"Ethics review, neoliberal governmentality and the activation of moral subjects"

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This article examines forms of subjectivation propagated through the processes and practices of ethics review in UK Higher Education Institutions. Codified notions of research ethics are particularly prevalent in the university context along with stringent institutional regulation of the procedures surrounding ethics review of research proposals. Michel Foucault's concept of neoliberal governmentality is argued in this article to help illuminate the combination of power processes reflected in ethics review practices. These operate insidiously in accordance with a neoliberal rationality that champions self-sustaining individuals and the inauguration of human capital. Moreover, ethics review processes and attendant regulatory modes of control compound the construction of the student as a 'permanent performer' (Marin-Diaz, 2017, p. 716) and the associated requirement for her to self-govern through risk management. A combination of overtly controlling and self-relational mechanisms of neoliberal governmentality are in operation, both of which have the potential to generate particular forms of subjectivation in the university context. Foucault's conceptualisation of the ethical relation to the self helps indicate alternative, resistant styles of self-confrontation to those correlating with neoliberal governmentality. These are based on autonomous choice-making and self-censoring rather than unquestioning conformity to the regimens of ethics review.

Introduction

The widespread practice of ethics review of research proposals within universities has attracted considerable sceptical commentary. The codification of ethical research conduct resulting from the transportation of objectivism from the scientific, bio-medical model across disciplines including the social sciences has been the subject of much criticism. Beyond castigating the dominance of the medical model and doubting its suitability for qualitative projects, ethics review critics have also examined its enmeshment with regulated, tightly administered practices within universities (see, for example, Guta, *et al.,* 2013). This is lamented as commonplace in what has been proffered as a neoliberal university context (Giroux, 2014; Ball, 2015; Morrissey, 2015). Robust institutional governance systems for ethics review have given rise to empty, repetitive performances of accountability premised on the notion of auditability reflecting the corporate spirit of universities fostered through neoliberalism. Bone's (2010) contention that regulatory machinery in universities has increased serves as a reminder that neoliberalism can in fact spell more rather than less regulation.

Although it has been a feature of universities for decades, ethics review is perhaps at odds with the corporate changes brought to the university in the UK context (see Ball, 2012; 2015). Indeed, it sits at the "precarious intersection of rapid changes to academic, institutional, and community cultures" (Guta, 2013, p. 303). While its positioning amongst various market-driven categories of function is rather blurred, risk management seems to have become accepted as the underpinning rationality. Risk-thinking has culminated in the discursive forms constituting governance more recently in the neoliberal era (Crabtree, 2013). As ethics review becomes reduced to rules and protocol to be followed, the less malleable it becomes through subjective interpretation.

While considered ubiquitous, neoliberalism does not present a "unified doctrine" (Davies, 2017, p. 5), nor does it simply become imposed or find straightforward exemplification in the social world. Rather, it is construed as an "amalgamating" phenomenon, fusing "social actors, policies and material interests" (Venugopal, 2015, p. 174). It appears to align what might be fairly disparate spheres in the name of its valorised, market-oriented principles. Taken in the Foucaultian sense germane to this article, neoliberalism represents a rationality which extols competition and enterprise; but, in order for this to be embraced by individuals so that they author their actions, the exercise of control is remote and insidious. Keeping oneself useful is not a project to which the subject resigns itself in a fatalistic sense; rather, the subject is energised through personal investment in the notion of endless possibility and the actuarial calculations to be made (Peters, 2005).

Followers of Foucaultian thinking, such as Hamann (2009), caution against conceptualising neoliberalism as a totalising force reigning down on its targets in organised, monolithic fashion. Similarly, Barnett *et al*. (2008) warn against the assumption that intentions to imprint neoliberal rationality on a target actually transpire in practice. In other words, it is erroneous to conceive of a central locus driving a coordinated chain of events that bring about an intended effect upon a recipient. This is where the Foucaultian notion of neoliberal governmentality is expeditious. It offers ways of thinking about the insidious ways in which individuals are recruited into the neoliberal project.

Governmentality is proposed in Foucault's later work as a framework for recognising the less direct and more enlivening processes of subjectivation than those which serve to produce a subject. Rather than being aligned with a central locus of control such as a government, governmentality points to "complexes" or constellations composed of various "laws", "agents" and "norms" that are contextualised in different ways (Rose, 1993, p. 287). It accommodates disciplinary forms of control as well as those associated with more self-activated subject constitution associated with Foucault's later work. Such potential for considering multiple power processes is attested to by Hamman (2009, p. 9) who notes Foucault's reminder of "the complex ways in which different forms of power have coexisted and complimented one another". The concept of a "neoliberal" governmentality fosters understanding of the rationalities via which institutions such as universities are impelled be "lean", "fit", "flexible" and "autonomous" (Lemke, 2002, p. 17) in order to compete in the market. Moreover, it sheds light on how such rationalities and concomitant pressures recruit subjects who simultaneously form themselves as "moral" and "economic-rational" (Lemke, 2002, p. 13).

The aim of this article is to examine how subjects are constituted through the practices of ethics review in the UK policy context wherein ethics review is predominantly interpreted in terms of both "institutional governance" and the quest for "evidence based-ethics" (Sleebloom-Faulkner *et al*., 2017, p. 3). After outlining the UK policy context, the article expounds the various regulatory forms of control upon which ethics review practices are based. It then examines Foucault's conceptualisation of a more self-activated form of subjectivation, both in relation to neoliberal governmentality and the ethical relation to self. This fosters exploration of the subjectivation of the student who, surprisingly, is an absent figure within the critical literature surrounding ethics review.

Outline of UK Ethics Review Practices

The UK concordat for research issued by Universities UK in 2012 stipulates that research projects with human participants conducted in the name of the university necessitate ethics approval – or permission to proceed - from universities. It reinforces observance of the various government-

endorsed centers for different types of research which are most prominent in areas of health and defence. Owing to the different bodies and their various legislative standards that are to be subsumed by the task of ethics regulation in universities, there is no overarching guiding policy to be implemented across UK universities other than that expressed under 'research integrity' in the concordat. A 2019 revision to the concordat mandates increased stringency on the part of research funding bodies to ensure its 'conditions' are met which includes putting 'sanctions in place' (Universities UK, 2019). University institutional bodies known as Ethics Committees, Institutional Review Boards (IRBs) or Ethics Review Boards are involved in demonstrating the institution's compliance.

The predominance of the positivistic model of research and codified nature of ethics is reflected in the questions contained in the often lengthy proforma requiring articulation of informed consent procedures, anticipated risks and compliance with legal standards such as the European GDPR implemented in 2018. Anticipated vulnerability of participants, negative short or long-term impacts of the research and measures to mitigate any power imbalances associated with the 'researcher' role are also discussed on the proforma so that a sound plan for ethical conduct can be demonstrated. The research for which ethics clearance is sought might subsequently be considered too ethically 'risky' to commence without major alteration to its design. Standard practice is that an application comprises the following documentation: an ethics proforma with appended informed consent documentation and any survey instruments and interview schedules. These are all brought under the scrutiny of the reviewers who weed out anything in the detail of the documentation incongruent with what they consider to be 'genuine' informed consent, for example.

Ethics Review and Regulatory Power Processes

The directly coercive power processes associated with the mechanisms or procedures through which ethics review occurs are perhaps readily evident. Ownership of the process is emblazoned on the consent forms in the form of the board's address which signals the official contact for a complainant. The ethics board, committee or equivalent is a recognised locus of such policies, possessing the authority to block or enable using modes of control that could almost be construed as sovereign. While the final decision is borne by the university concerning whether proposed research studies can proceed, the regulatory mechanisms in operation are markedly disciplinary in their mode of control. In this section, the focus is on the implementation of ethics review by university staff which includes the student's academic supervisor and reviewers of ethics applications.

That university institutions have visible, robust protocol is underpinned by the necessity of being seen to be addressing research ethics issues (Samuel & Farsides, 2018). Even a cursory search on UK HEI university websites reveals the ubiquity of visible policies in this regard. While emanating from a central body within the university, the ethics review process may be devolved, as Sleebloom-Faulkner *et al.* (2017) attest. This has occurred within the university institutions in which I have worked. In such an instance, compliance, consistency and standardisation become objects of managerial control now commonplace within the neoliberal university context and beyond (Ball, 2015). Moreover, a market-oriented impulse to maximise expediency has generated a shift towards administration and the embedding of regulatory machinery within universities. This represents just one of the reactions to market logic which, seemingly contrary to the aim of unfettered market relations commonly associated with neoliberalism, has "intensified systems of bureaucratic organisation" (Bone, 2010, p. 731).

Audit is a particular technique aligning with remote styles of governance, operating via the notion of accountability. As a mechanism for control requiring minimal monitoring, the "audit" (Olssen, 2014, p. 220) expedites managerial styles underpinned by a notion of individual accountability, or being answerable to a higher authority. As demarcated from genuine responsibility, accountability serves to regulate those with such devolved duty to regulate the devolved process. Actions are shaped by "the perception of defending or justifying one's conduct to an audience that has reward or sanction authority" (Beu & Buckley, 2001, p. 61). The reviewer has in the back of her mind the consequences of being the one who lets an unethical application slip through the net, so to speak, or exposes the institution to risk. The practice of 'signing off' an ethics application is an enabler of transparency and traceability, both of which are germane to the mechanism of the audit.

The pervasiveness of such processes of regulation is often maligned in critical literature on ethics review, though their insidiousness is not necessarily explained in such literature in terms of disciplinary modes of subjection. For instance, Winlow and Hall (2012) document the practice involving academic staff being called upon for ethical review. Their contention is that staff merely brush it off as yet another minor bureaucratic task, its quotidian nature rendering it indistinguishable from other tasks that have accumulated around them. Further, they propose that ethics review practices endure, remaining beneath the radar of the individual, since she has become numbed to the persistent and multiple "little others" (Winlow & Hall, 2012, p. 400) that make moral impositions in current times. However, such an analysis presupposes that the individual construes ethics review regulatory practices as external to herself.

The explanation of the perniciousness of such practices according to Foucaultian thinking connects to the ways they penetrate individuals' subjectivity in complex ways. Considering the notion of the audit as a managerial mechanism, one's expertise or professionalism is rendered a spectacle through the transparency of the regulated sign-off process on the ethics review documentation. The use of more than one reviewer – perhaps reflecting a concerted effort on the part of the designers of the ethics review protocol to neutralise reviewer subjectivity - and practices surrounding discussion of one's judgement with fellow reviewers to satisfy the purposes of the audit foment a "panoptic performativity" (Perryman *et al.*, 2018, p. 146). Indeed, the technique of examination that is propagated serves to produce the reviewer as subject; it "holds them in a mechanism of objectification" (Foucault, 1977, p. 187).

Disciplinary power processes are also discernible if we consider how the norm, through enabling distinctions to be made about suitable as opposed to unethical research, shapes the construction of research proposals. The norm, Koro-Ljungberg *et al.* (2007) explain, which homogenises notions of research methodologies deemed ethical, provides a benchmark for examining ethics applications. Hierarchical intervention, they argue, is a close ally of the norm in that authorities can block certain types of research in their gatekeeping role as safe-guarders of institutional reputation. The top of the hierarchy starts, as they state, from the source that supplies research funding, in the case of academic staff researchers; however, I argue that it also exists at the level of the policies requiring demonstrably robust systems around ensuring research integrity, namely, the aforementioned UK concordat for research. Furthermore, it would seem that institutions are disciplined themselves via what Gill and Donaghue (2015) describe as the university's ritual exposure to the public orchestrated at national policy level in UK. University rankings, league tables and manifold forms of external evaluation in the UK context have arguably increased the stakes in terms of risk management and reputational protection.

The trickle-down effect of hierarchical intervention can also be discerned in regard to the relations between research student and her academic supervisor. The supervisor aids the student in making the

application, steering her towards alignment with normative notions of ethical research. The so-called neutral ethics reviewer's judgement is kept in the mind of the supervisor who shapes her guidance to the student accordingly. The onus is on the supervisor, herself subject to normalising processes propagated in the institutional setting, to provide sufficient guidance to expedite an unproblematic ethics review process for the student. The outcome of the review process also reflects on her proficiency as supervisor. Indeed, in the performative culture of UK Higher Education context, continual external judgements about one's worth unsettle one's ontological security; the professional role of those administering the ethics review process are troubled by "constant doubts about which judgements may be in play at any point" and "mean[s] that any and all comparisons and requirements to perform have to be attended to" (Ball, 2003, p. 220). Thus, under a neoliberal rationality which extolls the idea of having to validate one's worth, the subject is more likely to calculate what benefits compliance will bring as opposed to engaging with the task as a worthwhile idea (Ball, 2003). Such subjectivation, I argue, does not pertain only to those administering the ethics review, but to students.

Student Subjectivation

I concentrate in this section upon the modes of subjectivation involved in the student's engagement with ethics review practices. When referring to the student caught up in the practices of ethics review - and the wider systems in which both are embedded - I do so in terms of a position or mode of "subjecthood" (Bansel *et al*., 2008) that they might take up rather than an essence or identity remaining stable across time and space. The framework of governmentality facilitates exploration of how the student may become subjectivated and thereby malleable by a combination of the technologies of "domination" and "self-relating practices" (Peters and Besley, 2007, p. 30) germane to governmentality.

The contractual nature of the connection between student and ethics review practices reflects the most authoritative, juridical forms of control that might be exercised. As Wilson (2010, p. 36) notes, "quasi-juridical" modes of subjectivation which are more overtly domineering may constitute mechanisms of neoliberal governmentality, in combination with the softer, self-relational modes of subjectivation. The latter, Wilson contends, are instituted when there is less trust that the subject will shape itself in the requisite way. Specifically, in the case of ethics review, informed consent documents spell out the terms on which such an agreement is based, attempting to define specific start and end points of responsibility (Trnka & Trundle, 2014). This reflects the defensive protocol of ethics review and inflects a neoliberal rationality: in such conditions where informal decision-making is superseded by practices predicated on relations of antagonism between two parties, we find an emphasis upon the transaction, encapsulated in the form of the ubiquitous written contract (Furedi, 2004). In effect, the individual outlines a pledge to conduct herself in certain ways by engaging in ethics review protocol. Once bound in this way by such contracts, one's actions can be deemed "remotely controlled" by punitive sanctions' (Bauman, 1993, p. 59).

We may begin to assume that the student's compliance with the abovementioned regulatory systems of ethics review, whereby she writes herself into alignment with its norms, represents a rather uncritical adjustment to university prescriptions. Indeed, the regulatory processes attached to ethics review encourage, through rewarding the actions - or plans for action articulated on ethics documentation - considered acceptable. Therefore, the student's subjectivation could be deemed one of being produced or ushered into conformity with the type of conduct facilitating progress; that is, she obtains ethics approval by the university to enable progression within a credit-bearing programme of study. Such acquiescence may indicate students' mere adaptation to the values of the institution which may reflect their goal to be a "good" student, amenable to institutional regimens (Grant, 1997,

p. 112). This could be considered to render students subjects of a disciplinary form of power such that they are cajoled "into their own disciplining" (Grant, 1997, p. 111).

Such an unquestioning compliance may, however, arise from feeling that being biddable reflects prudent decision-making. Acquiescence thus represents an extension of a mode of subjectivation propagated by a neoliberal rationality, namely, instrumentalism. This coincides with an impulse to augment one's value in the name of entrepreneurship (O'Neill, 2016; Giroux, 2014). Discourses surrounding credentialism emanating from educational institutions reinforce the idea of investment in individuals as units of potential human capital (Lewis, 2009). Such discourses have a particular hold within an "educative system" which "defines" individual "failure" (Marin-Diaz, 2017, p. 713), especially in relation to stalling the rate of progression that is defined by its imposed schedule of learning. The decision to engage with ethics review practices and adhere to such prescriptions then becomes a matter of assuming a certain moral agency involving aligning with the "norms and values associated with 'responsible' consuming and enterprise" (Edwards, 2008, p. 5). Such apparent subservience aligns with a moral precept of neoliberalism surrounding taking care of oneself. As Bloom (2015, p. 85) explains, being responsible - in distinctively neoliberal terms - is tied to a "moral agency that's congruent with the attributed tendencies of rational actors: autonomous, self-determining and self-sustaining subjects". In other words, to disengage with ethics review practices and encounter delays in progression would represent a less than astute decision.

When considering the possibility that the student subject's decision to work within the stringent parameters of ethics review protocol becomes one of calculation, it is worth examining the form of subject appearing within Foucault's work on neoliberal governmentality, namely, the *homoeconomicus*. It is an important figure appearing in the Foucault's *The Birth of Biopolitics* and is constituted as a "utility maximiser, a free and contractual individual" (Besley, 2013, p. 237). As Foucault (2008) explains in *The Birth of Biopolitics*, the *homoeconomicus* is integral to neoliberal governmentality, representing a subject that is perpetually engaged in attending to how well it meets its obligation to monitor its levels of human capital. Such a moral duty to make prudent choices and decisions over one's future is part of a neoliberal governmentality, constituting one of its techniques (Wilson, 2010). Indeed, as Simons (2006, p. 530) explains, conceiving of "human life" in terms of capital, "turns it into a governmental concern". It is especially pertinent considering that enrollment in Higher Education study is peddled as one of an individual's "longer-term investment decisions" (Peters, 2005, p. 123). As Foucault (2008) explicates, the type of governmentality with which neoliberalism articulates is not primarily focused upon a collective defining of anomalies in a population: the onus is transferred to the individual who carries and mitigates the weight of risk.

If the form of subjecthood taken up by the student were commensurable with the figure of the *homoeconomicus*, this subject position would be conceived as a component of a generalised set of institutional structures that mobilise or provide the "conditions of possibility" (Foucault, 2008, p. 163) for the economic processes attached to neoliberalism. Under a neoliberal rationality the individual may appear self-interested in so far that she calculates anticipated personal benefits; however, she is at the mercy of economic forces that engineered this positioning and subsequently benefit from it. Indeed, the *homoecomomicus* is part of the fabric of the economic conditions underpinned by neoliberalism. This tight intertwining of governing structures and the *homoeconomicus* is encapsulated by Gordon (1991, p. 45): "the state presents itself as the referee in an ongoing transaction in which one partner strives to enhance the value of his or her life while another endeavours to economise on the cost of that life". The subject - constituted as a unit of human capital - is captivated by the notion of being an "ability machine" (Foucault, 2008, p. 226). This subsequently shapes the subject's feeling of moral obligation to manage risk, captivating it in the role as a "permanent performer", to coin Marin-Diaz's (2017, p. 716) phrase. Bearing the

weight of responsibility for oneself and others is pivotal to the endurance of neoliberal governmentality and serves to energise neoliberalism (Foucault, 2008). Such responsibility to live as productive, resourceful and self-rejuvenating is considered part of an enduring enterprise from which the subject is never released. It is a long-standing task, requiring constant commitment, perpetual "presentation", "reconstruction" and is one in which the subject is "continuously employed" (Gordon, 1991, p. 44).

In the neoliberal university context, the subject is constituted in a network, which is not necessarily within a physical setting, that enables capital - in terms of knowledge, skills and contacts - to proliferate (Simons, 2006). Attendant discourses extoll the dream of achievement and success, offering rewards for those who manage to get it "right" (Brunila & Siivonen, 2014, p. 66). In other words, the subject is faced with a constant challenge in terms of discerning the winning formula and thereby distinguishing itself. As already mentioned, the student may engage with the codified protocol of research ethics review for instrumental reasons, namely, as a way of progressing and thus inaugurating her human capital. However, it is also worth noting that students have access to multifarious discourses circulating within the educative system. It is through these that students come to learn what is expected from them and "know their places and remain within them" (Brunila & Siivonen, 2014, p. 67). This is an active process involving navigation and deliberation, particularly when students align themselves with what they perceive to be the norms and standards (Fendler, 2014). Moreover, students are not necessarily determined by discourse, as expounded in Foucault's attention to the subject in his later works. Student subjectivation thus involves negotiation of the social practices and "power formations" in the educative environment (Golder & Fitzpatrick, 2009, p. 114).

Within such an educational context wherein multifarious discourses circulate, manifestations of a neoliberal rationality drawn from wider networks account for the way the student may relate to the moral imperative to make autonomous decisions. Krce-Ivančić (2018, p. 5) point to the marked lack of a "prescribed way to meet the neoliberal norm" and absence of someone to point the finger at directly, arguing that "it is exactly this lack of issuing instance behind the neoliberal impulse that produces confrontation" (Krce-Ivančić, 2018, p. 5). The confrontation and challenging of the self that Krce-Ivančić describes is germane to Foucault's (1985) precept of work on the self and its processual nature. Further, Krce-Ivančić (2018, p. 5) attests to the soft forms a neoliberal governmentality takes as a "micro-presence". Put simply, the subject feels a perennial, low level compulsion to determine and monitor the presence of risk.

The question remains, however, over whether a subject can be constituted as one that takes an autonomous moral stance in relation to the prescriptions of ethics review practices, perhaps resisting the neoliberal frame - or rationality – of human capital inauguration. It would be cynical to assume the form of subjecthood posited is one that is preoccupied with the capital that can be extracted from ethics review protocol, a relation that Emmerich (2013) notes is fomented by its contractual nature. The forms of subjectivation propagated that might involve negotiation of such power-processes is a matter addressed below.

An Ethical Relation to Self

Foucault's concentration on the subject and its ethical constitution in his later works fosters exploration of how the subject may interact with the moral precepts extolled in the cultural milieu. Foucault's work on "ethics" surrounds conceptualisation of the relationship the subject has with itself

and its constitution by particular "customs and practices" (Olssen, 1999, p. 142). Such concentration on the ethical relation to self does not, however, suggest that his consideration of power processes came to an abrupt end (1). As Foucault (1988) contends, our cultural milieu contains technologies which seek to produce us which interact with modes of self-relating that we turn upon ourselves. He argues that both are forms of domination and shape our creation of "skills and attitudes" (Foucault, 1988, p. 18).

Foucault's work on the ethical constitution of the subject derived from his enduring analyses of the various ways of being human - or associated focal experiences deemed important at a particular historical period – and attendant subject-confronting practices. Indeed, "there is a subject because a certain type of 'relationship with the self' comes into being in a culture" (Jambet, 1992, p. 238). Of particular interest to him, as articulated in *The Use of Pleasure*, were the ways the subject problematises its relationship to a morality and the objectification of itself arising through such endeavours. This relation shapes the selective uptake of, or commitment to, certain values and rules associated with the morality lauded at the time (Foucault, 1985). Such theorisation of self-subjectivation, as it were, is helpful in illuminating the more self-determining aspects of the subject. Moreover, as Foucault (1988, p. 11) contends, recognising the historically contingent notions of self-relating and "arbitrariness of institutions" helps demonstrate to us that we are perhaps freer than we think.

The particular techniques through which the subject chooses to relate to a moral precept are many and varied (Foucault, 1985). Such techniques of self-relation involve the subject becoming its own censor (Foucault, 1988). For instance, for the Stoics, an ethical practice would be determining how well one adheres to the precepts espoused in the cultural milieu (2). Such self-censorship that is integral to the ethical constitution of the self implies forms of autonomy that are challenged, profoundly, by the codification and regimens of ethics review practices. Indeed, there are no choices or judgements being made by the subject when abiding by such protocol serves as the primary form of self-care. The subject's acquiescence, as Grant (1997, p. 110) has observed, might in turn provide a way for the institution to take "care of itself". Thus, it seems it is difficult to evade the shaping forces of the wider network and institutional behaviours that inflect neoliberal goals of risk management.

Furthermore, focusing upon contracts to demarcate lines of responsibility along with demonstrating adherence to imposed ethical codes and subsequent ethics review protocol seems to compound atomistic proclivities. Turning outwards, so to speak, to consider the wider communities and networks in which those inside and outside the university act, may facilitate the generation of resistant forms of subjecthood. Orienting to goals other than those of human capital inauguration and attendant assumption that human capital is something to be accrued during study and released upon entry into the job market, may be one such form of resistance. As Sumathy (2016) argues, the world and all the ethical issues within it, is within – as opposed to divided from - the university; however, this becomes submerged by the marketisation of universities, decimation of traditional forms of concerns for the other and subsequent division between learners in the university and wider society (Giroux, 2014).

Reflection upon personal positioning is perhaps a routine aspect within research training and development of the burgeoning researcher. However, encouraging students to "question choice-making, historicise and understand it" (Peters, 2006, p. 394) would foster a more responsive relationship to others which is integral to developing a personal, ethical stance. It may even foment the productive operations of power that Peters (2006) identifies, rendering subjectivation a matter of the creative enactment and deliberative moulding of one's comportment. Ethical relations to self may then be generated, reflecting the self-censoring Foucault identified in the case of the Stoics. Moreover,

rather than positing the development of more 'ethical' future researchers, as though such standards are universal and reside within an individual, it must be recognised that it is only through "responsive relation to others" (Golder & Fitzpatrick, 2009, p. 120) that an ethical relation to self can occur.

Ethics, in terms of Foucault's thinking, represents a "complex series of relations of self" as well as a situated practice (Bazzul, 2017, p. 8). That is, it is dynamic and constantly evolving out of multifarious encounters with others. Reflection upon how we are constituted as part of wider constellations of discourses, actors, institutions and other societal "entities" (Bazzul, 2017, p. 9) is imperative for the cultivation of a more relational notion of ethics. In other words, students could be encouraged to think about: their stance in relation to the issues of the world posited as 'research problems'; how they and their various selves are embedded within larger systems; how this may involve encounters with multifarious ethical codes occurring across contexts. Furthermore, as Besley (2005) points out, education itself involves a coaching of citizens to orient to the world in an ethical manner. Indeed, in ancient Greece, one's constitution as a moral subject and one's preparation in order to be able to govern others were inextricable. Moreover, the moral subject would come to be endowed with the requisite attributes for leadership and the provision of service in the civic domain (Foucault, 1985).

Conclusion

Neoliberal governmentality has been proffered in this article as a framework for understanding the various modes of control and associated subjectivation fomented through ethics review practices. Power processes that operate by moulding or 'subjectivating' the student into a subject with an antenna for risk are not to be considered separate from wider institutional discourses championing utility maximisation and individualised risk calculations. Indeed, UK universities are disciplined via various mechanisms of external evaluation orchestrated nationally in the current policy context. The audit constitutes a regulatory mechanism through which ethics review is implemented. However, the production of those implementing ethics review practices as subjects of disciplinary power processes does not represent the limits of subjectivation: students are also subjectivated through their encounters with both ethics review practices and supervisors. Attendant mechanisms of neoliberal governmentality include those that are quasi-juridical, which attempt to channel the subject's conduct more directly; hence the stringency of ethics protocol and its contractual basis. 'Softer', more self-relational forms of student subjectivation, that are also germane to neoliberal governmentality, surround astute decision-making commensurate with inaugurating one's human capital. There is a danger here that the subject's encounter with ethics review processes becomes dominated by the idea of the capital that can be extracted from it, perhaps at the expense of meaningful engagement. However, there is room for conceptualising resistant forms of subjecthood within Foucault's thinking whereby the subject confronts itself in a manner discordant with a neoliberal rationality. This involves an ethical relation to self whereby the student acts as censor of her own comportment. It is also a position or stance that is markedly ethical since it fosters autonomous decision-making on the student's part. A focus on encouraging students to generate evolving ethical frameworks for research that are honed through critical questioning might foster more long-standing, independent ethical practices. The act of holding students to rigid, codified forms of research ethics and their review

practices can perhaps only be achieved through the mechanisms of control and attendant modes of subjectivation critiqued in this article.

Notes:

(1) Self-constitution of the subject conceptualised in Foucault's later thinking, wherein he conceded he was overly occupied with dominating modes of power (Peters and Besley, 2007), did not represent a 'discreet' phase (Rosenberg and Milchman, 2010, p. 65). Foucault's interests in power endured, as stated, for instance, in *The Birth of Biopolitics*: "control is no longer the necessary counterweight to freedom, as in the case of panopticism: it becomes its mainspring" (Foucault, 2008, p. 67).

(2) These were a matter of self-vigilance and constant testing of one's enactment of an edict such as to be in control of one's thoughts, or how one relates to practices such as going for a walk (Foucault, 1988).

References

Ball, S.J. (2015). Living the neo-liberal university. *European Journal of Education*, 50(3), 258-261. DOI: 10.1111/ejed.12132

Ball, S.J. (2012). Performativity, commodification and commitment: an I-spy guide to the neoliberal university. *British Journal of Educational Studies*, 60(1), 17-28. DOI:10.1080/00071005.2011.650940

Ball, S.J. (2003). The teacher's soul and the terrors of performativity. *Journal of Education Policy*, 18, 215–228. DOI: 10.1080/0268093022000043065

Bansel, P., Davies, B., Gannon, S. & Linnell, S. (2008). Technologies of audit at work on the writing subject: a discursive analysis. *Studies in Higher Education*, 33(6), 673-68. DOI: 10.1080/03075070802457017

Barnett, C., Clarke, N., Cloke, P. & Malpass, A. (2008). The elusive subjects of neoliberalism. *Cultural Studies*, 22(5), 624-653. DOI: 10.1080/09502380802245902

Bauman, Z. (1993). *Postmodern Ethics*. Oxford: Blackwell Publishers Ltd.

Bazzul, J. (2017). The 'subject of ethics' and educational research or ethics or politics? Yes Please! *Educational Philosophy and Theory,* 49(10), 998-1005. DOI: 10.1080/00131857.2016.1270184

Besley, T.A.C (2013). The culture of self, subjectivity and truth-telling practices. In Dillet, B., MacKenzie, I. and Porter, R. (Eds.), *The Edinburgh companion to poststructuralism* (pp. 227-246). Edinburgh: Edinburgh University Press.

Besley, T.A.C. (2005). Technologies of the self and parrhesia. In Peters, M.A. (Ed.), *Education, globalization and the state in the age of terrorism* (pp.111-144). London: Paradigm Publishers,

Beu, D. & Buckley, M.R. (2001). The hypothesized relationship between accountability and ethical behaviour. *Journal of Business Ethics*, 34(1), 57-73. DOI: 10.1023/A:1011957832141

Bloom. P. (2015). *The ethics of neoliberalism*. Oxon: Routledge.

Bone, J.D. (2010). Irrational capitalism: the social map, neoliberalism and the demodernization of the west. *Critical Sociology*, 36(5), 717-740. DOI: 10.1177/0896920510371387

Brunila, K. & Siivonen, P. (2014). Preoccupied with the self: towards self-responsible, enterprising, flexible and self-centred subjectivity in education. *Discourse: Studies in the Cultural Politics of Education*, 37(1), 56-69. DOI: 10.1080/01596306.2014.927721

Crabtree, S.A. (2013). Research Ethics and the moral enterprise of ethnography: conjunctions and contradictions. *Ethics and Social Welfare*, 7(4), 359 -378. DOI: 10.1080/17496535.2012.703683

Davies, W. (2017). *The limits of neoliberalism: authority, sovereignty and the logic of competition (Revised Edition).* London: Sage.

Edwards, R. (2008). Ordering Subjects: Governmentality and Lifelong Learning. American Educational Research Association (AERA) Annual Meeting, New York. Available from: http://www.aera.net/Default.aspx?id=2936

Emmerich, N. (2013). Between the accountable and the auditable: ethics and ethical governance in the social sciences. *Research Ethics*, 9(4), 175-186. DOI: 10.1177/1747016113510654

Fendler, L. (2014). *Michel Foucault*. London: Bloomsbury Academic.

Foucault, M. (1988). *Technologies of the self: a seminar with Michel Foucault*. London: Tavistock Publications.

Foucault, M. (2008). *The birth of biopolitics: lectures at the college de France 1978-79* (Graham Burchell translation). Basingstoke and New York: Macmillan.

Foucault, M. (1985). *The use of pleasure* (Robert Hurley translation). New York: Random House, Inc.

Foucault, M. (1977). *Discipline and punish: the birth of the prison* (Alan Sheridan translation). London: Penguin.

Furedi, F. (2004). 'The formalisation of relationships in education'. In Hayes, D. (Ed.), *The Routledge Falmer guide to key debates in education* (pp. 9-12). Abingdon: Routledge Falmer.

Gill, R. & Donaghue, N. (2015). Resilience, apps and reluctant individualism: technologies of self in the neoliberal academy. *Women's Studies International Forum*, 54, 91-99. DOI:10.1016/j.wsif.2015.06.016

Giroux, H. A. (2014). *Neoliberalism's war on higher education*. Chicago: Haymarket Books.

Golder, B. & Fitzpatrick. P. (2009). *Foucault's law*. Routledge: Oxon.

Gordon, C. (1991). Governmental rationality: an introduction. In Burchell, G., Gordon, C., Miller, P. (Eds.), *Studies in governmentality: with two lectures by and an interview with Michel Foucault* (pp. 1-52). Chicago: Chicago Press.

Grant, B. (1997). Disciplining Students: the construction of student subjectivities. *British Journal of Sociology of Education*, 18(1), 101-11. DOI: 10.1080/0142569970180106

Guta, A., Nixon, S.A. & Wilson, M.G. (2013). Resisting the seduction of ethics creep: using Foucault to surface complexity and contradiction in research ethics review. *Social Science and Medicine*, 98, 301-310. DOI: 10.1016/j.socscimed.2012.09.019

Hamann, T.H. (2009). Neoliberalism, governmentality and ethics. *Foucault Studies*, 6, 37-59. DOI: 10.22439/fs.v0i0.2471

Jambet, C. (1992). The constitution of the subject and spiritual practice: observations on *L'Histoire de la Sexualite*. In Armstrong, T.J. (Ed. and trans.), *Michel Foucault, philosopher* (pp. 233-47). Brighton: Harvester Wheatsheaf.

Koro-Ljungberg, M., Gemignani, M., Winton Brodeur, C. & Kmiec, C. (2007). The technologies of normalization and self: thinking about IRBs and research ethics with Foucault. *Qualitative Inquiry*, 13(8), 1075-1094. DOI:10.1177/1077800407308822

Krce-Ivančić, M. (2018). Governing through anxiety. *Journal for Cultural Research*, 22(3), 262-277. DOI: 10.1080/14797585.2018.1537587

Lemke, T. (2002). Foucault, governmentality and critique. *Rethinking Marxism*, 14(3), 49-64. DOI: 10.1080/089356902101242288

Lewis, T.E. (2009). Discipline-sovereignty-education. In Binkley, S. and Capetillo-Ponce, J. (Eds.), *A Foucault for the 21st century: governmentality, biopolitics and discipline in the new millennium* (pp.173-187). Newcastle Upon Tyne: Cambridge Scholars Publishing.

Marín-Díaz, D.L. (2017). The key is the individual: Practices of the self, self-help and learning. *Educational Philosophy and Theory*, 49(7), 710-719. DOI: 10.1080/00131857.2016.1204737

Morrissey, J. (2015). Regimes of performance: practices of the normalised self in the neoliberal university. *British Journal of Sociology of Education*, 36(4), 614-634. DOI: 10.1080/01425692.2013.838515

Olssen, M. (2014). Discourse, Complexity, Normativity: Tracing the elaboration of Foucault's materialist concept of discourse. *Open Review of Educational Research*, 1(1), 28-55. DOI: 10.1080/23265507.2014.964296

Olssen, M. (1999). *Michel Foucault: materialism and education*. Connecticut and London: Bergin and Garvey.

O'Neill, A. (2016). Assessment-based curriculum: globalising and enterprising culture, human capital and teacher-technicians in Aotearoa New Zealand. *Journal of Educational Policy*, 31(5) 598-621. DOI: 10.1080/02680939.2016.1150520

Perryman, J., Maguire, M., Braun, A. & Ball, S.J. (2018). Surveillance, governmentality and moving the goalposts: the influence of Ofsted on the work of schools in the post-panoptic era. *British Journal of Educational Studies*, 66(2), 145-163. DOI:10.1080/00071005.2017.1372560

Peters, M.A. (2006). Foucault, counselling and the aesthetics of existence. *British Journal of Guidance and Counselling,* 33(3), 383-39. DOI: 10.1080/03069880500179616

Peters, M.A. (2005). The new prudentialism in education: actuarial rationality and the entrepreneurial self. *Educational Theory*, 55(2), 123-137. DOI: 10.1080/03069880500179616

Peters, M. & Besley, T.A.C. (2007). *Subjectivity and truth: Foucault, education and the culture of the self*. Oxford: Peter Lang.

Rose, N. (1993). Government, authority and expertise in advanced liberalism. *Economy and Society*, 22(3), 283-299. DOI: 10.1080/03085149300000019

Rosenberg, A. & Milchman, A. (2010). The final Foucault: government of others and government of the self. In Blinkley, S. & Capetillo-Ponce, J. (Eds.), *A Foucault for the 21st century: governmentality, biopolitics and discipline in the new millennium* (pp.62-71). Newcastle Upon Tyne: Cambridge Scholars Publishing.

Samuel, G.N. & Farsides, B. (2018). Public trust and ethics review as a commodity: the case of Genomics England Ltd and the UK's 100,000 genomes project. *Medical Health Care and Philosophy*, 21, 159-168. DOI: 10.1007/s11019-017-9810-1

Simons, M. (2006). Learning as Investment: notes on governmentality and biopolitics. *Educational Philosophy and Theory*, 38(4), 523-540. DOI: 10.1111/ j.1469-5812.2006.00209.x

Sleebloom-Faulkner, M., Simpson, B., Burgos-Martinez, E. & McMurray, J. (2017, September 15). The formalization of social science research ethics: how did we get there? *Journal of Ethnographic Theory*, 7(1). Available from: http://sro.sussex.ac.uk/id/eprint/68793/ DOI: http://dx.doi.org/10.14318/hau7.1.010

Sumathy, S. (2016). The university as institution: transforming the modern. In Kumar, R. (Ed.),

Neoliberalism, critical pedagogy and education (pp. 228-240). London: Routledge.

Trnka, S. & Trundle, C. (2014). Competing responsibilities: moving beyond neoliberal

responsibilization. *Anthropological Forum*, 24(2), 136-153. DOI: 10.1080/00664677.2013.879051

Universities UK (2019, October 9). *The concordat to support research integrity*. Universities UK.
Available at:
https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Pages/research-concordat.aspx

Venugopal, R. (2015). "Neoliberalism as a concept". *Economy and Society*, 44(2), 165-187. DOI:

10.1080/03085147.2015.1013356

Wilson, C. (2010). Beyond state politics: subjectivities and techniques of government in

contemporary neoliberal social movements. In Blinkley, S. & Capetillo-Ponce, J. (Eds.), *A Foucault

for the 21st century: governmentality, biopolitics and discipline in the new millennium* (pp.30-45).

Newcastle Upon Tyne: Cambridge Scholars Publishing.

Winlow, S. & Hall, S. (2012). What is an ethics committee? Academic governance in an epoch of

belief and incredulity. *British Journal of Criminology*, 52, 400-416. DOI: 10.1093/bjc/azr082