

Form, Formats, and Forms of Informed Consent: Bringing European GDPR Forms to Fieldwork in Namibia and Djibouti

Rune Larsen

Independent Researcher

rular93@gmail.com

<https://orcid.org/0000-0003-4653-4465>

Amanda Møller Rasmussen

Department of Anthropology

Aarhus University

amamolras@gmail.com

<https://orcid.org/0000-0003-2920-7382>

Abstract

This article reflects on the unforeseen dynamics revealed as we presented written consent forms to be signed by our interlocutors during fieldwork in Djibouti and Namibia. Throughout the article we analyse how the consent form (in its legalistic form and format) seemed to instil distrust and suspicion, instead of its intended purpose of ensuring safety and inclusion. With these accounts we argue that instead of relying on written consent as documentation for ethical conduct, we as ethnographers working on the African continent should be encouraged to explore alternative avenues based on processual negotiations, together with our interlocutors, to ensure that our research is aligned with the moral and ethical values governing our field sites.

Keywords: consent forms, informed consent, GDPR, fieldwork ethics, African Studies

DOI: 10.53228/vsa1zk65



This work is licensed under a Creative Commons Attribution 4.0 International License.

About the authors

Rune Larsen holds a PhD in Social and Cultural Anthropology from KU Leuven and Aarhus University. Since then he has held a postdoctoral position at the Globe Institute, University of Copenhagen. He is currently pursuing his independent research interests, which primarily revolve around urban politics, social change, and human–nature entanglements in Namibia and Eswatini.

Amanda Møller Rasmussen is currently in the final stage of her PhD studies at the Department of Anthropology, Aarhus University. Her work centres around issues of maritime resource conflicts and management with emphasis on local community experiences in Djibouti, Somaliland, and Ghana.

Acknowledgements

Rune Larsen's contribution to this article is based on fieldwork conducted as part of the ANTHUSIA project, which received funding from the European Union's Horizon 2020 research and innovation programme under Marie Skłodowska-Curie grant agreement no. 764546. Amanda Møller Rasmussen's contribution to this article is based on fieldwork conducted as part of her PhD fieldwork at Aarhus University, Department of Anthropology.

Paradoxes of consent forms: Tensions between formalistic ideals and ethnographic practice

The consent form is a strange phenomenon in academia. These documents are bureaucratic writings, but are produced by researchers, not lawyers or administrators. Increasingly standardized, these documents are expected to cater to research conducted in various settings across the world. In this way, they cross continents but are based on European ideals about individual rights. They aim to ensure ‘informed’ consent, meaning they should translate our research purposes into layman’s terms, while at the same time relying on highly specialized as well as legalistic jargon. Intended to establish a seemingly simple precondition for ethical research, they complicate (at least ethnographic) research relations and practices.

While it is commonly accepted that researchers can never *fully* inform the participant about the research (Delamont and Atkinson 2018), we are experiencing an increasing emphasis on the signature rather than the process. Consent forms are heavily enforced by universities, funding agencies, and journals to prove that the interlocutors have indeed understood and agreed to the terms of their research participation. These documents are manifestations of longer debates on how to ‘protect’ interlocutors. In this way they are also manifestations of an increased awareness of the decades of exploitation that surround disciplines such as Anthropology and African Studies. Using buzzwords, if not fuzzwords (Cornwall 2007), these documents alluringly promise respect, transparency, and some power to the participant by the signing of a document, the binding of an agreement, and by this ritual make research ‘ethical’ in an unjust and asymmetrical world. Yet consent forms are produced, and potentially reviewed, in university halls far away from ‘the field’. They make promises to our interlocutors in ‘the field’ that somewhere ‘over there’ a person

or institution whom they will never see will sanction us if we do not safeguard their information, while disregarding how far away research administrations in Europe can be for someone in, for example, Djibouti or Namibia. It is likewise rarely discussed how, in most cases, consent forms inevitably become the responsibility of the individual researcher and are rarely checked up upon by institutional authorities. Even if they were checked, we fear it would be by lawyers, not researchers, who look for signatures rather than the unwritten promises behind them. For these reasons, many scholars are critical towards the consent form and GDPR requirements. We have both witnessed the creative steps researchers take to negotiate, if not to dismiss, these requirements and their interpretation. Yet, for many early stage researchers these documents are not something we can risk ignoring. Ignoring these documents comes with fears of losing your job, being rejected by journals, not to mention the unspoken social sanctions that would follow if one’s research were deemed unethical. Assumingly, these documents then also function to put peer pressure on researchers, including those who formerly considered their research to have “no ‘ethical challenges’” (Campbell 2010), into acknowledging what the rest of us have known for years – that we are also part of, and responsible for, the institutionally backed power that academic writing carries and the powerful effects it can have on the world around us (Mosse 2015). Consent forms are therefore also in intricate ways informing and deterring actions – the question is just of what sort? And for *whose benefit*?

Interestingly, we find that this special document and its paradoxes have received very little ‘in situ’ attention within the qualitative and ethnographic disciplines. Scholars have been vocal about its limitations in practice (Balkin et al. 2023; Huber and Imeri 2021; Bell 2014). African colleagues (Griese 2022; Appiah 2021; Visagie et al. 2019) have been instrumental in asking how legal and moral forms created in

the North are able to nourish partnerships, transparency, respect, and ‘ethical’ research in the South. However, only a limited amount of scholarly work addresses the rituals behind these forms and their application based on concrete ethnographic case studies. We find that if we are to critically engage with the paradoxes of the consent form, we must talk about what happens in the muddy intersection between the university and the world(s) it seeks to understand, and how consent forms as bureaucratic documents interact with participant communities, their histories and futures, and the broader epistemic research community.

This article engages with the consent form as a mediator of social relationships that inform the identities, morals, and practices of documentation (Hull 2012). It takes two autoethnographic accounts, one from Namibia and one from Djibouti, into conversation with two bodies of literature: one on the life of bureaucratic documents and one on research positionalities and questions of trust and mistrust in ethnographic research. The time of both our PhD research coincided with the ratification period of the EU’s General Data Protection Regulation at European Universities. The ratification period characterized a rupture of the ‘old ways’ into the new modes of doing (and maybe most importantly, documenting) research ethics. This involved formalized requirements for documentable written consent. Yet, back then, no best practices had been formulated. Many questions were still being processed in the legal departments, which later led to the examples and standard forms we see today. Today, five years later, the paradoxes of the consent form continue. We thus find it timely to discuss the implications of this legalistic formalization of research practices based on empirical experiences, before consent forms become an ingrained and perhaps less visible (Star and Ruhleder 1996) part of the everyday infrastructure of doing research. Taking our experiences of introducing the consent form in our own PhD research as our starting point,

we address the following question: *How does the consent form impact the research encounter?* Only by having more experience-based and empirically driven conversations can we critically engage with the increasing documentary demands of our research community and the various ways these practices influence both research relations and outputs. In doing this we also recognize the exposed position we may place ourselves in. However, it is our conviction that only by addressing the issues brought along with the increased formalization of ethnographic research can we think of ways to safeguard the very traits that make ethnographic research stand out from other forms of research, namely its desire to record and convey the fine-meshed intricacies of everyday human life, through close and trusting research relations – often established over long periods of continued engagement.

The form, format, and forms of ethics bureaucracy

Thambinathan and Kinsella (2021) remind us that “For those who have been oppressed by colonization, research is a dirty word. The hyphenated form of this word strips away the naïve connotation that research is merely an innocent pursuit of knowledge.” Similarly, ethnographers have engaged critically in different ways with the issues of ‘universal’ research consent forms and their bureaucratic systems, ideals, and practices, criticizing how the consent form is based on (western) liberal individualist and neoliberal assumptions (Murphy and Dingwall 2007; Bhattacharya 2014; see also the introduction to this volume for a discussion of consent within African studies), which cannot capture the processual nature of consent (Huber and Imeri 2021), nor reflect and/or document the actual research relationships (Appiah 2021; Knowlton 2006). Others show how these forms may be culturally, historically, or legally inappropriate (Dilger 2017) – and, in some cases, may even risk endangering

people who take part in the research project (Dilger 2017). Pels et al. (2018) further note that researchers are increasingly feeling anxiety and pressure from universities and funding agencies in terms of their requirements on data management. Others, like Wilson and Hodgson (2012), raise the concern that ethical review boards may worry more about the university's reputation than about research participants. Similarly, Knowlton (2006) argues that informed consent documents are tools for reproducing and legitimizing ideologies in the "theater of review", so that powerful institutions are legally protected rather than trying to deal with the messy realities of ethnography.

The hesitation towards the use of consent forms within social science disciplines leaves a paradox: Why does signing consent forms continue to be the standard mode of making and documenting 'ethical research' despite ample evidence that a signed consent form neither documents nor materializes ethical research practices or relationships? We are not the first to be intrigued by this paradox. Wynn and Israel (2018) argue that the standardization and dominance of written consent dates to American 1950s and 60s bioethics research. Over the years, the preferences of ethics review bureaucracies coupled with the rituals surrounding written consent forms have made written consent 'the default norm' and a series of consent fetishes have developed: the written form, the university and funding agency logos, and the act of signing. According to Wynn and Israel (2018), this reflects "culturally specific views of paper, writing, signatures and contracts grounded in Western legalistic culture and particular historical imaginations of the authenticity of the signature that can be glimpsed in everything from the history of art to the history of currency" (Wynn and Israel 2018, 797). Whilst insightful, we suggest that other parts of the story must be told if we are to understand the dynamics through which the consent form has received its status as a best practice management tool. One is the

role documents play in sustaining epistemic communities. If Africanist scholars have long questioned whether 'the universal nature' of ethics governance and practices fabricated in Europe are applicable in an African research context (Griese 2022; Appiah 2021; Visagie et al. 2019), why do universities, funding agencies, and journals insist on these documentary practices? Why do researchers continue to produce them? Why do people continue to sign them – and to what effect?

Similarly to anthropological engagements with bureaucratic documents (Hull 2012; Mathur 2015; Riles 2006; Gupta 2012), we too do not consider documents merely as 'transporters' of meaning. Instead, we engage with them as mediators who inform the information and relationships they mediate (Hull 2012). As Gupta (2012) notes, we should not just treat documents as a byproduct to bureaucratic action, but rather as action itself. These works remind us to look for how documents constitute bureaucracies and states. Similarly to how Mathur (2015) explains that state documents receive their status through competition with other writings, actors, and interests, we too are interested in how consent forms become hegemonic to other modes of ethics. Hull (2012) illuminates the productive nature of following files, maps, building data, letters, signatures, and how they are produced, circulated, and enacted as a medium to explore the complicated trajectories of files, offices, and people that make up the unequal and oppressive world of bureaucracy. Similarly, we wish to take the consent form as a lens to illuminate the complicated and multi-sided trajectories that make up the unequal world of academia. Taking documents as mediators, this perspective allows us to appreciate the very complex processes wherein the distinction between 'ethical' and 'non-ethical' research is 'made' and connects a wide array of transnational actors. As integral part and 'fetish' (Wynn and Israel 2018) of the new sorts of 'audit cultures' (Strathern 2000; introduction to this special

issue) that animate funding-institution-researcher landscapes post-GDPR, consent practices may have been criticized for decades, but researchers are still expected to *perform* them in some way. It is almost impossible to critique the format – after all, it seems that there exists a ubiquitous consensus, which accepts consent forms as a bureaucratic ‘good research practice’ and means to assess research quality. At the same time, the fuzzy quality (Cornwall 2007) of the consent form puts much of the responsibility on the researcher to interpret and produce a proper consent form based on unclear university guidelines, European legal regulations, and morals in the field. This, we believe, explains why not many researchers tell of their *own* experiences, particularly those that do not live up to a standard requirement. After all, you risk opening yourself up to harsh critique. Yet more work on the actual life of documents is necessary if we are to understand how consent forms impact research. By looking *at* and *through* documents (Hull 2012) and their form (e.g., material, shape, colour, letter types, logos, language, and symbols), format (e.g., the arrangement of the document, digital versus print, audio versus paper), and forms (ways of asking, signing, and other documentary practices related to the consent form), we can explore what written consent practices and their morphology tell us about the negotiation of informed consent and research ethics in practice.

Contesting consent forms and visibility requirements in Windhoek, Namibia (by author RL)

I will now tell a story based on an uncomfortable yet eye-opening experience that occurred during my PhD fieldwork in Windhoek, Namibia in 2019. My fieldwork focused on young peoples’ politics in urban Namibia. As this article testifies, it also enrolled me in unforeseen politics and political contestations.

As my PhD formed part of an EU-funded project, I was subject to a visibility requirement on all material produced as part of the project. This included my consent forms. Among other information, these had to feature an official EU logo – a general requirement of all recipients of EU financing. As stated on the European Commission’s website: “All recipients of EU funding have a **general obligation** to acknowledge the origin and ensure the visibility of any EU funding received” (European Commission 2023).

Likewise, it was strongly emphasized that written consent was a requirement for all data obtained in the field, and only under very limited circumstances could oral consent be an option, governed by equally rigid documentary requirements.

On the surface, this may seem perfectly reasonable, as our research participants, of course, need to have full insight into both the purpose of, and the funding behind, the research they participate in. That said, this tale from the field shows how rigid consent, and especially visibility requirements from funders, can bring about uncomfortable misunderstandings, with resonance in a traumatic history of colonial exploitation. Moreover, rather than giving me, as the researcher, the ability to convey this information in a manner appropriate to the given situation, this story also reveals how legalistic research paraphernalia alters the research relationship, to a point that at times instils mistrust from the onset.

The day started off like many others. I called my research assistant, who had facilitated an interview with one of his friends. We agreed that he would pick me up, as he had secured a vehicle for the day’s mission. On the way to our interview my research assistant was cheerful and excited about the interview we were about to have. “I think this will be great for the project. This guy is the perfect person for you to talk to!” Equally excited, I started getting my camera and audio recorder ready, while joyfully singing along to the reggae

rhythms blasting from the car's speakers. In no time, we were at the agreed-upon location for the interview, where we met our contact.

At first the introduction was light, and we were all joking back and forth with each other, as our contact led us behind a corrugated iron house to the location he had prepared for our interview. We sat down and I started explaining the purpose of the interview and my research more generally. Our contact seemed excited and explained that he had participated in many similar interviews before. He stressed that he wanted to get his story out to the world.

This was where the situation took an uncomfortable turn. I took out the consent form from my backpack (an exercise I had already come to dread) and explained that for us to continue, I would just have to ask him to read the explanation of the research and allow me to use the interview for research purposes, by signing the bottom of the form. Suddenly, the situation went from light and joyful to tense and anxious, as my interlocutor took a sceptical glance at the piece of paper handed to him. He then looked at me and asked:

Why is this [EU] symbol there, what are they going to use this for? I don't want to sign anything for those imperialists! You can interview me, but I am not going to sign something that they can use for their political purposes. I have done interviews before, and I never had to sign anything!

I tried to explain that the main purpose of the form was for him to have recourse if I did something with the material that I was not supposed to, and that the forms would be kept solely by me and not by the EU. But little did this help. My research assistant tried to intervene and explain that he should just read what the form said, but this didn't help either, as our contact objected (directly to my research assistant): "You know how these people are! They

come here and make us sign papers and then use it against us afterwards!"

Feeling uncomfortable with the situation, and questioning my own ethical and moral stance toward the predicament I had put myself in, I tried to avoid further confrontation and said: "It's okay, I understand, I can't do the interview without proof of your consent, so let's just cancel the interview and chill..." Our contact once again objected, "But why do you need me to sign, I have never signed anything for interviews before". I responded that this was a requirement and that I could get into big trouble if I did not follow it. My assistant got visibly agitated with the situation, and tried to explain that he had also signed one, "... it's not that scary – it's not a big deal..." In general, the situation was far from the trustful atmosphere that I would have hoped for.

At that second, I recalled a clause in my ethics clearance pertaining to oral consent, namely that oral consent could be obtained, if recorded through video, with proof of the interlocutor's understanding of the purpose of the research, but strictly if written informed consent was impossible. To avoid further confrontation, I proposed that we could make a pre-recording, where our interlocutor could specify his role and participation in the research, while keeping an unsigned copy of the form for contact details and information on the project.

While this solved the immediate problem, the interview was from then on highly tainted by the mistrustful atmosphere brought about by the consent form with its EU logo and highly formalized legalistic presentation.

This situation has haunted me ever since its occurrence more than four years ago. This is not because it was uniquely challenging, but because it stands as the epitome of what happens when the highly formalized consent form enters the organic and dynamic ethnographic relation. Most people I presented this form to showed more respectful indifference than direct confrontation to this process. However,

very few expressed the experience of what had been sold to me as the desired purpose of this form, namely, the safeguarding of interlocutors from exploitation in research relations. Many would even go to the extent of explaining that it was due to their trust in me, and not the form, that they were willing to participate.

Consent forms, (mis)trust, and paper trails halfway between Djibouti and Denmark (by author AMR)

“How should we reach you in Denmark? How should we even know what you are doing? It’s so far away. We do not know anyone over there. You could do anything [with our data],” Mohammed, a 50-year-old fisherman, intervened. We were sitting together with his fishing crew at Djibouti’s main fishing port, Port de Pêche in 2019. Mohammed had told a story about another researcher who had come to Port de Pêche. “I have met someone like you before. A few times white people have come and asked a lot of questions about fish, about life. They walk around and look at everything we are doing. They write down everything, just like you. Then they leave. Without a word, without nothing. They never came back,” Mohamed recalled. When I showed signs of being outraged, one of the other crew mates chipped in with a story of how a European NGO had come to the port to observe. “Then they walk around and take pictures, no one ever asks us permission or anything...” He was clearly annoyed, but kept a light tone when he looked at me and teasingly asked, “Is this how ‘your tribe’ does?” Before I could comment on the story, another comment was made about tourists coming for whale shark excursions, once again taking pictures without permission. The fishermen even claimed that some of the foreign navies have done it too, albeit for different purposes. Rather bleak, one of the fishermen shrugged his shoulders and said: “But what shall we do? Who should we complain to?” There was silence for a couple

of long seconds before another of the fishermen made a joke, “We must all be famous ‘over there.’” They all laughed.

I remember feeling challenged by these stories. Not only did I feel angry on behalf of the fishermen. I also felt the need to prove that I was different from these researchers and tourists with whom, although I did not like it, the fishermen compared me. At that moment I felt happier about myself and my consent forms than I had done for weeks. As I will soon come back to, hesitation, frustration, and mistrust often followed when I introduced the consent form. Yet, in this moment, I felt that the fishermen’s stories justified why I had subjected each of these fishermen to my five minutes long rehearsed informed consent speech. Had the very introduction of a consent form not proven that I was different from those who took pictures and asked questions without permission? That I cared about protecting the fishermen?

That was, until Mohammed made his intervention. He argued that it was unlikely that they would have any control over their data once I left. My heart fell to my stomach within seconds. I had worked hard to translate the consent form into a format that made some sense along Djibouti’s coast without losing the legal elements I needed for my university in Denmark. Before my arrival I had printed nearly 100 forms that explained my research project and how to revoke consent in practice. The signing of the consent form, however, proved to be a headache. People told me that they were scared to sign the document. I have had many talks with people who felt constrained on the one hand by wishing to talk to me, and on the other hand by the fear of signing the document. During the time I conducted my research in Djibouti there did not, at least not to my knowledge, exist similar data protection laws there. According to friends and interlocutors I had been ‘the first’ to ask about consent and to speak about ‘the rights’ of my informants. As my friend and translator,

who worked together with me during the field-work, later told me when I presented him with my draft of this autoethnography: “They never got anyone like you with this attitude who explained to them why they need this consent about this information. Sometimes journalist come for example during elections and interview people, but they never talk about consent, they just record you and ask your name. And suddenly you are on the television,” he laughed. Yet the question of ‘consent’ and ‘data management’ in this legally binding format was not at all familiar and did not in any way evoke trust. The EU GDPR rules – no matter how hard I worked to explain them – did not resonate or bear the same meaning to my interlocutors. In the words of my translator, “It made them feel weird. People are scared here when it is about *signed* documents.” To understand his point better, let me take you to another conversation.

“You know it could get me in trouble,” Abdikarim said during dinner. I had invited him out to eat for an interview and was now going over the consent form. Abdikarim was a well off and well-connected man in Djibouti who had invested in a couple of fishing boats. He was also critical of current fishing developments in Djibouti. He laughed. He was right. Tensions were running high under the calm surface in Port de Peche. A new company had arrived as the concessionaire of the port simultaneously with me. This had led to growing tension over resources and profit. People feared being ‘connected’ (for example by participating in the same research project) to those who were critical of the current political situation in Djibouti’s fishery sector. People explained that they feared that, if their interviews ever ended in the wrong hands, they could get into bad standing with the private company that had taken over important spaces and infrastructure, including the provision of resources such as water, fuel, and ice. They feared that the consent forms could later be mobilized against them if I wrote something critical. The very real stakes of participating in my research

became particularly clear to me when certain information was given to me in passing on motorbikes, in cars, and so forth. They feared that the company’s political connections could get them thrown into prison. “If you make these complaints, you get arrested. And if you go to prison, no one will take care of my family. Our silence is our solution – it’s this or jail,” a group of fishermen once told me. Whether that could happen, I do not know, but just the thought of potentially endangering a research participant (and friend) was frightening. Leaving a paper trail – even if it was on a PhD student’s recorder – was scary to many of my informants.

Obtaining oral consent was not always easier, but I felt that people were more open to it. Instead of signing a formal-looking document, which meant a loss of control, they could look me and my assistant in the eyes as we tried to explain my research in layman’s terms. I should have asked why people preferred to give consent orally rather than in writing, but I never thought about it. I just had a gut feeling that this format was seen as being closer to the ‘informal’ ways of making deals along Djibouti’s coast. Through my growing network I had been vouched for – and the more people who agreed to do the consent form, and told others about it, the more the consent form too was somewhat vouched for. Perhaps it could also be because the oral format allowed for interventions to be recorded. One man said, for example, “I am telling her about fishing life, but I do not want to talk about politics. If she is okay with that, she can record.” At least the recording of oral consent allowed more room for *recorded* objections and negotiations of the consent format.

It often went like this. In the beginning people would intervene to ask *why* we were repeating our agreement. Why did I need to record them saying I was allowed to use it? “I’m telling you my story on record, is that not enough?” Their scepticism was not uncalled for. Most dealings in Djibouti’s vibrant urban day to day life happens through an ‘informal

economy'. People do not use formal documents but locate you within a wider web of clan obligations. If you run from an agreement, they find your family who, in fear of being considered as untrustworthy, will either force you to honour your agreement or compensate on your behalf. As in the rest of the region, 'enforced trust' and 'trusting' are an essential part of how trade and exchanges of anything works (Carrier and Elliott 2023). In Nairobi's Eastleigh neighbourhood, Carrier and Elliott (2023) explain that Somalis use informal dealings, registers, and trust to enforce and sanction behaviour. In this context, if someone tries to introduce 'formal documents', they are indirectly saying that one of the parties cannot be trusted. In a similar vein, my request to formalize our agreement was weird, if not offensive, to many. I noticed how people would go from happy to uncomfortable within a second. Mind you, this was *after* we had already agreed to these terms. Yet as soon as I introduced the formal recording of consent, I also instilled a sense of mistrust in whatever sort of agreement we had just established prior to this event.

It happened so many times that my good friend and translator became quick to explain to people in advance that this was a 'Danish thing' and that my university apparently wanted it. "If you had been alone, it would have been a little bit hard. If I had not been here with you and explained them... Most of us we know each other here in Djibouti, from the neighbourhoods, there was some kind trusting me – and your consent form through me – it is something I noticed since we started working together," my friend argued. According to him most people accepted this explanation and decided to 'accept' my consent form since they knew and trusted *him*. At least most then proceeded to look bored and gestured to move things along, nodding and saying "Fine, fine, fine." I went on to say that the consent form was a way of protecting them, their rights, their data, and well-meaningly I said, "That way you can reach my boss, my university,

you can get me in trouble if I do not respect our agreement." Understanding that people were signing the document as a favour and through trust in other people around me, I tried introducing a final step to my consent process. I tried locating myself within the webs of obligation and (enforced) trust (Carrier and Elliott 2023) that informed informal dealings along the Djibouti coast. I would explain who knew me, whether it was a union boss, their captain, a fishing elder, and always my translator, and how they could go through them to make me delete their information. "That way you are protected," I told them. I told the same to Mohammed that afternoon in Port de Pêche, but he just looked at me with kind eyes. "Protecting me? Or you?"

The poetics and politics of consent forms

It has long been argued that ethnographic writing inhabits a special niche within our scientific and philosophical traditions. Ethnography as both a method and an analytical orientation blurs and breaks the boundaries between the researcher, the researched, and the audience (Jaarsma and Rohatynskyj 2000). Accordingly, the ethnographer holds a slippery role, where the subjective interests of both ethnographer and interlocutors, but also home institutions and funding entities (and whoever else may have a vested interest in the research), shape the processes, dynamics, and outcomes of the ethnographic engagement. It is thus important to reflect critically on the effects of new measures to ensure ethical ethnographic conduct based on ongoing evaluations of previous fieldwork experiences – particularly in places like Namibia, where ethnographers have historically been at the forefront of settler colonialism and even genocide (Faber-Jonker 2020), or Djibouti, where documents are historically entangled with the dispossession experienced during both colonial and postcolonial times (Bezabeh 2011; Dini 2018).

The stories above highlight the murkiness of ethnographic fieldwork, which involves constant shifts in positionalities. In these cases, this shift was enacted by an artefact, the consent form. Riles (2006) asserts that “documents are paradigmatic artifacts of modern knowledge practices” (Riles 2006, 2). In this sense, the formalization of informed consent, in the form of a legalistic document, spells out a dissonance between the realities of the university, research funders, and the outside world which ethnographers must navigate in search of understanding.

Given the symbolic representation of the European Union (EU) on RL’s consent form, and the response it generated, he realized his own implication in a political apparatus much larger than himself. First, he tried to reconcile this realization with the EU, for better or for worse, as representing the state he is from, and the research thus being financed by tax money. However, this is not necessarily what the EU represents in the broader world. As became evident in his experience above, the EU – through its symbolic presence across the African continent – has also come to represent a postcolonial reality, which has failed to deliver on its promise of lessening global inequality, dependence, and exploitation. AMR’s experience in Djibouti similarly reminds us that we also need to reflect on what sort of legal documents our informed consent forms actually are. They may look like official documents and elude certain connotations, but what sort of ‘protection’ do they really offer? Since documents are not merely passive objects that carry content, but mediators that mediate between ideas, people, and relationships, while transforming them in the process (Hull 2012), they ultimately *do* things – although not always the things they promised to do.

Neither the political actors RL talked to in Namibia, nor the fishermen who helped AMR in Djibouti, are passive research participants. Clearly, as demonstrated in both stories, we both worked with reflecting and critical

people during our PhD fieldwork. Since informed consent forms and recordings are not seen by our interlocutors as ‘protection’, but are done as ‘favours’, the stories allude to the hidden dynamics we researchers are embedded in. RL’s interlocutor’s hesitation speaks directly to the risk, experienced by people in the global margins, that their consent to one thing may be wrongly mobilized through the manipulation and malintent of a politically potent entity, such as the EU. What happens to the researcher-informant relationship when a consent form is signed – if it does not enhance trust? For RL it sparked a suspicious atmosphere that, to take a productive spin, did reveal how the macro-dynamics of a post-apartheid and postcolonial society play out in the micro-interactions between interlocutor(s) and ethnographer(s), who are both implicated in complex histories of domination and exploitation.

That said, the signing of an untrusted form may in other cases signal a process of generating a trustful social relation between the individuals agreeing to trust each other enough to engage in untrusted procedures. In their work on trust as an infrastructure in Somali trade, Carrier and Elliot (2023) suggest that rather than seeing trust as a prerequisite of trusting behaviours, acts of trusting can by themselves be generative of trust and produce trust over time (Carrier and Elliot 2023, 37). Was the favour of the fishermen signing AMR’s document an example of how Carey (2017) suggests hospitality to be “a mechanism for holding this being [the stranger] in abeyance” (Carey 2017, 8)? Did the act of trusting and signing the consent document neutralize the untrustworthiness of the ethnographer (and the institutions this character represents) and make this character more trustworthy by ‘controlling’ our actions in the future through the anchoring of researchers within broader social networks of obligations and trust? For AMR at least, the document’s ‘untrustworthy’ position became gradually less as people found ways of

navigating and anchoring the signing of the documents within their social networks, placing her within a wider web of obligations of people they knew and trusted.

While it would be speculative to definitively draw such a conclusion, these reflections are important, as many people, in many parts of the world (including almost all of Africa), do not put much trust in the state and its institutions (see, e.g. Olivier de Sardan 2005). This general sense of distrust does not decrease as these institutions become even larger than the nation-state and represent inter-state interests, as exemplified in RL's case above. Instead, people often rely on informal networks and specific significant others for trust (see, e.g., Bürge 2021). The attention to trust and (mis)trust are therefore of great importance when we discuss how to ethically deal with the fact that our research relies on people entrusting us (and those we represent) with their information both now and in the future. Indeed, by accepting the financing of our research from entities with a direct political impact upon the world, we (and our research) are also positioned within broader realities and imaginations of the state in both its benign and malign manifestations.

In the above ways our two experiences reiterate an aged, but nonetheless important, definition of ethnography as “a constructive negotiation involving at least two, and usually more, conscious, politically significant subjects” (Clifford 1983, 133). However, they also reveal how some of the politically significant subjects implicit in ethnography operate from a non-physical presence. This has a direct impact on research relations, and thus findings. The ethnographer as a political subject has received much attention since the crisis of representation debate (Okely 2012). However, the politics we are enrolled in as researchers, through the financing of the academic enterprise, is less discussed. This spells a tension, when thinking of free and independent research in a contemporary context. Of course,

this has different (but all significant) implications for different disciplines. As ethnographers and Africanists, we are called to think of the extent to which we represent funding entities, the university, ourselves, the public, or our interlocutors when entering ‘the field’. An important question to ask is whether our research practice is co-opted by a political apparatus with investments in the very places where we do our research? Do consent forms and ideals of protection based in the North-dominated epistemic research community necessarily ensure ethical research? And if this is a precondition that we are forced to accept, what then happens to the subjective politics of the ethnographer and our human values?

Coming back to Wynn and Israel (2018), they point towards the “reproduction of particular cultural imaginations of paper, ink, signatures and contracts – and, in the process, obfuscating different ways of imaging the consent process, risk, ‘protection’ and the relationships between researcher and participant” (2018, 804). We suggest that this ‘fantasy’ also has another function. Our stories above, and the ethnographic proxy artefact that is the consent form, did lead to interesting insights into the shifting ontological status of the consent form as it travels from European universities to field sites across Africa. Uncannily resonating with Stoler's (2009) analysis of the poetics of the colonial archive, we see how documents have effects and poetics – including beyond their written contents. Wittingly or not, such artefacts mobilize us as ethnographers as bolts and screws within a larger global political apparatus, about which we need to be equally as reflexive as we are about our own positionality. Similarly to how others working on (state) bureaucratic documents, like Gupta (2012), argue that documents are central to the production of ‘eligible’ citizens, governance, and the state itself, we too find that these documents also have another purpose: they not only mediate difference, they mediate the relationship between researcher-researched, North-South,

and make it one of formal legal obligations. Similarly to Knowlton (2006), who argues that “formal rationality generally works to the benefit of elites who can dominate its arcane functioning and methods” (Knowlton 2006, 36), we find that consent forms primarily benefit Academia itself, as ‘ethical’ document-practices are part of legitimizing the continuation of hierarchies of knowledge and morals based on Northern elitist thinking, while claiming legitimacy through Southern participation.

Our two cases both reveal aspects of this life trajectory and show how instead of ensuring trusting relations and a sense of authenticated safety, the legalistic formalization of research relations has a tendency to foster mistrust and increase feelings of exposure to an abstract (often political) apparatus. Mosse (2011) reminds us how documents may better be seen as a set of complex relations through which the epistemic development communities produce and maintain ‘expertise’ through negotiating ‘regimes of truth’ wherein professional identities, development ‘success’, and the dynamic yet often skewed relationship between ‘expert knowledge’ and local conditions are cemented.

Coupling these points from ethnographies of development with the scholarship on bureaucratic documents, we suggest that the documentary life surrounding consent forms – when universities continue to demand them, researchers continue to produce them and convince people in ‘the field’ to sign them, and journals increasingly ask for them – create ‘consent fetishes’ (Wynn and Israel 2018). These consent fetishes generate and promote a ‘hierarchy of protection’ in academia where ideas of protection based on Northern legalistic ideals are universally accepted and thus seen as ‘better’ than practices and logics of ‘protection’ based in other cultural and epistemic contexts. This is done by making a signed consent form equate with *Ethics*, while dismissing other forms of knowledge and cultural practices with their own distinct ethics,

morals, and consent procedures. Accordingly, when researchers reproduce the practice of obtaining consent through forms (a practice based in western and elitist notions of partnerships), they also reproduce and inform the unequal power relations and knowledge practices that historically have constituted academia. Accordingly, researchers must reflect on how these documents do not end up ‘mastering’ our research, in the way that Balkin et al. (2023) describe nursing home documents as ending up ‘mastering’ patients. They show how documents drive staff to listen to the document in relation to patients’ needs rather than listening to what the patient tells them. In the debate between patient and file, the patient’s voice was often drowned out. How can we ensure this does not happen in our prioritization between bureaucratic paraphernalia and the people we work with? How should we as researchers navigate these conflicting ideals and systems of protection, which evidently instill a permanent sense of ambiguity in our work?

Conclusion: Consenting for whom?

As Africanists, our training has taught us to always follow predispositions with the question: *for whom?* We hope that this question will be at the heart of future debates on informed consent. Our ethnographic examples have shown that current ideals of consent fall far from instilling the sense of safety and protection in our interlocutors that we were told it would. Instead, our interlocutors seemed to see such legal paraphernalia as a protection of the university (and its financiers), or at least questioned how it would benefit them. Others reflected on the risk of leaving a paper trail that may be frightening in many settings – a point also relevant outside Africa. In recognizing the critical analytical skills of our participants, we are inclined to agree with these observations.

We still believe that we must find a way to convince researchers of the moral and ethical obligations that follow when conducting

qualitative research, including obtaining proper *informed* consent. Since most researchers do not have the privilege of spending months in their research locations, consent forms may foster important conversations. Take for instance how Inhorn (2004) described the consent form as a method for ‘breaking the ice’ and as a trust-enhancing mechanism, as her interlocutors felt their ‘secret is safe’ when talking about IVF treatments in Egypt and Lebanon (Inhorn 2004). Similarly, Thomson (2013) describes how her experience of getting approval from her university’s ethics board did indeed equip her to deal with her experience of being pressured by the post-genocide Rwandan government to hand over the names of the prisoners she interviewed for her doctoral thesis. We too recognize that dealings with ethics bureaucracy may enlighten researchers on areas of risks they may not have thought about before. We continue to hear stories of how journalists and researchers forget to obtain the proper consent – which in the worst case scenario can put people in prison or in danger. In this way we do not quarrel with the increased interest from universities, funding agencies, and journals in ensuring informed consent. Yet the current formal forms and formats of obtaining consent by signing a consent form or orally accepting ‘the terms of participating in the research project’ – we can already hear it in the legal jargon – is not about our informants and should stop being treated as such. At least in Djibouti and Namibia, both parties found it weird, annoying, and a strain on our relationships in the field. For a few it was even potentially dangerous if their words were misunderstood. People instead did it as a favour and trusted us (sometimes through the people we knew), and for that we will be forever grateful. That said, if we truly value the safety and wellbeing of our interlocutors, we must also question the aspects of our practice that make them weary. This article was an attempt at doing exactly this.

We propose that the way forward must focus on quality rather than format. A quick Google search suggests that many research governing entities already acknowledge that informed consent is an ongoing process. Yet signatures continue to be the ‘default norm’, even if they do not prove anything (Wynn and Israel 2018). The insistence on written consent rather reminds us of how Gupta (2012) notes that paper logics reproduce themselves by insisting on their own quality: without a signature, consent never really happened. We fear that if the current ethical bureaucracy developing at European universities is allowed to grow, we risk erasing other ways to obtain consent – even if they qualitatively cater better to the situation at hand. For us it is important for researchers to engage with state and funding agencies and universities to show creative and caring ways of allowing people to consent. African studies as a discipline must take part in ensuring that social science research in Africa, and with African partners, continues to critically and forcefully examine its methods and challenge practices rooted in a (neo)colonial history. Ethics, including questions of consent, need to take centre-stage. This starts with more teaching and sparring on the matter. This leads us to a second point. Since standardized ethical requirements are ill-equipped to deal with the very real ethical implications of ethnographic research, we wish that researchers, lecturers, journals, funding agencies, and universities would be more open to engaging with non-standardized (and sometimes non-written) forms of consent. This may even grant some of us the option of including our interlocutors directly in developing the consent format. Trial and error may not be perfect, but it is better than continuing to reproduce the unequal knowledge practices currently inherent in the European GDPR framework. An easily implementable way forward could be that journals, funding agencies, and universities in the future prioritize ‘deep descriptions’ of consent procedures by requiring a minimum

of words allocated to describing methods relating to consent procedures, just as they do with other parts of an article or proposal, such as allocating 200 words for an abstract. What

is required is that researchers should be given the freedom to negotiate consent procedures directly with both peers, institutions, and the field they operate within.

References

- Appiah, Richard. 2021. "Gurus and Griots: Revisiting the Research Informed Consent Process in Rural African Contexts." *BMC Medical Ethics* 22.
- Balkin, Emma Jelstrup, Mette Geil Kollerup, Ingjerg Gåre Kymre, Bente Martinsen, and Mette Grønkjær. 2023. "Ethics and the Impossibility of the Consent Form: Ethnography in a Danish Nursing Home." *Journal of Aging Studies* 64.
- Bell, Kirsten. 2014. "Resisting Commensurability: Against Informed Consent as an Anthropological Virtue." *American Anthropologist* 116 (3): 511–522.
- Bezabeh, Samson A. 2011. "Citizenship and the Logic of Sovereignty in Djibouti." *African Affairs* 110 (441): 587–606.
- Bhattacharya, Srobana. 2014. "Institutional Review Board and International Field Research in Conflict Zones." *Political Science & Politics* 47 (4): 840–844.
- Bürge, Michael. 2021. "Mis(sing) Trust for Surviving: Confronting Complexity and the Un/Known in Makeni, Northern Sierra Leone." In *Mistrust: Ethnographic Approximations*, edited by Florian Mühlfried, 135–152. New York: Berghahn Books.
- Campbell, John. 2010. "The 'problem' of Ethics in Contemporary Anthropological Research." *Anthropology Matters Journal* 12 (1).
- Carey, Matthew. 2017. *Mistrust: An Ethnography Theory*. University of Chicago Press.
- Carrier, Neil C. M., and Hannah Elliott. 2023. "Trust as Social Infrastructure in Somali Trading Networks." In *Trade Makes States: Governing the Greater Somali Economies*, edited by Tobias Hagmann and F. Stepputat, 35–55. Hurst Publishers.
- Clifford, James. 1983. "On Ethnographic Authority." *Representations*, 2: 118–46.
- Cornwall, Andrea. 2007. "Buzzwords and Fuzzwords: Deconstructing Development Discourse." *Development in Practice* 17 (4/5): 471–484.
- Delamont, Sara, and Paul Atkinson. 2018. "The Ethics of Ethnography." In *The SAGE Handbook of Qualitative Research Ethics*, edited by Ron Iphofen and Martin Tolich, 119–132.
- Dilger, Hansjörg. 2017. "Ethics, Epistemology, and Ethnography: The Need for an Anthropological Debate on Ethical Review Processes in Germany." *Sociologus* 67: 191–208.
- Dini, Sabine. 2018. "Migration Management, Capacity Building and the Sovereignty of an African State: International Organization for Migration in Djibouti." *Journal of Ethnic and Migration Studies* 44 (10): 1691–1705.
- Fassin, Didier. "The End of Ethnography as Collateral Damage of Ethical Regulation?" *American Ethnologist* 33 (4): 522–524.
- Griese, Charlotte A. 2022. "RCTs: An Ethical Challenge to International Research Collaboration?" *Democracy in Africa* (blog). Accessed May 2, 2025. <https://democracyinafrica.org/rcts-an-ethical-challenges-to-international-research-collaboration/>
- Gupta, Akhil. 2012. *Red Tape*. Duke University Press.
- Huber, Elisabeth, and Sabine Imeri. 2021. *Informed Consent in Ethnographic Research: A Common Practice Facing New Challenges*. Qualiservice Working Papers 4. University of Bremen.
- Hull, Matthew S. 2012. *Government of Paper: The Materiality of Bureaucracy in Urban Pakistan*. University of California Press.

- Inhorn, Marcia C. 2004. "Privacy, Privatization, and the Politics of Patronage: Ethnographic Challenges to Penetrating the Secret World of Middle Eastern, Hospital-Based in Vitro Fertilization." *Social Science & Medicine* 59 (10): 2095–2108.
- Jaarsma, Sjoerd. R. and Marta A. Rohatynskyj eds. 2000. *Ethnographic Artifacts: Challenges to a Reflexive Anthropology*. University of Hawai'i Press.
- Knowlton, David Clark. 2006. "Informed Consent and Ethnography: Dissent, Consent, and Nonsense." In *Ethics in the Professions*, edited by Rick McDonald and David Yells, 29–40. Proceedings of the 8th Annual Utah Valley State College Conference by the Faculty. Utah Valley State College.
- Mathur, Nayanika. 2015. *Paper Tiger: Law, Bureaucracy and the Developmental State in Himalayan India*. Cambridge University Press.
- Mosse, David. 2005. *Cultivating Development: An Ethnography of Aid Policy and Practice*. Pluto Press.
- Mosse, David, ed. 2011. *Adventures in Aidland: The Anthropology of Professionals in International Development*. Berghahn Books.
- Mosse, David. 2015. "Misunderstood, Misrepresented, Contested? Anthropological Knowledge Production in Question." *Focaal* 72:128–37.
- Murphy, Elizabeth, and Robert Dingwall. 2007. "Informed Consent, Anticipatory Regulation and Ethnographic Practice." *Social Science and Medicine* 65: 2223–2234.
- Okely, Judith. 2012. "Confronting Positionality". *Teaching Anthropology*. 2:1. 16–41
- Olivier de Sardan, Jean-Pierre. 2005. *Everyday Corruption and the State: Citizens and Public Officials in Africa*. Translated by Antoinette Tidjani Alou. Zed Books.
- Pels, Peter, Igor Boog, J. Henrike Florusbosch, Zane Kripe, Tessa Minter, Metje Postma, Margaret Sleeboom-Faulkner et al. 2018. "Data Management in Anthropology: The Next Phase in Ethics Governance?" *Social Anthropology* 24 (3): 391–396.
- Riles, Annelise, ed. 2006. *Documents: Artifacts of Modern Knowledge*. University of Michigan Press.
- Star, Susan Leigh, and Karen Ruhleder. 1996. "Steps Toward an Ecology of Infrastructure: Design and Access for Large Information Spaces." *Information Systems Research* 7 (1): 111–134.
- Stoler, Ann Laura. 2009. *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense*. Princeton University Press.
- Strathern, Marilyn, ed. 2000. *Audit Cultures: Anthropological Studies in Accountability, Ethics and the Academy*. Routledge.
- Thambinathan, Vivetha and Elizabeth Anne Kinsella. 2021. Decolonizing "Methodologies in Qualitative Research: Creating Spaces for Transformative Praxis." *International Journal of Qualitative Methods*, 20:1–9.
- Thomson, Susan. 2013. "Academic Integrity and Ethical Responsibilities in Post-Genocide Rwanda: Working with Research Ethics Boards to Prepare for Fieldwork with 'Human Subjects.'" In *Emotional and Ethical Challenges for Field Research in Africa: The Story Behind the Findings*, edited by Susan Thomson, An Ansoms, and Jude Murison, 139–154. Palgrave Macmillan.
- Visagie, Retha, Soné Beyers, and J. S. Wessels. 2019. "Informed Consent in Africa – Integrating Individual and Collective Autonomy." In *Social Science Research Ethics in Africa*, edited by Nico Nortjé, Retha Visagie, and J. S. Wessels, 165–179. Springer.
- Wilson, Andrew, and Philip Hodgson. 2012. "Trust, Coercion and Care: Researching Marginalised Groups." In *Ethics in Social Research (Studies in Qualitative Methodology 12)*, edited by Kevin Love, 111–128. Emerald Group Publishing Limited.
- Wynn, Lisa L., and Mark Israel. 2018. "The Fetishes of Consent: Signatures, Paper, and Writing in Research Ethics Review." *American Anthropologist* 120 (4): 795–806.