmly registered their protest. The film’s title at one stage was *Laughing at the Disabled*, but after MacLennan’s formal complaint that was altered to *Laughing with the Disabled* (Noonan 2007: 45). Within days of that complaint, Hookham and MacLennan ‘raised concerns that the project was not given a high enough ethics rating to adequately protect

the disabled men in it [and] went to the media' (McLeish 2007: Online), writing of their concerns in the *Australian* national newspaper, where they argued that:

...when we say that in civilised society it is repugnant to mock the disabled, most academics in our field appear to disagree with us. When we say it is morally wrong to laugh at the afflicted, our colleagues seem indifferent to the truth of this statement. Presumably for them it is just our "narrative".

They can take this position because in the postmodern world there are no theories, no knowledge and no truth; there are only narratives, fictional stories, all told with bias.

Hookham and MacLennan 2007: 33

Now we all probably have a view about high v. low culture, and about the influence of post-modernism on what constitutes 'valid' or acceptable art. Hookham and MacLennan were initially suspended without pay, and the issue has prompted considerable press reaction over many months, including such colourful comments as 'the betrayal of people with disabilities' (McLeish 2007: Online). Argument concerning whether the stance of Hookham and MacLennan and their supporters is appropriate or not is for another place, but the case highlights the sensitivity of some research and the potential for disagreement about what is a suitable way of protecting vulnerable subjects. I presume that sufficient detail was available when the project was submitted to the HREC that gave approval, but it was clearly not adequate to meet some expectations of what constitutes fair treatment. Substitute 'writing' for 'film' and you might see what this could mean for the kind of projects that we write or supervise.

Here, instead of the more common claim that a requirement to gain ethics clearance impedes research we have the implied view that such screening is incompetent to stop or modify research that exposes its human subjects to cruel mockery. On the one hand it could be said that the public forum will ultimately deliver some final outcome, making the university's process redundant. On the other hand, one might say that the case justifies a tougher approach by HRECs, including a different moral outlook to protecting vulnerable subjects. This case has broader implications for writing about all human subjects who may end up being presented as figures of fun, or perhaps as flawed in some way and deserving our approbation. No, there is no clear-cut way to definitively chart a safe path — and why would we always opt for safety, anyway?

The question of balancing human subjects' rights over how they are represented and the author's rights to choose the manner of representation is ticklish, and can often end in court. As Couser says: 'Harm can be done to the subjects' privacy, to their reputations, even to their integrity as individuals' (2004: 42). Even with the apparent protection of documented consent and agreement on the terms of process (neither being the exclusive product of ethics screening, but expected by it), things can go wrong. Nonetheless, Couser envisages that 'we may seek to head off ethical violations by establishing guidelines for future projects' (2004: 55).

## **Disclosure & Consent**

What if you were supervising a student who interviewed their primary subject and, as a result, included reported statements about another person in their transcription. Is it acceptable and, if so, in what circumstances? Could such information be transferred to the final, publishable work of the student?

An Australian university copped some bad publicity in 2006 for its research ethics, becoming the focus of a show in the Radio National series, *The Health Report*. As the show's host said when introducing the segment, 'It also calls into question how ethics committees approve projects and the balance of their loyalties between protecting the public and the interests of their institution' (Swan 2006: Online). In essence, a woman's husband revealed information about her when he was asked to contribute to a telephone interview conducted for La Trobe University about 'health and relationships' that turned to detailed matters of sexual practices. The wife said that, 'I couldn't believe that somebody could come into my home via telephone...and convince somebody else to give that sort of information about me without my consent.' The team leader of this research project was actually a member of the La Trobe HREC. The dispute went to court (Swan 2006: Online).

Now this situation concerns a health project, not one of life writing, but the principals are just as pertinent. The terms of a subject's involvement with a researcher need to be clearly understood, and adhered to. They should, especially if there is any doubt, be interpreted to the advantage of the subject and his or her right to protection, including regarding the nature of their consent and their right to privacy. They should be extended to any third party who was not given the opportunity to consent, and expanded in that case. When we interview a subject of a life writing project, we should, notwithstanding any right that the subject has to withdraw from the study, thoroughly understand and respect the subject's rights.

## **RESEARCH OR NOT?**

There are some matters of definition to be decided or, at least, considered before we proceed. Earlier, I mentioned the argument that an intention to generalise from results is often used as a hallmark of scientific research and that this would seem to preclude work that focuses on an individual, such as interviewing someone regarding their personal history. There does not seem to be any specific provision in the Australian guidelines in this regard but there has been a review of the U.S. protocols that attempted to deal with it.

For some time now, ethics bodies have addressed the question of how guidelines orientated to research in medical science are being extended to the social sciences and the humanities. One of the areas of concern is in how oral history interviews are to be conducted. I mention this because it has direct relevance to the position of researchers in the creative arts; while the historian's situation is not exactly the same, there is a great deal of commonality.

Linda Shopes, of the American Historical Association and the Pennsylvania Historical

Museum Commission, argued before a meeting of the National Human Research Protections Advisory Committee in 2002 that, ‘the transmission of knowledge about the past to the spoken word is the oldest way in which humans have learned about our history’ and that historians conducting oral history interviews are already subject to protocols (Shopes 2002: Online). She puts the oral historian’s perspective on interviewing thus:

I think it's important to state that for historians, oral history is not understood as research on human subjects, but rather research with other human beings. An oral history interview is an interaction process in which the questions of the historian interviewer elicit the responses of the narrator which in turn influence the historian's subsequent questions and on and on.

The quality of an interview depends as much on the methodology employed and the relationship between interviewer and narrator as it does on the significance of the events being recalled and the sharpness of the narrator's memory.

In the words of one historian, oral history is distinguished by a "shared authority" between narrator and interviewer as they work together to develop a particular account of the past.

Shopes 2002: Online

This is directly analogous to the position of the creative artist who, in scholarly research, conducts interviews in order to construct a work depicting some aspect of a human subject. While universities’ Institutional Review Boards (IRBs) in the U.S. would have been aware that oral history interviewing was classified as ‘exempt’ from their purview under 45 CFR Part 46 of Department of Health and Human Services Regulations for the Protection of Human Subjects, they apparently tended to include them in the scope of referable projects as a precaution — because they were risk averse and because they could (Shopes 2002: Online). Shopes thought that it was because of a critical misinterpretation of research itself:

...the meaning of the term seems to be more specific and routed in the biomedical and behavioral origins of the Common Rule. In this sense generalizable knowledge is that which seeks underlying principles or laws that have predictive value that can be applied to other circumstances for the purpose of controlling outcomes

Oral historical inquiry is the most specific of all forms of investigation, seeking to find out the experiences and perspectives of a single person. While reaching for meaning that goes beyond the specific subject of our inquiry, we do not reach for generalizable principles of historical or social development.

Shopes 2002: Online

Shopes’ address is long but very much worth reading since it eloquently raises several issues of present concern, and not merely for writing practitioners in our universities. On the face of it, the position in the U.S. has changed since she spoke. A review of the guidelines there means that from August 2003 oral history interviews are ‘excluded’ from IRB review per Department of Health and Human Services Regulations for the Protection

of Human Subjects at 45 CFR Part 46, Subpart A: Oral History Interviewing. 'Exemption' means that specific activities that would otherwise be thought to require review have been considered and deemed not required to be the subject of an application for approval. 'Exclusion', on the other hand, recognises that some activities fall outside the scope and authority of IRB review in the first place. Thus, oral history interviews would seem to have escaped the net of ethical review by IRBs in the U.S. altogether, but this would be to draw a premature conclusion.

The exclusion was 'primarily on the grounds that oral history interviews, in general, are not designed to contribute to "generalizable knowledge"...they are not subject to the requirements of 45 CFR part 46 and, therefore, can be excluded from IRB review' (Office of Protection for Human and Animal Subjects 2004 [?]: Online). Individual universities can take up the revised approach, though I note some caution on their part as they seek to find terms to convey the principles in the best way. The IRB of the San Francisco State University, for instance, offers this advice regarding whether work in oral history falls under its purview:

It is clear that the researcher's intention plays a large part in determining whether your research is oral history or not. If you are surveying or interviewing a population with the idea of comparing, contrasting, or establishing commonalities between different segments, or among members of the same segment, it is safe to say your research will be regular survey/interview procedures with the idea of generalizing the results.

If you are seeking historical perspective on a past event or way of life, with individuals who have a unique perspective on the topic you're investigating, you may be conducting oral history interviews.

Office of Protection for Human and Animal Subjects 2004 [?]: Online

There is an important distinction here: in the specific case that oral histories are intended to produce generalisable findings, they are still subject to IRB approval. Oral historians may well discover that their own IRB still wants to hear arguments for non-application; that is, a 'justify your claim of exclusion in his case' approach being taken. Parallels can readily be drawn between some of the above and work in the creative arts, especially where it comprises interviews with human subjects. It may not be completely safe to match creative arts researchers to the situation of oral historians on all occasions but it seems a reasonable starting point.

## **LIFE WRITING & TRUTH**

Based on the foregoing, it is easy to see that life writing would be a field of creative arts study and practice that potentially offers difficulty for the marriage of ethics procedures and creative endeavour in Australia. It is an area that valorises personal and subjective accounts, so there is a strong likelihood of authorial claims to privilege, if not immunity from intervention. In the case of autobiographical writing, the author has a sense of ownership of the story even before it is written. Since it is based on experience that is

unique, who else could properly tell it? Who else possesses that particular truth? To whom should the autobiographer be accountable? Overprotective as such a stance may be, these questions seem to account for some of the current nervousness about ethics procedures.

What is life writing? Rae Luckie of the University of Western Sydney, Nepean promotes a series of life writing workshops entitled Turning Memories into Memoirs. She says that, 'we are not at all involved with objective theory. Rather we facilitate the process of remembering, organising and crafting memories into memoirs' (Luckie 1999: Online). She continues, saying that 'scholars...have mapped and challenged the boundaries and canons of autobiography and biography life writing' and in this process it 'tends to cross and recross the boundaries between biography, autobiography and fiction' (Luckie 1999: Online).

US writer, Lee Gutkind, is the latest guru of creative nonfiction writing, an area that includes life writing. One of his key pieces of advice concerns notions of truth.

Creative nonfiction should read something like fiction, but simultaneously be true (verifiable and accurate) (a difficult objective considering the blurred line between fiction and nonfiction and between documentable facts and how we perceive those facts over time.

...

Creative nonfiction carries the writer and the reader into a deeper dimension of trust, truth and believability. The creative nonfiction writer may take certain liberties with the truth ( he or she may push the blurred gray barrier between fiction and nonfiction to the limit ( without breaking through to the other side.

Gutkind 1996: 16

This seems a bit of a cop-out, but one has to be practical: truth and verifiability are ideals. How often have you heard it said that there is more than one truth? In addition, not everything that is true is capable of being verified ( that would require always having reliable and observant witnesses, for one thing. Even were one to be in possession of the 'truth', any editor knows that what you leave out is as important as what you leave in. The truth, the whole truth and nothing but?

Authors do not always offer a true account; some revel in their capacity to play with notions of truth by teasing the reader, and this leads to divided opinions among reviewers and teachers. In her essay on such unreliable narration, Donna Lee Brien wrote that, 'ethical biographers and autobiographers work with veracity as their aim (this is the motivation for all that research, after all) and this striving for veracity is respected, and expected, by readers' (Brien 2002: Online). Nonetheless, life-writing students are aware of the creative possibilities of blurring the truth and may happily take up such devices.

A relatively new development is the overtly partly-invented biography, one that uses the tools of the fiction writer more obviously to present a person's life. Edmund Morris's

biography of former US President, Ronald Reagan, titled *Dutch: a Memoir of Ronald Reagan*, was released in 1999. The controversy that followed its release centred on the fact that Morris created a fictional narrator who was present at all of the key moments in Reagan's life. Morris called this device, 'an advance in biographical honesty' (Kakutani 1999: Online).

How much licence has a creative writing scholar got, for instance? Nobel Prize winning author, J. M. Coetzee, comments as follows on the way that truth and fiction are critical in both novels and autobiography:

I take an autobiography to be a personal narrative distinguished from narrative fiction by the assumption on its readers' part that it adheres to certain standards of truthfulness, and perhaps distinguished as well by an inspiration on the part of its writer to tell the truth. For that reason I take autobiography to be at least an intention, a kind of history rather than a kind of fiction.

The kind of verifiability to which autobiographical narratives are subject has been limited, however, since much of the time, perhaps most of the time, they will be concerned with events, thoughts and feelings that are known to one person alone in all the world.

For that reason, the element of trust on the part of the readers has to be strong: there has to be a tacit understanding, a pact, between autobiographer and reader that the truth is being told.

Coetzee 2000: 12

But truth is not enough. Gutkind recounts the experience of a writer who 'allowed herself to lie' in order to produce a book that she felt she could not have produced without such artistic licence at the draft stage. She tried to edit out the 'lies' after they had served her creative purpose and then sent the manuscript to the parties represented in her book. None of them asked for any changes to be made, despite the fact that the author could not be certain everything in it was now true (Gutkind 1997: 117-118). The critical issue was that the people who were shown the manuscript were willing to accept her account as serving the truth adequately enough (my words) rather than it being a complete and fully accurate account. On the other hand, if one of them had disputed something in it, what would have been the extent of their right to expect a change? It would have depended largely on the nature of any prior agreement as to such rights — and that brings us to consultation.

## **CONSULTATION**

Assuming that an autobiographer intends to write about particular events and characters in her past (a normal practice, of course), a real problem may be one of access: how does one reach and obtain agreement from subjects only known many years earlier? And what is the cost of getting it wrong, of presenting a version of the past that is strongly contested? Publishers have found that a book dealing with real people can be an expensive affair (in time if not money) when there is dissatisfaction about style and content, and especially when there are arguments about factual content. This raises the prickly issue of what constitutes agreement from the subject parties, and how to get it.

Consultation between writer and subject offers the chance to reduce argument but it does not guarantee accuracy or agreement. In 1999, Fred Kaplan was working on an approved biography of the celebrated US writer, Gore Vidal. At one stage, Vidal rang him to ask for access to the manuscript and was refused, as Kaplan was entitled to do according to the terms of an agreement that Vidal had signed. Vidal had even written at the start of the process that: 'Naturally, Mr. Kaplan must have a free hand in writing his book, and I shall exert no control' (Kaplan 2001: Online). Vidal's next step was to get a lawyer to demand a viewing. The tussle continued and though Kaplan resisted the legal tactic he did allow Vidal to see his quotes in the manuscript. Vidal eventually accepted them apart from requesting a very few stylistic changes. There was discord later, though, which pitted biographer and subject at each other again. In the end, Kaplan, wrote:

I don't for a moment regret having undertaken my life of Vidal. I learnt a great deal. Immersing oneself in the complexities of someone else's life is an unparalleled opportunity to enlarge the person one has been up to that point. Writing a life is somewhat like reading a novel

Kaplan 2001: Online

Maybe our students would not have had the tenacity or the resources to keep up such a fight, but that is not the real issue here. There was an original agreement of process signed by the subject, Gore Vidal. There was a mutually understood and documented set of ground rules, notwithstanding the later disputes in this case. The existence of this agreement stood to protect both parties and to clarify the terms of the project. But this happened in the cut-throat world of commercial publishing, didn't it, so how would it have any relevance to tertiary research?

## **TERTIARY STUDY & COMMERCIALISM**

One of the criteria commonly attached to assessment of creative works in postgraduate study is that each should be of publishable quality. A student's novel, for instance, should compare favourably with what one might find on a normal bookshop shelf.

Putting aside the difficulty of how one could assess this attribute, especially when so many worthy manuscripts are rejected (and, arguably, so many poor ones are not), there is still the matter of audience, the potential readership. How does an author in the world of commercial publishing anticipate the demands of an intended readership, and what effect would this have on the style and content of his writing? Students in tertiary creative arts are no less susceptible to these considerations, especially now that so many universities expect that the better manuscripts will actually be submitted to commercial publishers.

Tom Shapcott is an Australian author in many fields and held the inaugural Chair in Creative Writing at the University of Adelaide from 1998 to early 2005. At his retirement function in April, one congratulatory speech consisted substantially of listing the publishing credits of students in his courses. Professor Shapcott is a great mentor to

writers inside and outside the university, but is this the way we are heading? Notwithstanding that supervisors ought to understand that not every 'publishable' work will actually be published, there is pressure on students to produce work considered worthy of publication.

Louise Adler, chief executive at Melbourne University Publishing, one of only four university publishing houses in Australia, feels that many submitted manuscripts are not ready for the academic market let alone the general one. An example of wider publishing success, she argues, is Maggie MacKellar's *Core of My Heart, My Country*, which was transformed from a 'traditional doctorate' through editorial work by Drusilla Modjeska: '...the author had managed to convey a sense that these women's stories were not merely of historical significance. The reader felt they mattered now. A writer had brought these stories back to life' (Adler 2004: 28). Where there is a publishing success, it seems to be where 'established scholars offer alternative ways of thinking about writing', such as Iain McCalman's *The Seven Ordeals of Count Cagliostro* after it was 'sold to the Harper-Collins behemoth and edited for a general readership' (Adler 2004: 29). In both of these cases, there is a clear message that the prospect of being published is enhanced when texts are edited to promote elements of story telling that appeal to the broader market.

If research in this area is to be hailed a success when its output reaches and appeals strongly to a general readership, then it will be prey to use of the techniques that maximise that prospect. Is this inimical to good research and to the ethical standards that we routinely apply, however?

## **THE PRIMACY OF STYLE & NARRATIVE MOMENTUM**

Would you choose to read a story that lacked dramatic impetus? Would you watch a movie in which the central character was as a limp machine that avoided personal challenges; or who merely climbed a steady gradient of tasks leading to some kind of predictable reward such as community respect? It's a different matter if the character is simply incidental to the story, and placed before us principally to help the primary objective of conveying factual detail. As countless writing gurus have advised, it is often more effective to convey knowledge through parable, through 'showing, not telling', so that sketching a life-like character in action may accelerate learning. But that's using a character in a subsidiary and purely informative role. It is not the same when a key character is fully in view.

The highly imaginative reconstruction of an episode in someone's life may be sufficiently entertaining (that is, marketable) to gain publication, even if it is produced as the creative component of a higher degree. A student's accompanying dissertation on the uses of particular techniques of writing craft to recreate actual events will almost certainly not be published: it's a case of 'don't show me the sports car's workshop manual, take me a for a ride in it'. Scandal and dramatic intrigue win audiences. As George Walden observes in his review of a biography of author Graham Greene: 'The question this book raises is not

how many prostitutes Graham Greene bought in a lifetime, or the state of his soul, but his choice of biographer. No one wants his life probed too acutely' (Walden 2004: Online).

A vicarious pleasure in reading autobiography and biography is that someone else is admitting to faults and paths of blemished behaviour, or having them revealed. Melbourne scholar, Rosamund Dalziell, argues that: 'Shame is so pervasive in Australian autobiographical writing that it is difficult to find autobiographies in which its traces cannot be identified' (Dalziell 1999: 273). Given publishing's tendency to promote stories of shame in order to lift public interest and thereby boost sales, there is all the more reason to protect people who are the subjects of research when it will likely lead to them being represented in print.

The staples of story telling are threat, choice, and conflict — and characterisation, which is at the heart of life writing, is no exception. We learn about characters from seeing what they do at critical decision points, when they are faced with moral choices. It is unlikely that anyone will consistently make wise and compassionate decisions on every occasion, and the curve of our own learning paths suggest that we would not believe such saintly characterisation in film or in print. So, the subject of a biography might have reasonable cause for concern. What reader wants to know about a character who is and always has been pure of heart? No conflict, no story. This reinforces the need to highlight for our students that in the normal course of life writing they are likely to bring their subjects into question, and that their subjects deserve to know the extent of their potential exposure before they accede to interview.

In her book on writing workshops, Carol Bly devotes a whole chapter to aesthetics and ethics — one of the few such books to even announce that ethical considerations might be relevant (Bly 2001: 235-278). Oddly, though, the chapter is entirely about how one should not allow aspects of style to displace taking an ethical position: it does not directly refer to ways of acknowledging human subjects' rights in the process of research or in subsequent artistic representation. Similarly, in her chapter on sources for writing life stories, Patti Miller only once mentions that some interviewees may find discussions painful (Miller 1994: 47). Theodore A. Rees Cheney also presents a chapter on ethical matters at the end of his *Writing Creative Nonfiction*, a book I use frequently in my classes, but it too dwells mainly on issues of faithfulness to truth and the rights of the reader not to be fooled (Rees Cheney 1987: 217-232). It does not address fully informing the subject, gaining their consent, or arrangements for their review of the manuscript, etc. So, it seems that the issue of human research subjects tends to be glossed over.

As my teaching colleague asked, should we treat the dissertation differently from the creative work when it comes to ethical standards, in other words, being less strict about the latter? If you wanted to increase your chances of making money from publishing, you'd probably tackle celebrity biography and discard the exegesis anyway. Michael Cader of *Publisher's Weekly* in the U.S., reported that the top five biggest publishing trends there were memoirs and biographies, political science, science, diet and health (Cader 1999: Online). But then, if you had identified the fast track to publishing wealth, perhaps you would also discard tertiary learning and its associated financial burdens, and

simply get straight down to research and writing unencumbered by the strictures of ethics committees.

What propels a story for most readers is not the amassing of historical detail but the careful employment of dramatic elements. A life story needs to have impulsion and a sense of veracity, and one way to achieve this is through the skilful use of dialogue — letting the reader ‘hear’ the characters speak. Denis Ledoux remarks in *Turning Memories into Memoirs* that all dialogue should be authenticated (Ledoux 1993: 105) or if the author is relying on mere intuition or possibly faulty recall, she should say so (1993: 99) — but not all dialogue moves a story along, and if it does not it should be dropped unless it presents factual detail that is vital to the story. What survives in a tale is what underpins the development of plot. In a commercial market that may mean adhering to editors’ ideas of what will excite a readership rather than what serves principles of ethical behaviour — until the lawyers come running, of course.

I suggested earlier that conflict is a common engine to excite reader interest. Life writing is history writing and it has to deal with actual events, including conflict. I am currently involved in updating the history of a community arts organisation in which there was once a loss of funds and accusations of embezzlement. Naturally, that is an episode that is important to the history of the organisation and to reader interest. The question now is how to relate this incident in sufficient detail to respect the truth yet still afford adequate protection to the parties concerned.

## **WHAT TO DO?**

At the beginning I asked whether there was an irreconcilable conflict underlying the notion of applying existing ethical research standards to the creative arts. Could, and should, the supposedly more liberal process of creating imaginative texts and film only properly develop if it had correspondingly fewer ethical restraints, or at least different ones, that recognised some unique properties of the creative arts? It is argued that both the act of creative production and the forces of commercial production seem to demand that our students’ output offers a larger-than-life narrative if it is to have any chance of public acclaim, but isn’t that antithetical to our assumptions about the rights of human research subjects?

I want to put the research component of life writing into the context of what universities and similar educational institutions typically require in terms of the ethical conduct of research. The National Health & Medical Research Council (NHMRC; <http://www.nhmrc.gov.au/>) is the body that formulates policy regarding the ethical conduct of research in Australia. Its initial focus, as its name suggests, was not research in the humanities or social sciences as much as health care and medicine. Nonetheless, its concerns translate fairly readily across the divide. We have to deal with it because our institutions subscribe to the protocols of the NHMRC through various Human Research Ethics Committees (HRECs).

The principal document of the NHMRC is currently the *National Statement on Ethical Conduct in Human Research 2007*, which is also known as *The National Statement*. One of the key goals of the NHMRC is to ensure that the benefits of research are not achieved at undue cost to human subjects. This does not mean that the human subjects must not be hurt by our research, or made happier by it! They may indeed suffer some discomfort, but it should never be without appropriate warning or without appropriate consent. That is the kind of thing that the *National Statement* addresses.

Now think about what that may mean for the life writing projects. The very juice of life writing often derives from drama, scandal, conflict, danger, and revelation. That is hardly the stuff likely to protect its human subjects from psychological stress or even damage to reputation. For the student undertaking a life writing project, this may raise some crucial difficulties in meeting the requirements imposed by their university for conduct of necessary research. I will try to deal with the current state of play in this respect.

How do we maintain the urge to bring worthwhile stories, the very evidence of our research, before an audience in the face of what may be seen as censoring and bureaucratic regulation? With HRECs each handling up to 1000 applications for ethics approval every year (NHMRC 2007b: 3), why would you want to get in that queue? Well, you may not have any other option but to do just that — unless you are prepared to conduct your research on the sly, and risk the university disowning you when legal difficulties arise, for instance. There is some light on the horizon, however.

The Australian Health Ethics Committee (AHEC), which sits under the NHMRC, periodically provides advice to the various institutions' own ethics committees. [Had enough acronyms yet?] In the context of research for quality assurance purposes in health care, one of the advices published by the AHEC recommends that HRECs establish policies for the 'efficient review of low risk quality assurance proposals' including the use of delegates to 'avoid creating impractical and/or unnecessarily large workloads or delays' (2003: 2, 8). Indeed, the 2007 iteration of the *National Statement*, provides that low risk research may be reviewed under other processes than reference to an HREC, and that 'institutions may also determine that some human research is exempt from ethical review', though it adds that proposals must still be judged ethically sound in terms of the *National Statement* before research begins and full funding is released (2007a: 8).

So, how might we avoid reference to a full Ethics Committee? Various ways of treating low risk projects are set out at 5.1.20 of the *Statement*, including review by a department head or committee, or a delegate of an HREC (2007a: 79). What then can be exempted from review altogether? The key tests for exemption to be allowed are that research projects involve both 'negligible risk research' and only the use of existing records with non-identifiable data (2007a: 18, 79). Here is what the provisions of the *Statement* say about low risk and negligible risk:

2.1.6 Research is 'low risk' where the only foreseeable risk is one of discomfort. Where the risk, even if unlikely, is more serious than discomfort, the research is not low risk.

2.1.7 Research is 'negligible risk' where there is no foreseeable risk of harm or

discomfort; and any foreseeable risk is no more than inconvenience. Where the risk, even if unlikely, is more than inconvenience, the research is not negligible risk.

2007a: 18

This sounds like some life writing research might be seen as low risk, but to qualify as negligible risk and not be caught by the need for any review at all, there is still the second test to be overcome, regarding use of existing records that will not identify the subjects. This envisages research without any primary contact being made with the human subjects themselves; hardly likely with writing a biography, for instance. Don't give up yet, however! The low risk road may not be so hard.

Where an appropriate approach could be determined for fast tracking the approval of low risk proposals for research involving human subjects, the authority to make the relevant decisions could be delegated to individuals or small sub-committees. It would not seem too much to expect that where low risk research proposals are routinely of the same nature the delegate could approve them without detailed analysis or delay. This would seem to allow for recognition of the similarities of many life writing projects, for instance. Welcome to the fold! No longer will students have to live with the sin of having avoided ethics approval. But it would not be a complete escape clause; the particular issues attached to each project would still have to be considered, including divulging the actual risk to the subject that is posed by the writing project. Each subject's life would present its own set of potentially embarrassing or otherwise damaging facts and claims that would have to be recorded with care.

But what's the fuss? This work is only going to sit in an archive somewhere, isn't it? The only people to actually see it will be you and your supervisor and maybe a couple of examiners, right? No. We are increasingly encouraged to seek publication of research papers in prestigious journals with wide circulation, and there has always been the push to create work of a publishable standard in the more commercial sense. On top of this, we also have the growth of digital archives of research papers that opens access to a broader readership than before. While certain protections can be put into place to withhold the life writing product from public scrutiny, such acts would seem antithetical to the very reasons that we write.

The NHMRC also says it is looking for national adoption of one application form and a mutually recognised national system of ethics review, both signs of a continuing intention to achieve a more standardised and efficient system (2007b: 5). The NHMRC attitude, as evidenced by the publications on which I draw, seem to affirm some important principals — ones that I think ought to assist us in the conduct of our research that involves human subjects, viz:

1. where research proposals are regarded as low risk, they could be handled efficiently by delegates of the HREC rather than entering the larger and potentially delaying process of review by the full committee;

2. there is an ongoing need to assess the way that certain situations are dealt with by registered HRECs, thus acknowledging that a certain kind of project might be routinely treated expeditiously as low risk, or exempted from ethical review; and
3. a standardised, national system would allow every research proposal of the same nature put forward for approval of an HREC in an institution governed by the NHMRC guidelines to be treated consistently.

What does this mean in practical terms for the typical life writing student? If these ambitions of the NHMRC were to be realised, it should mean that some kinds of research could be exempted entirely from the process of application to and approval by an HREC. Commonly encountered, low risk proposals could be captured by a set of guidelines and criteria that indicate the necessary characteristics for exemption. Some projects need never go beyond the supervisor's initial checking for conformity. A local Research Ethics Advisor could be consulted for confirmation, where necessary. Standardisation of processes for ethics approval should be a good thing, if handled properly.

What can you do to help yourself? The HRECs don't give retrospective approval, but for your future research activities it would help if you familiarise yourself with the *National Statement*, at least in broad terms. Crucially, I suggest that you do more:

1. ask your supervisor if they know the ethics application process
2. if you are a supervisor, look up the guidelines
3. ask whether you have a Research Ethics Advisor (REA) or similar in your area
4. check whether there is an approved delegate of the HREC (who may be an REA) whom you can see
5. push for information sessions on ethics approval processes

Beyond that, there is one more thing I would strongly argue for and that is that the AAWP formulate a policy on the appropriate methods for handling ethics approvals in the case of research typically undertaken by students and other researchers in its normal areas of interest. It should address both the behaviour of the HREC and the researcher, and could include, but not be limited to, describing typical projects and the ethics issues that could be expected to arise from them. AAWP should be proactive in this aspect of our work, so that the administrative aspects of ethical research are consistent with our understanding of the aims of the research and the rights of both writer and subject.

Ethics and creative nonfiction are not natural enemies, however. Lack of familiarity on the part of students and supervisors can be overcome. Achieving this will mean formally providing for discussion of general ethical and legal issues in the creative arts, and informing students and staff about their home institution's relevant policies and procedures. That information could be offered through core postgraduate seminars and be imbedded in tutorials at the undergraduate level in specialised writing and film courses. Gerber endorses the approach suggested by van den Hoonaard, that HRECs should, *inter alia*, more actively engage with qualitative researchers:

- using terms that are meaningful to them;
- exempting some kinds of research activity; and
- looking beyond traditional scientific research methods.

In the US, recommendations to IRBs include to ‘seek ways to streamline the process’ and to ‘offer to consult with researchers as they design their research and as they prepare their protocols’ (Office for Human Research Protections 2005: Online). Particularly in light of the U.S. experience, it would also be worthwhile considering special provisions being created for research guidelines when oral history is involved. The need to apply for approval for all life-story research, including autobiography, could then be reduced without overlooking risk to subjects. All cases could be better handled if ethics committees were fully informed of the typical processes of creative arts projects. Creative arts students do not yet have specific protocols of the kind already set for oral historians in the U.S., but these could be created — perhaps with direct input from professional bodies like the Australian Association of Writing Programs.

Creative style need not be compromised, though planning and allowing for the passage of applications through the ethics approval process would be necessary; project planning would have to change accordingly. Life writing produced at our universities can be dramatic and compelling while still preserving the reasonable protection and interests of its subjects. It need not suffer artistically when observing ethical principles in research and preparation. Indeed, making students aware of ethical considerations should be promoted as part of the work of informing them about how the commercial publishing and film world should operate ó at its best, anyway. In turn, that will make them better informed and better prepared for research practice outside the university environment. The human interest story, as developing in our creative arts studies, is not only consistent with ethics procedures but also may actually be helped by it at the same time as protecting the interests of its human subjects.

Bamber and Sappey recommend ‘having separate HRECs for health scientists’, adding that ‘in the social sciences and humanities, consent should be required only in certain cases, where for example there is potential for defined and specified harm.’ The first suggestion is unnecessary at Flinders and, presumably in some other institutions, where there is already such a division of committees, but it may be appropriate elsewhere. Their second suggestion seems to underestimate the potential for harm, but it does signify an understandable desire for streamlining the processing of applications.

I would hope that Bamber and Sappey, and other researchers who feel beleaguered by HREC protocols, endorse my suggestion that the AAWP take up the challenge to directly influence the way in which we manage our engagement with ethics screening. Indeed, as Bamber and Sappey say in concluding their remarks, ‘researchers...should discuss these issues with their HRECs. They should engage with the ethics processes in constructive ways rather than just filling in forms and passively accepting edicts.’ Chris Cordner, Chairman of the working party that most recently revised the National Statement on Ethical Conduct in Human Research, and Colin Thomson, Chairman of the Australian Health Ethics Committee responded by saying that:

...where the statement does not offer specific guidance, or where its application may be uncertain, researchers and HRECs should draw on other guidelines in particular research

fields that are consistent with the statement. If HRECs do this, the problem of inconsistency among HRECs...should also be reduced.

Cordner & Thomson 2007: 24

*Steve Evans is a writer who teaches literature, writing and theory topics at Flinders University, where he was on the university's Social & Behavioural Research Ethics Committee for several years, and where he is currently a Research Ethics Advisor.*

## References

- Adler, Louise 2004, 'Let's end this dissertation dissipation', *The Australian*, 3 November, pp. 28-29.
- Bamber, Greg & Sappey, Jennifer 2007, 'Consenting adults and the path to truth', *The Australian: Higher Education Supplement*, 21 February, p. 40.
- Bly, Carol 2001, *Beyond the Writers' Workshop: New ways to write creative nonfiction*, New York: Anchor Books.
- Brien, Donna Lee 2002, 'Being honest about lying: Defining the limits of auto/biographical writing', *TEXT* Vol 6 No 1 April (Online).  
URL: <http://www.griffith.edu.au/text/school/art/text/april02/brien.htm>  
[accessed 2 May 2002]
- Cader, Michael 1999, 'Sleuthing for Truth in Memoir', *Publishers Lunch*, (email newsletter), 28 July.
- Coetzee, J.M. 2000, 'Fictions of the Truth', *The Age*, 13 May.
- College of Communications 2004, 'The Exclusion of Oral History from IRB Review', Institute of Communications Research, University of Illinois (Online).  
URL: [http://www.comm.uiuc.edu/icr/faculty/research/Appendix\\_II-Oral\\_history.pdf](http://www.comm.uiuc.edu/icr/faculty/research/Appendix_II-Oral_history.pdf)  
[accessed 10 May 2005]
- Cordner, Chris & Thomson, Colin 2007, 'Ethical guidelines', *The Australian*, 14 March, p. 24.
- Couser, G. Thomas 2004, *Vulnerable Subjects: Ethics and life Writing*, New York: Cornell University Press.
- Dalziell, Rosamund 1999, *Shameful Autobiographies: shame in contemporary Australian Autobiographies and Culture*, Carlton South: Melbourne University Press.
- Gerber, Rod (2004, March). Review Note: Will van den Hoonard (Ed.) (2002). Walking the Tightrope: Ethical Issues for Qualitative Researchers [15 paragraphs]. *Forum Qualitative Sozialforschung / Forum: Qualitative Social Research* [On-line Journal], 5(2), Art. 1.  
URL: <http://www.qualitative-research.net/fqs-texte/2-04/2-04review-gerber-e.htm>  
[accessed 27 September 2007].
- Golden, Jill 2005, Flinders University Department of English & Culture Studies, Email, 8 April.

- Gutkind, Lee 1996, *Creative Nonfiction: How to live it and write it*, Chicago: Chicago Review Press.
- 1997, *The Art of Creative Nonfiction: Writing and selling the literature of reality*, New York: John Wiley & Sons.
- Hookham, John & MacLennan, Gary 2007, 'Philistines of relativism at the gates', *The Australian*, 11 April, p. 33.
- Kakutani, Michiko 1999, 'Biography as a mirror reflecting biographers', *New York Times* (Online).  
URL: <http://www.nytimes.com/library/books/100299morris-notebook.html>  
[accessed 11 October 1999]
- Kaplan, Fred 2001, 'Blood and Gore', *The Age*, (Online), 8 January  
[article first appeared in *Lingua Franca*, October 2000]  
URL: <http://www.theage.com.au/books/2001/01/08/FFX7KAO0PHC.html>  
[accessed 18 January 2001]
- Ledoux, Denis 1993, *Turning Memories into Memoirs: a handbook for writing lifestories*, Lisbon Falls: Soleiel Press.
- Luckie, Rae 1999, 'Turning Memories into Memoirs: The Australian Experience', *TEXT* Vol 3 No 1, April (Online)  
URL: <http://www.griffith.edu.au/school/art/text/april99/luckie.htm>  
[accessed 30 April 1999]
- McLeish, Kathy 2007, 'Thesis Row', *ABC Stateline*, ABC TV, 15 June transcript (Online)  
URL: <http://www.abc.net.au/stateline/qld/content/2006/s1952828.htm>  
[accessed 27 September 2007]
- Miller, Patti 1994, *Writing Your Life: a journey of discovery*, St Leonards: Allen & Unwin.
- National Health & Medical Research Council (NHMRC) (Online).  
URL: <http://www.nhmrc.gov.au/>  
[accessed 25 September 2007]
- National Health & Medical Research Council 2003, *When does quality assurance in health care require independent ethical review: Advice to Institutions, Human Research Ethics Committees and Health Care Professionals*, Canberra: AusInfo, Commonwealth of Australia, endorsed February.
- National Health & Medical Research Council 2007a, *National Statement on Ethical Conduct in Human Research 2007*, Developed jointly by National Health and Medical Research Council and Australian Research Council Australian Vice-Chancellors' Committee, Canberra: AusInfo, Commonwealth of Australia, endorsed March.  
URL: [http://www.nhmrc.gov.au/publications/synopses/\\_files/e72.pdf](http://www.nhmrc.gov.au/publications/synopses/_files/e72.pdf)  
[accessed 25 September 2007]
- National Health & Medical Research Council 2007b, *Challenging Ethical Issues in Contemporary Research on Human Beings*, Canberra: AusInfo, Commonwealth of Australia, endorsed June.  
URL: [http://www.nhmrc.gov.au/publications/synopses/\\_files/e73.pdf](http://www.nhmrc.gov.au/publications/synopses/_files/e73.pdf)  
[accessed 25 September 2007]
- Noonan, Michael 2007, 'I am the one who has been humiliated', *The Australian*, 5 September, p. 45.

- Office of Protection for Human and Animal Subjects 2004[?], 'Does My Research Require Review', San Francisco State University (Online).  
URL: <http://www.sfsu.edu/~protocol/human/review-required.htm#oral>  
[accessed 10 May 2005]
- Office for Human Research Protections (OHRP) (Online)  
URL: <http://www.hhs.gov/ohrp/policy/index.html#irbs>  
[accessed 15 July 2005]
- Rees Cheney, Theodore A. 1987, *Writing Creative Nonfiction*, Berkeley: Ten Speed Press.
- Ritchie, Donald A. & Shopes, Linda [n.d.], 'Questions Regarding the Policy Statement', Oral History Association (Online).  
URL: [http://omega.dickinson.edu/organizations/oha/org\\_irbquestion.html](http://omega.dickinson.edu/organizations/oha/org_irbquestion.html)  
[accessed 25 September 2007]
- Shopes, Linda 2002, *Proceedings before the National Human Research Protections Advisory Committee*, 29 January (Online).  
URL: <http://www.hhs.gov/ohrp/nhrpac/mtg01-02/0129NHR.txt>  
[accessed 10 May 2005]
- Sieber, Joan E., Plattner, Stuart, & Rubin, Philip 2002, 'How (Not) to Regulate Social and Behavioral Research', *Professional Ethics Report*, Volume XV, Number 2 (Spring) (Online).  
URL: <http://www.aaas.org/spp/sfrr/per/per29.htm#cover>  
[accessed 27 September 2007]
- Swan, Norman 2006, 'Research Ethics', *The Health Report*, ABC Radio National, 10 July (Online).  
URL: <http://www.abc.net.au/rn/healthreport/stories/2006/1680645.htm>  
[accessed 24<sup>th</sup> September 2007]
- Walden, George 2004, 'Bookshop: The Life of Graham Greene: volume three 1955-1991', *New Statesman* (Online).  
URL: <http://www.newstatesman.com/Bookshop/300000089770>  
[accessed 2 November 2004]
- Wright, Jaqueline 2004, Email, 9 December.