

Doing Fieldwork on State Organizations in Democratic Settings: Ethical Issues of Research in Refugee Decision Making

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Abstract: By drawing on eighteen months of ethnographic fieldwork and my field diaries in refugee decision-making in Canada, I make three arguments in this article. First, the binary of research in closed vs. open settings may have contributed to overlooking of ethical challenges of research in state organizations in democratic settings. We have to overcome this binary by opening a dialogue among ethnographers. Second, despite well-developed and diverse nature of scholarship on Research Ethics' Board's (REB) formal practices and their negative impact on ethnographers' research proposals, the scarcity of scholarship on "ethics in practice" or "everyday ethics" show that we seem to forget that ethnographers, after receiving research ethics approval, still have to do considerable interpretation for what "being ethical" means. Finally, paying attention to "ethically important moments" during research practice may help us bridge the gap between principles of formal ethics and ethics in practice. Using field diaries in these reflections instead of more sanitized subsequent accounts illustrates the immediacy and importance of ethical concerns during research practice.

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1. The Harmful Binary of Research in Closed vs. Open Settings

There is a growing recognition that ethnography poses ethical, methodological and emotional challenges for ethnographers in conflict zones (CLARK-KAZAK, 2009; PUNCH, 2012; WARDEN, 2013; WOOD, 2006), in closed, authoritarian settings (HERVOUET, 2013; LOYLE, 2011; MALEKZADEH, 2011; RENY, 2011) and in difficult political environments (GOODE, 2011; WALL & MOLLINGA, 2008). [1]

The difficulties ethnographers face while studying state organizations in democratic settings, however, largely went unnoticed because of two reasons. First, ethnographic studies of state organizations, especially in democratic contexts are fewer than one would think (few exceptions are BRODKIN, 2011, 2013; DUBOIS, 2010; GRAHAM, 2002; HEYMAN, 1995; MOUNTZ, 2010; SATZEWICH, 2014; SPIRE, 2008; YANOW, 1996) and these writings do not directly focus on ethical issues. Second, democratic settings seem to be implicitly considered as offering research simplicity compared to authoritarian ones (such as GOODE, 2011). LOYLE (2011, p.17) writes that "field research in a closed regime presents specific obstacles that may require more creativity and compromise than other research settings." This binary is poorly suited for the study of state organizations in democratic settings and reflection on concrete research practices. Few available critical accounts that focus on border control and international immigration in democratic contexts illustrate methodological difficulties especially in terms of receiving the gatekeepers' approval for the fieldwork (SATZEWICH, 2014) and moving along with the research (JUBANY, 2011). To my knowledge, there is no account that only focuses on ethical challenges of research in state organizations in democratic settings. [2]

The abundance of accounts on research challenges in closed political contexts, seem to have made researchers forget that state organizations even in democratic settings are often private and quasi-private closed settings, "access to which is not granted to just 'anybody'" (LOFLAND, SNOW, ANDERSON & LOFLAND, 2006, p.37). Using official channels to access the setting can be complex, cumbersome and repetitive (JUBANY, 2011). This may also raise ethical questions if access to the organization is secured through an official permit. Can an employee of a state organization refuse to participate to a research project after his/her supervisor issues an official research permit? Is he/she autonomous to give consent to the research? Otherwise, even if the researcher gains access through his/her own research networks, he/she will still have to consider the dynamics of the research site. The specific aspect of the organization that the researcher wants to study may gather several actors with different roles at a specific time. This multiplicity may raise other ethical questions. Who agrees to participate in the research? Is everyone aware that the researcher is collecting data? Does the presence of admittedly more vulnerable actors in the research site pose other ethical questions? How can we secure consent in that case? How does the researcher make sure that he/she does no harm to the participants? [3]

In the light of these questions related to the ethics in practice, the binary of doing fieldwork in closed vs. open settings becomes artificial.¹ Ethical concerns are part of doing research, whatever the conditions and settings are (GUILLEMIN & GILLIAM, 2004). Furthermore, I argue, the binary prevents dialogue and discussion among ethnographers studying these apparently distinctive contexts.

1 My aim is by no means to deny that authoritarian settings pose particular challenges to the physical security of the researcher. In summer 2014, PhD candidate Alexander SODIQOV was accused of espionage in Tajikistan during fieldwork and was detained for months until his recent release. I only want to stress that research in democratic state organizations poses important challenges for the researcher that are often overlooked.

Despite the well-developed and diverse nature of scholarship on Research Ethics Boards' (REBs) formal practices and their negative impact on ethnographers' research proposals (ANTHONY, 2005; ROTH, 2005; TILLEY, POWICK-KUMAR & RATKOVIĆ, 2009; VAN DEN HOONAARD, 2008; YANOW & SCHWARTZ-SHEA, 2008), we seem to forget that ethnographers still have to do considerable interpretation of what being ethical means (GUILLEMIN & GILLIAM, 2004). Admittedly REBs impose procedural guidelines that are sometimes impossible to realize on the field, but it is the responsibility of the researcher to appropriate the ethical principles and conduct research accordingly. Paying attention to "everyday ethics" (ROSSMAN & RALLIS, 2010) or "ethically important moments" (GUILLEMIN & GILLIAM, 2004) during research practice may help us bridge the gap between formal ethics principles and ethics in practice. Using field diaries in these reflections instead of more sanitized subsequent accounts illustrate the immediacy and importance of ethical concerns during research practice. My overall aim in this article, therefore, is to open the dialogue on ethical challenges of ethnography in research practice and highlight the role of the researcher in responding to ethics principles. [4]

The plan of the article will be the following: The next section looks at the relationship between ethnography and two ethical levels (procedural ethics and ethics in practice). This is followed by an investigation of the relationship between ethnography and scientificity and borrow conceptual tools of qualitative health researchers' to reflect on ethically important moments. Afterwards, I call for being reflexive on the ethnographers' own research practices and elaborate on what it can contribute to the quality of the research. In the third section, I introduce the study. In the final section, by giving examples from my own research and using my field diaries, I illustrate how receiving ethics approval does not indicate that the researcher has overcome ethical matters and how ethical reflections are a part of the research process. [5]

2. Procedural and Everyday Ethics in Ethnographic Research

Research on human beings inherently implies ethical considerations. Researchers while emphasizing the importance of ethical research, differentiate between two separate ethical levels (SHULMAN, 1994). The first level, "procedural ethics" concerns the process before the start of the research and the second level applies to research practice, and is more concretely called "ethics in practice" (GUILLEMIN & GILLAM, 2004) or "everyday ethics" (ROSSMAN & RALLIS, 2010).² Even though there is a robust literature on the constraints the procedural ethics create for ethnographers' research projects, very little is said on the researcher's role in conducting ethical research. Ethically important moments are "difficult, often subtle, and usually unpredictable situations that arise in the practice of research" (GUILLEMIN & GILLAM, 2004, p.262). Reflection on these not only "demand moral considerations and ethical choices as a part of a researcher's daily practice" (ROSSMAN & RALLIS, 2010, p.379) but also possibly offers an opportunity to bridge the gap between procedural and everyday ethics. [6]

2 SHULMAN's (1994) second level is not limited to research practice but also includes the period after the research is completed.

Ethnography, whether understood as a research method that involves immersion in the place and the lives of the people under study (WEDEEN, 2010), or a methodology and analytical approach to social research (VAN MAANEN, 2011), or an approach that goes further than observing and describing but that expresses multiple voices through interpretation (ROBBEN, 2007), always implies "rather unorthodox ways of getting as close as possible to the life world of those researched" (KONING & OOI, 2013, p.18). Like other qualitative research methodologies employed to explore meaning, ethnography requires getting close to the everyday experiences of other people for a long time and deep immersion in their activities, most often through the combination of a few research methods (EMERSON, FRETZ & SHAW, 2011). "Ethnographers listen, observe, participate, converse, lurk, collaborate, count, classify, learn, help, read, reflect, and—with luck—appreciate and understand what goes on—and maybe why" (VAN MAANEN, 2001, p.240). This description tells us that ethnography is principally about spontaneity and relationships. In that sense, ethnographic research presents a good site to explore ethical aspects of research in everyday practice. [7]

The first level of research, procedural ethics involves the formal protocols and the REBs that evaluate the research design and ethics of the proposed research. Procedural ethics has a regulatory function in "what the researcher can, cannot, or should not do in certain areas of research" (FERDINAND, PEARSON, ROWE & WORTHINGTON, 2007, p.520). This means that the ethnographer has to prepare a research design that clearly establishes the methods that will be used, the types of people that will be met and interviewed and even the questions that will be asked. He/she has to predict the boundaries of social relationships he/she will form during the fieldwork and the possible consequences of his/her research for the research participants in order to secure a certificate of ethics approval, before he/she starts the inquiry. He/she requests an certificate of ethics approval before he/she has the full knowledge of the field (SHULMAN, 1994). [8]

Several researchers underline that the ethical requirements of scientific research were developed with biomedical experimental research as the model, where research was carried out "on subjects" whose autonomy were often threatened through manipulation (ISRAEL & HAY, 2006). That is why formal code of ethics is designed with experimental research in mind instead of fieldwork (COOMBER, 2002; YANOW & SCHWARTZ-SHEA, 2008). Ethical requirements particularly disadvantage researchers who conduct fieldwork or do ethnographic research (HAGGERTY, 2004; VAN DEN HOONAARD, 2008; WAX, 1980). Formalization and standardization of ethics review across disciplines, contexts and methods bring troubles (TILLEY et al., 2009). In some contexts, reviewers who have never done research involving people occupy positions in ethics committees (ROTH, 2005); this clearly increases the challenge faced by ethnographers in securing the certificate of ethics approval. Very similar research proposals can receive contradictory evaluations as a result of the absence of accountability measures to ensure consistent evaluations (ANTHONY, 2005). These reflections together characterize the perception of procedural ethics and the practices or REBs that function as barriers in front of research. More detailed discussion of the

challenges that researchers face in relation to the harmonization and institutionalization of ethics requirements is beyond the scope of this article and has been already explored by the cited scholars. Despite largely negative interpretations of this process, some researchers highlight that procedural ethics not only protects the research participants, but also gives credibility to the researcher and facilitates access to the research site. Moreover,

"undergoing ethical review—filling in those endless forms and meticulously detailing our methods—may increase the methodological rigor of our research. For if nothing else, it makes us stop and think about what we are going to do, why we want to do it and how we are going to go about doing it" (HALLOWELL, LAWTON & GREGORY, 2005, p.143). [9]

The second level, everyday ethics that this article focuses on, implicates the research process. It encompasses the mostly unannounced, *sur place* decisions and actions taken during research process to collect data (SHULMAN, 1994). The researcher has to make choices and take actions in order to investigate the research subject more deeply. While doing this, he/she performs in real time. In a constant situation of uncertainty, he/she has to negotiate the demanding conditions on the go, since he/she experiences them *in situ* (FINE & SHULMAN, 2009). Research, therefore, is not a monolithic process, but a dynamic and ever-changing one (ESTALELLA & ARDÉVOL, 2007). Furthermore, he/she must consider ethical principles in his/her writing as well. No researcher would disagree with the fact that ethical considerations do not terminate with the receipt of a certificate of ethics approval, but only start. Ethical matters "are relevant to the entire research process, from its inception through publication of the findings" (LOFLAND et al., 2006, p.28). Therefore, the researcher not only has to satisfy professional demands by securing the certificate before going to the field, but he/she also needs to be attentive to ethical matters as they arise on the field by interpreting what being ethical or acting in an ethical way means at a given situation. Ethnographers who reflect on the scarcity of ethical accounts of research practice indicate a tendency to gloss over every day ethical matters in the writing up of ethnographic research (FINE & SHULMAN, 2009). This practice admittedly gives the following message: "do whatever you want in the field but be careful while writing up" (VAN MAANEN, 1983, p.277). Evasion of sharing ethical matters as they arise during the research process may not simply be a matter of personal choice but a result of dominant understanding of what constitutes good scholarship and research. [10]

2.1 Ethnography and scientificity

Ethnography is mostly about meaning making of the object of study. That is why it often challenges the positivist assumptions of what constitutes scientific research—as founded in the ideals of pure science research—as a detached, objective, and neutral practice.³ Ethnographers possibly avoid sharing their

3 There is a distinction between positivist and interpretivist ethnographies (WEDEEN, 2010) or realist-objectivist and constructivist—interpretivist approaches to ethnography (YANOW, YBEMA & VAN HULST, 2012). The first group aims to explain how things work in reality, departing from

everyday research experience of ethical matters in order not to cast doubt on the quality of their research, as they often avoid telling other challenges they encountered (KONING & OOI, 2013). [11]

These worries are embedded in dominant assumptions of objectivity, impartiality and value-neutrality of good social science (ROOT, 1993). According to this perspective, the role of the researcher in the fieldwork process is providing knowledge "through a systematic collection, classification and reporting of facts" (HARVEY, 1990, p.10). Ethnographic research, however, by definition requires close proximity to the studied actors for a long period of time (HUME & MULCOCK, 2004; SCHENSUL, SCHENSUL & LeCOMPTE, 1999). It accommodates the tension between close proximity to and keeping distance from the object of study. Clearly, this perspective ignores the role of the researcher in negotiating access to the research setting, engaging with research participants, hearing or seeing data, deeming some relevant and choosing what to report and what not to. Fortunately, the assumptions that the researcher should be value-neutral, objective and impartial came under attack during the second half of the twentieth century (HAMMERSLEY, 2000). Ethnographers now argue that the constructed nature of knowledge and its situatedness must be acknowledged in order to challenge the reified status of the objective, value-neutral and impartial researcher in the knowledge production (BREUER & ROTH, 2003; FERDINAND et al., 2007). WEDEEN (2010, p.258) highlights that "observations are not objective or external to the conditions that produce scholars doing observing, but this does not mean they are unreliable." [12]

DEVEREUX (1967) recognized this half a century ago, when he argued any investigation of human beings included a self-investigation as well for the researcher. Using the concept of counter-transference—as borrowed from psychoanalytic therapy—to mean the analysis of the researcher's unconscious attitudes and her subjectivity in relation to her research object, DEVEREUX introduced a new "objective" conceptualization of the researcher's "subjective" role in the construction of knowledge. The scientific knowledge, as we know it, is produced from the behaviors of three sources: 1. the observed subject, 2. the "perturbations" of the observer in the context of observation and interaction and 3. the observer—"including his anxieties, his defense mechanisms, his research strategies and the ways in which he chooses to attribute meaning" (GIAMI, 2001, §15). The researcher would not have seen or heard what he/she came to know unless he/she was present at the research site. The behavior of the observer, including his/her anxieties, therefore, instead of dissociating him-/herself from the research participants should be at the forefront since "the most productive way in which one can study man is through the medium of one's own humanity" (DEVEREUX, 1967, p.156). Through this conception, DEVEREUX calls for an analysis "of the scientist's reactions to his data and to his 'sciencing' " (p.xx).

a realist ontology that presumes that there is an objective reality out there. The role of the researcher in this understanding becomes collecting data and objectively making sense of what is going on. The second group perceives the reality to be intersubjectively constructed, and the role of the researcher as a co-constructor and interpreter of social reality. There are a few self-identified positivist ethnographers in political science discipline such as David LAITIN, Elizabeth WOOD, Jessica ALLINA-PISANO (see WEDEEN, 2010).

Reintroduction of the observer to the scientific study becomes "not a source of regrettable disturbance" that harms the objectivity of scientific data collection process, but "an important and even indispensable source of relevant, supplementary behavioral science data" (p.30). [13]

Taken together, these positions highlight the importance of reflecting upon the experiences of the researcher, and the possibility of constructing a more candid, transparent and less biased knowledge and reflection on the research experience, analysis and theorizing (KISFALVI, 2006). During the last few decades, ethnographers in social sciences increasingly share reflections on their emotions, anxieties and research challenges (GILBERT, 2001; PUNCH, 2012; WARDEN, 2013; WINCUP, 2001), but reflections on everyday ethics remain very limited (exceptions are ESTALELLA & ARDEVOL, 2007; FERDINAND et al., 2007; FINE, 1993; FINE & SHULMAN, 2009; WASSELL & STITH, 2005). [14]

2.2 Reflecting on ethically important moments through "microethics"

Ethics is an everyday matter of research practice (ISRAEL & HAY, 2006) but ethnographers generally avoid sharing their everyday actions as related to ethical matters. Qualitative health researchers contributed broadly to the discussions of what conceptual tools can help us in reflecting on our own research practices. This section draws from their reflections on how ethics in practice can be possible. [15]

Procedural ethics, as explained above, cannot in itself provide all that is needed for dealing with ethical issues of research practice (GUILLEMIN & GILLAM, 2004). Furthermore, ethics are more than formal principles but instead an "overarching entity" guiding research from the very beginning to the end that penetrate our actions and decisions. In that sense ethics should be perceived as in progress, never to be taken for granted, flexible and responsive to change (DAVIES & DODD, 2002, p.281). According to this understanding, the researcher has to be ready to negotiate ethical concerns. During research practice, it is very likely that the researcher will face ethical concerns that are not necessarily dilemmas "if we were to take *dilemma* to refer to a situation in which there is a stark choice between different options, each of which seem to have equally compelling ethical advantages and disadvantages" (GUILLEMIN & GILLAM, 2004, pp.264-265). [16]

Even if the researcher faces no ethical dilemmas as such, a continuing process of critical scrutiny of his/her research practices reveal ethically important moments which refer to situations "where the approach taken or the decision made has important ethical ramifications, but where the researcher does not necessarily feel himself or herself to be on the horns of a dilemma" (p.265). Qualitative research lacks conceptual tools to scrutinize those moments. Even though reflexivity is mostly used in ensuring rigor as an analytical tool, it can be extended to a deeper engagement with ethically important moments as well. [17]

DEVEREUX's (1967) conceptualization of the conduct of behavioral sciences and the role of the researcher in it is surprisingly similar to BOURDIEU's reflexive urge which calls for a simultaneous questioning of the object of study as well as "those who question the object in question" (HEILBRON, 1999, p.298). ALVESSON and SKÖLDBERG (2009) note that reflexivity is a form of conscious understanding of the way the researcher and the object of study mutually affect each other. For HAYNES (2012), it is a form of awareness of "the researcher's role in the practice of research and the way this is influenced by the object of the research, enabling the researcher to acknowledge the way in which he or she affects both the research processes and outcomes" (p.72). However for BOURDIEU, reflexivity is more than objectivization of the researcher's biographical idiosyncrasies. It is about objectivizing the academic institution, or the academic space that the researcher occupies (BOURDIEU & WACQUANT, 1992). Reflexivity therefore signifies a constant revision of our pre-existing understandings during research process while thinking on how this affects research (HAYNES, 2012). [18]

GUILLEMIN and GILLAM (2004, p.265) argue that even though reflexivity clearly involves an ethical dimension, it was not adapted as such before. They turn their attention to clinical medical research that offers an analytical tool to articulate on ethically important moments during research practice through "microethics." KOMESAROFF (1995, 1996) noticed a mismatch between big questions of bioethics and comparatively micro questions of ethics in everyday clinical practice, between the doctor and the patient. Even though the conceptualization happened in medical context, microethics is applicable to the dynamics of relationship between the researcher and the research participant. Microethics happens through the interactions between the researcher and the participant. We can use this concept to reflexively explore ethically important moments, what they tell about the appropriateness of procedural ethics, the role of the researcher in the research site and in relation to research participants. Being ethically reflexive means, then, first an awareness of microethics, the ethical dimensions of everyday research practice, sensitivity to ethically important moments and "having or being able to develop a means of addressing and responding to ethical concerns if and when they arise in the research" (GUILLEMIN & GILLAM, 2004, p.276). [19]

3. Designing the study: Understanding refugee decision-making

Before providing specific examples that required ethical reflection during the research process, it will be useful to briefly summarize my doctoral research in order to illustrate the nature of the study that focuses on refugee decision-making in Canada. I examine why some refugee decision-makers, who are charged to make refugee determinations, reject the majority of the refugee claimants that they hear while their counterparts accept majority of them (MACKLIN, 2009; REHAAG, 2008). These decision makers, who are called Board members, are employed at Canada's largest administrative tribunal, the Immigration and Refugee Board of Canada's (IRB) Refugee Protection Division. They are appointed by the political party in power for a limited but renewable contractual term. They are responsible from processing and finalizing refugee claims made in

Canada. This means, when a non-citizen files a refugee claim, he/she alleges a well-founded fear of persecution on the grounds of race, nationality, political opinion, religion or membership in a particular social group (IRB, 2010; UNHCR, 1966). Board members, through a refugee hearing, evaluate the refugee claimants' written and oral testimony, credibility and their need for protection and at the end grant or deny refugee status. [20]

Variation in refugee status grants rates raises important questions in terms of administrative justice and functioning of Canadian democracy such as: what if a wrong decision results in returning a refugee claimant back to his/her country of origin where he/she would be persecuted? Or conversely, what if a wrong decision allows a persecutor who is a competent liar to receive Canada's protection? The Canadian media has often picked up on refugee decision making as a seemingly arbitrary practice (BUTLER, 2010; HUMPHREYS, 2014; KEUNG, 2009, 2010). The variation in refugee status grant rates of different Board members was often presented as an evidence of patronage and arbitrary and/or incompetent decision making or bias against refugee claimants (MACKLIN, 2009). Responses from communication department of the IRB always indicated that these statistics meant nothing, since refugee claims are assessed on case-by-case basis and its Board members are independent and impartial decision-makers. [21]

Despite the prevalence of this puzzle, there was no empirical study which focused on how this variation occurred in practice. Interviews and focus groups conducted with previous decision-makers indicated that some Board members were more suspicious than their colleagues. They had clear-cut expectations from refugee claimants; they expected certain truth performances during the hearing and focused on detecting lies (CRÉPEAU & NAKACHE, 2008; ROUSSEAU & FOXEN, 2005; ROUSSEAU, CRÉPEAU, FOXEN & HOULE, 2002). I was interested in how refugee decision-making was taking place on the ground and how the Board members were evaluating whether the claimants fit refugee definition. The street-level organizations theoretical framework that I adopted, urged the study of decision makers' discretionary practices in everyday organizational context (LIPSKY, 1980). This meant studying the refugee hearing to explore how Board members were using their discretionary powers to identify "genuine" refugees while straining out the "fraudulent" ones. [22]

The IRB's internal documents indicate that Board members engage with decision-making in a specialized board of inquiry whose aim, on behalf of Canadians, to make well-reasoned decisions on refugee matters "efficiently, fairly, and in accordance with the law" (IRB, 2009, p.2091). The Board members do not play a passive role in refugee decision-making but rather an "active and engaged" role, "directing research, questioning the claimant and witnesses, and controlling the proceedings. Thus, the member is responsible, not only for determining the claim, but also for the conduct of the investigation and preparation of the claim" (ibid.). Through this definition, exploring refugee decision-making through direct observation of refugee hearings epistemologically made sense. Observation

would allow me to be there and enable me to comprehend the Board members' practices in the real time. [23]

Strengthening the observational data with semi-structured interviews and/or informal conversations with the studied actors is an important aspect of policy research in state organizations in democratic settings (such as BRODKIN, 2011, 2013; DUBOIS, 2010; SPIRE, 2008; WATKINS-HAYES, 2009). However, the IRB's Code of Conduct does not allow members to discuss the details of their jobs with the media or the public to protect the integrity of refugee determination system (IRB, 2008). The IRB does not permit them to speak to the researchers either. In that sense they remain inaccessible outside of the hearing room. However, access to the hearing room cannot be taken for granted either. In order to protect the refugee claimants' anonymity, hearings are closed to the public. This private nature of the field, even though it was located at a state organization in a democratic setting, not only raised questions related to access but also challenges in interpreting and applying procedural ethics to the research before securing certificate of ethics approval and on a daily basis during the fieldwork. [24]

4. Ethical Matters Before and During Fieldwork

Acknowledging the difficulty of access to the field among other issues does not assist much to the novice researchers in understanding and adapting to the complexities of ethical research practice. Our doctoral training mostly focuses on how to conduct research as a detached, objective and neutral practice. We rarely discuss ethical matters in conducting research in seminars and outside of the classroom (GUILLEMIN & GILLAM, 2004; MOSSELSON, 2010). Further, unawareness on ethical matters often translates into a form of arrogance during informal colleague discussions. We often fail to fully grasp the importance of going through an ethics review process that is often seen as an administrative hurdle that prevents us from starting our fieldworks. On the one hand, this position may reflect the difficulty of satisfying the procedural ethics demands of the REBs. On the other hand, "research ethics is not something coming to us from out there" but very much tied to the interpersonal relations and issues "of power, knowledge, agency, (individual and collective) identity, and control, to name but a few" (ROTH, 2005, §10). In that sense, it is the responsibility of the researcher to interpret and adapt to procedural ethics before and during the fieldwork. [25]

4.1 Informed consent

Gaining informed consent from the research participants is the very first step of ethical research practice in social sciences, and this section will illustrate despite its straightforward appearance, consent is a highly complicated issue (WILES, CROW, CHARLES & HEATH, 2007). For ethical research, research participants must consent to participate and understand the potential risks and benefits of the study (WAX, 1980; WOOD, 2006). Informed consent is based on two principles: "participants need first to comprehend and second to agree voluntarily to the nature of their research and their role within it" (ISRAEL & HAY, 2006, p.61). [26]

In my application for ethics review, I proposed to carry out direct observation of refugee hearings and interviews with Board members, refugee lawyers and refugee advocacy community. I had no intention to interview refugee claimants, except possible informal exchanges at the Board. For me there was no problematic aspect of the field. For my research institution's REB this was not the case and the most important element in the application was the nature of the research site. The REB considered my ethics proposal three times, before approving it, since unlike my colleagues who were also applying for certificate of ethics approvals to conduct interviews with mostly elites (such as ambassadors and former politicians), my proposal included vulnerable people: refugee claimants. I remember struggling with waiting for the certificate, since I assumed that I was not going to have direct and unmediated contact with the claimants. Even then, the multi-actor nature of the site required more sensitivity. The Ethics Advisor at the time took her time to explain that direct observation of the Board members in the hearing room would amount to observation of other actors simultaneously, such as refugee lawyers, interpreters and most importantly refugee claimants. Under these circumstances, I had to ensure that I negotiated "consent from all relevant people, for all relevant matters, and possibly, at all relevant times" (p.63). [27]

FADEN and BEAUCHAMP (1986) underline that respect for autonomy played a principal role not only in justification but also in functioning of informed consent requirements. According to them, participants can only consent if they have substantial understanding of what they are consenting. This in some sense means that the research must be described to them in laypersons' terms, without technical jargon and details. But how possible is this? How can we communicate the details of concepts such as consent and confidentiality in very simple terms in everyday context? [28]

The REB of my research institution came to the conclusion that I could use an oral consent procedure with the refugee claimants, since seeking written consent would be very difficult in this context. However, I was asked to prepare an oral consent form for the claimants and make the claimants read it in their mother tongue and then I had to sign the consent form myself. The REB expected me to get the consent form translated before I met each refugee claimant. In my application, I had proposed to observe 80 refugee hearings, and during my fieldwork I observed 50 hearings of claimants with 25 different mother tongues. Leaving aside the financial burden posed by these translations (at the time of application I had proposed to get them done through the volunteer services of community organizations), this expectation was problematic on three grounds: first, the assumption that as a researcher I would have prior knowledge of which claimants would agree to my presence, power to choose the research participants, or even the opportunity to spend some time with them, as in the case of medical research (so that I could get the document translated and keep it ready). Second, asking the claimants to read a consent form, even without their signature, assumes literacy and competency in understanding concepts such as consent, privacy and confidentiality (YANOW & SCHWARTZ-SHEA, 2008). Third, asking claimants to read a two page single-spaced document, in a precarious

situation just before the hearing, amounts to putting pressure and increases stress on them. That is why I had to adopt this requirement during my field research. [29]

I never met any claimant before the day of his/her refugee hearing.⁴ I spent time with most of the claimants not prior to, but following their refugee hearing. The requirement imposed as a result of the REB's rigid understanding of informed consent through everyday research practice, in some sense proves inattention to the conditions of field research, especially on organizations and populations that are hard to access. The requirement of oversight has its roots in experimental research, and overlooks "the supplicant status of the field researchers and the lack of control over what and whom they might encounter and how they might (need to) respond to those encounters" (YANOW & SCHWARTZ-SHEA, 2008, p.490). [30]

Here is the procedure I followed in order to secure access to the hearing room: The refugee lawyers first informed their clients (refugee claimants) about my research to see if they were willing to consent to my observation, and if they agreed, lawyers invited me to the IRB. Once I met with the refugee claimants before their hearing, I explained that I was a graduate student studying refugee decision-making. I had no ties with the IRB or the lawyer, and I sought their permission to observe their hearing. I told them that I was interested in the interaction in the hearing room generally and the types of questions the Board members would ask them specifically. I also made sure that they understood there were no potential individual benefits, except my offering an account of what refugee claimants really go through.⁵ When we entered the hearing room, either the lawyer I was accompanying or I explained to the Board member who I was. I always showed my certificate of ethics approval and sat at the back of the room. Showing the certificate was important, because it granted legitimacy to my presence in the hearing room. As straightforwardly put by one Board member: "Despite the fact that the claimant agrees, we cannot just let anyone participate in the hearing."⁶ I was reminded by all Board members to be silent, not to look at the claimant and not to interfere with the hearing. The Board member I just mentioned also required that I had to be "invisible" to the claimants in order not to

4 Only once, I met an Albanian couple at the day of the husband's hearing, three days before the wife's hearing in August 2013.

5 The claimants were attentive to who I was. First impressions were important. I looked more Middle Eastern than Canadian and spoke with an accent, as put by a young female Syrian refugee claimant. I was a permanent resident in Canada whose membership to Canadian society was not fully established. I had gone through visa refusals and international migration. My aim is not to magnify my similarities with refugee claimants (since they were seeking asylum, I on the other hand was legally permitted to live, study and work in Canada), but the fact that I was somehow external to the Canadian society helped us to establish a similarity. KOBELINKSY (2013) contends that being a non-French woman actually helped her establish ties with asylum seekers in France. This does not mean that the asylum seekers find their condition comparable to a PhD candidate's but they share the perception of exteriority to the society they are in.

6 I did not understand the significance of this statement at the time, but when I received the internal Board document through an ATIP request, I noticed that the Board demands its members to avoid all situations that would result in their mediatization. Keeping the public image of the Board as an independent and impartial administrative tribunal was a mission that had to be protected by the members' actions (IRB, 2008).

alter the nature of the proceedings. I spent the breaks with the claimants and lawyers and discussed the aspects of the claim that I considered important and the ones that the Board member insisted on. I took voice notes to be typed as field notes and wrote field diaries in the evening. [31]

As discussed in the second section, numerous researchers from different social science disciplines criticize the normative authority of the procedural ethics and their role in limiting the field researchers. Despite the limitations, this experience can be very instructive as well (GUILLEMIN & GILLAM, 2004). Going through the ethics review, even though at times frustrating, made me understand the particular nature of the refugee hearing as a field that brought several actors together and the importance of seeking consent, yet it did not resolve all issues and did not fully prepare me for the decisions that I had to take "on the fly" (ZAVISCA, 2007, p.144). [32]

Before one of the first refugee hearings that I observed, I showed the consent form that I prepared for the refugee claimants to the male claimant (whose English was fluent) and told him that I was a doctoral student in political science and continued that he could find the details about my research in the document. He said that he would prefer me explaining him the details instead of reading it. Then, I explained him what I was interested in, the confidential character of the interactions, advantages and inconveniences of the research and the claimant's right to withdrawal and how the research would potentially look as a doctoral thesis. This followed me signing the consent form—as required by the REB—in front of him. The excerpt below is from my field diary, and shows how I came to the understanding that I could not fully follow the procedural ethics but instead I had to readapt them to my field conditions:

"After Jamal Mohammed's⁷ hearing concluded, Roger Kadima—the lawyer I was accompanying—left while I was still chatting with Jamal. He asked me why I was not going back to the Roger's office. I said 'well, why would I? I am not working for him.' Jamal looked surprised and then asked again 'But aren't you a law student? Aren't you doing an internship?' I answered, 'No, I am studying political science' worrying more this time. I felt like I did not do a good job in explaining who I was and what I was doing. This worried me tremendously in terms of informed consent principle. Could Jamal have consented to my presence only because he thought that I was an articling student working for Roger? I had thought that I had offered a complete explanation, but he said that he was very nervous; he could not really pay attention to what I was saying before the hearing. I should keep this in mind in the future. I cannot expect the claimants to give me their full attention before the hearing considering what a stressful experience it is for them." [33]

In the light of the discussion above, informed consent signifies autonomous and intentional action on the side of the individual to authorize the researcher to involve him/her as a participant only after he/she comes to an understanding of the research. Following this experience, I understood that I could not assume

7 All names are changed to guarantee confidentiality.

informed consent after a brief explanation of what my research entailed. Afterwards, I made sure that the claimants did not attribute a role to me in relation to the lawyer but understood that I was an independent researcher and studying the interaction in the hearing room, by talking to them during the breaks. [34]

4.2 Do no harm and non-intervention

The ethical imperative of nonmaleficence, "do no harm" in social science research is clearly different than medical research context. This principle signifies the researcher's "duty to not inflict harm on others [that] includes neither inflicting intentional harm nor engaging in actions that risk harming them" (MERTENS & GINSBERG, 2009, p.13). On the other hand, the concept of harm is vague and ambiguous. WOOD (2006) interpreted and adapted do no harm principle to ensure that the research participants gave their consent to participate to research; she followed her judgment to protect the politically sensitive data and to decide what to publish. Can this principle be pushed further and be "extended to include an ethical imperative to intervene to prevent harm by others?" (CLARK-KAZAK, 2009, p.138). In ethnographic research, the researcher cannot control the context in which dialogues or events unfold (SCHATZ, 2004). But what if he/she observes a situation which is potentially harmful to the powerless? What is he/she supposed to do? [35]

The fourteenth hearing that I observed in December 2013 was a claim by a Kurdish-Alewite family from Turkey, my country of origin. Hasan Karabacak, a male claimant in his late 30s, was seeking Canada's protection on the basis of political opinion. His political activities within the Kurdish political party led to his beating and unlawful detention by the police. The Board member, Dorothy Howell, was questioning Hasan about the events prior to detention through a Turkish interpreter. She wanted to know exactly what happened before Hasan was arrested by the police. Since Turkish is my native tongue, I could very clearly understand the exchange between Dorothy, the claimant and the interpreter and I did not think that the interpreter was doing a good job. She was not translating everything Hasan said. Hasan explained that he was at a demonstration when a fight started and then the police intervened. The interpreter translated the Turkish word "miting" which means demonstration as "meeting" in English. Understandably, Dorothy wanted to know the number of the people at the "meeting." Through the interpreter, Hasan answered "a few thousand people." I could read the surprise and disbelief in Dorothy's facial expressions. She continued with questions about the place, aim and the participants of the "meeting." The excerpt below is from my field notes:

"It was almost impossible for me to keep a neutral face. I was restless and it showed even though I had to be 'invisible' and not interfere with what was going on. I was struggling desperately to send a signal to Dorothy on the issue. But I could not. My role was to just sit at the back of the room and observe what was going on. However, at some point the refugee lawyer, Claude Genest, looked at me and nodded as if to say 'everything is okay.' He looked a bit uncomfortable as well, or maybe I just thought that he did. He checked a little book that looked like a pocket dictionary. The

questioning on the 'meeting' lasted a few more minutes, with Dorothy clearly unsatisfied with the answers. When she was getting ready to move on to another aspect of the claim and started questioning Hasan, Claude intervened and explained that 'miting' in Turkish means rally or demonstration, not 'meeting.' If not clarified, Hassan's credibility, the most important aspect of refugee determination, would have been in danger. Claude represented many claimants from Turkey, so he understood some Turkish. But what if I was with a lawyer who did not understand Turkish at all? I could not have done anything. But you have to just sit there and not interfere with the course of 'justice' or decision-making. But what kind of justice is this? Can justice be served in this way?" [36]

Despite the codified constraints of doing research and acting within the hearing room, should I have intervened and said that the translator was not translating correctly? Wouldn't doing so amount to attempting to change the everyday life/reality that I was investigating? Would that jeopardize my hard-won status as a researcher? These are not easy questions to answer, but ones that require our attention and reflection while conducting research on state organizations and especially on vulnerable populations who have few rights in relation to actions of state authorities (JACOBSEN & LANDAU, 2003). I experienced similar issues during other hearings, and in each case, I shared my worries with the claimant's lawyer during the break, who notified the Board member upon our return to the hearing room. This example shows how procedural ethics can be reconciled with microethics through attention to details. GILLAM (2013) pushes the researcher's responsibility for ethical research involving asylum seekers and refugees further by arguing that the research should be seen as a collaborative enterprise between the researcher and the REBs. Researchers have a role to play in the development of research of a high ethical standard by coordinating and promoting such research to develop shared standards and practices. Reflection on these important moments is the first step of realizing this responsibility. [37]

4.3 When the participants reveal too much

The two sections above illustrate how I came to the understanding of the principal role of the refugee claimants in my research, even though at first I believed that my research was only about Board members. However, this recognition did not fully prepare me to interview the claimants and what to do with the sensitive information they revealed to me. [38]

My certificate of ethics approval allows me to interview refugee claimants, even though I did not intend to do so at the beginning of the research process. As ROTH (2005) notes and WASSELL and STITH (2005) agree, in relation to the demands researchers make to research participants, asking extra information from them feels like asking for a gift. Placing demands on refugee claimants by asking them to talk about their experiences before and once in Canada was asking too much, and I had to avoid it by all means. I did not want to be intrusive about topics they did not want to discuss with strangers. Besides, I was not sure whether I was equipped to cope with the emotional engagement necessary to talk to claimants who were in a precarious position. I was not a trained counselor or

therapist. I wanted to make sure that they had the agency to decide whether to take part in the research and how much to share about their lives. [39]

Besides these worries, I understood the significance of talking to the claimants directly. After a few hearings, during the breaks, I asked—very uncomfortably—if they would like to talk more about their experiences or about the process and presented them my university business card, underlining my phone number and e-mail address. Instead of asking their contact information, I made sure that they were the ones who made the decision to contact me. In one such case, a Pakistani claimant, Aadil Jamali who was claiming refugee status on the basis of his sexual orientation and was escaping from the persecution of his villagers, wanted to meet me. Aadil's hearing was full of tension and his lawyer had been forced to leave the room by the Board member. He kept crying all through the hearing and had a social worker to support him. He was the first claimant who had agreed to an interview, so I was very anxious. I was already questioning my decision when I was on my way to meet him, since I was going to see him without his social worker. How could I handle the situation if I were to evoke negative emotions? I did not have any answers. At the same time, I was almost certain that neither Aadil nor other claimants that I would meet in the future would share any sensitive information with me. JACOBSEN and LANDAU (2003) claim that vulnerable populations like refugees who are "marginalised, poor and powerless" will be reluctant to give any vision that may not be in their interests and that would jeopardize their refugee position (p.192). GIFFORD (2013) argues on the contrary that the agency of refugees is unseen because protection is the dominant value that guides refugee research. Unless respect as a value informs the research process, we will not even hear the interests of refugees. The excerpt below from my field diary shows how wrong my assumption was and how unprepared I was to the way Aadil revealed his "real" story.

"I cannot believe this. I should have not come here. Aadil was way too happy to see me. Way too happy. He started calling me 'sister,' which made me very uncomfortable. He said he knew that Turkey was a Muslim country, was I praying? 'You should not become Western,' he said, referring to Canada. I asked him if I could ask him some questions for my research. Clearly, I would change his name, country of origin, the date of the hearing; so that no one would know I am referring to him. I was not going to tape record our conversation. He agreed. Within ten minutes into our meeting, Aadil asked me in his broken English, 'How do you think my performance at the hearing?' I was surprised, and did not really understand his question. He continued, 'I am not homosexual, my wife is in Pakistan and my children,' and he showed me their photos. He was laughing and kept saying 'performance, good performance.' I laughed with him, without really knowing what else to do. I was taken aback, considering how truthful and genuine his 'performance' seemed at the hearing. He explained to me the whole process of finding an agent who helped him with the narrative, matched him with another male claimant as if they were a couple, and arranged their passports, visas and flights to Canada. Why do I feel so uncomfortable? Almost like cheated? It is weird but I do not know why." [40]

This was clearly the ethically most important moment of my research. The lying refugee claimant has an everyday quality to it. Politicians, Board members, refugee advocacy community and refugee lawyers know that there are lying claimants, even though the rationalization of this practice is not the same. While some see the lying claimant as an abuser who tries to bypass the immigration control through benefiting undeserved refugee status, others highlight that the rigidity of immigration laws and regulations force people to use this option, since it is impossible for these claimants to immigrate to Canada using legal means. [41]

During the following months of my fieldwork after Aadil explained me how he prepared his claim, I heard a few similar stories from other claimants. Reflection on my strong reaction to Aadil's explanations (even if I did not say him anything) made me understand that I felt shocked because he shattered my assumptions about refugee claimants; first by explaining me candidly the steps he took and second by denying vulnerability. While he needed protection, he also demonstrated agency and took strategies to receive protection. Paying attention to this ethically important moment made me more attentive to the backstage of the refugee hearing, the importance of the work put into claiming status and the way the claimant performs during the hearing. I noticed that the claimants were not only asked to tell their story but to present their claims in ways that seemed believable to the Board members, even though it meant modifying their life stories. [42]

JACOBSEN and LANDAU (2003) note that conversations with refugees, internally displaced persons and—I add refugee claimants—, are useful in providing descriptive and anecdotal data in areas where people know very little, such as the problems these populations encounter, the strategies they follow and so on. On the other hand, there is a danger with sharing especially problematic data.

"[S]uch data are often assumed by the media or policymakers to represent the totality of a refugee population's experience. Researchers must, consequently, make a concerted effort to ensure that the limits of their data and analyses do not create the wrong impression" (p.190). [43]

While undertaking this research I did not intend doing advocacy work, hence did not pay particular attention to the potential but complex relationship between research and advocacy (BLOCK, RIGGS & HASLAM, 2013). On the other hand, as my research progressed, I felt a responsibility to tell candidly the process refugee claimants go through until their status is finalized. However, there are ethical implications of presenting the complex issue of lying in simple terms. The complexity may be understood in a simplistic binary way and the claimant seeking protection may simply be labeled as a liar (KOBELINSKY, 2013; ROUSSEAU & FOXEN, 2005, 2006). On the other hand, as a researcher if I ignore this aspect, and do not talk about it, am I misrepresenting knowledge? This question does not have definite answer but shows how these seemingly micro issues require reflection and ultimately choices to make. [44]

5. Conclusion

In this article, first I argued that state organizations in democratic settings provide specific sites where the binary of research challenges between democratic vs. authoritarian settings becomes artificial. State organizations are private and multi-actor settings and they require specific considerations. Then, I moved to two separate ethical levels and illustrated how procedural ethics and ethics in practice are often seen as distinct from each other. Ethnographers, like all researchers who do research involving human participants, are expected to predict the field conditions before they have full knowledge of them. More often than not, they will fail to do so, and if they insist on conducting research in a rigid way as established by procedural ethics, they may fail to unveil the complexities of the field and to reflect on the research process as well as the issues that may arise as a result of dissemination of their research. In that sense, it is the responsibility of the researcher to reflect on the ethically important moments and the ethical dimensions of her interactions with the research participants. [45]

My aim in this article is to encourage dialogue and discussion about the ethics of research during the research practice. We simply know very little about ethics in practice and how researchers adapt procedural ethics in research context. Certain ethical decisions are made before the fieldwork, but other decisions must be made "on the fly" (ZAVISCA, 2007, p.144). That is why; the researcher must adjust to the flexible nature of ethnography. The examples of ethically important moments that I faced doing research in a democratic context is not traditionally thought to pose problems. These moments are worthy of our attention, because only through sensitivity to these moments and transparency and frankness about these issues we can establish an ethical research practice and research of a high ethical standard. [46]

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