University of Alberta

Ethical Learning and Learning the "Other's" Ethics: A Shared Inquiry Into the Ethics of Researching Native Knowledge.

by

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Cette thèse est dédiée

à mon Grand-Père, Joseph Piquemal,

pour toutes ses paroles de sagesse

et d'humour qui ont

donné substance

à ma vie.

This thesis is dedicated

to my Grand-Father,

Joseph Piquemal.

Abstract

Researchers have often been criticized for their disregard of Native protocols when investigating Native knowledge, causing harm on a spiritual, emotional, and physical level. This shared inquiry into the ethics of researching Native knowledge took place in one of the Paiute-Shoshone Tribes in Nevada. The research emerged from a common interest in Native protocols of seeking informed consent, particularly when interacting in a spiritual context. Through the example of the Sweat-Lodge we sought to demonstrate how spiritual awareness defines, shapes, and demands ethical behaviour.

When cross-cultural research consists of an interaction between a fieldworker and an "other" who becomes the resource for and the subject of ethnography, Lévinas' theory becomes a valuable tool for analyzing this relationship. The centrality of otherness lies at the heart of his philosophy which centres on the relationship between the self and the other's irreducible alterity. Ethics begins with the awareness of otherness and is a calling intc question of the privileges of the self.

While the importance of informed consent is unquestioned in most circles, what often goes unquestioned in how informed consent may have different meanings and implications in cross-cultural situations. In the context of this research, we

established that there is a strong spiritual grounding for ethical conduct. We argued that there are "spiritual laws" that may have to be considered when seeking informed consent. We elaborated a set of ethical recommendations that apply to the particular circle in which this research took place, but that may also apply to other research situations.

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INTRODUCTION

The purpose of this thesis is to provide the reader with a concrete example of what researching Native knowledge might entail in terms of ethical awareness. This research focuses on the "other's" ethics, with special attention to the notions of consent and authority to give consent. The question that we, as research participants, tried to answer can be formulated as follows: having established that doing research with Native communities may require specific ethical awareness, particularly when interacting in a "spiritual context," what should an ethical research relationship involve in terms of seeking informed consent? In particular, we argue that the protocol of informed consent is "present" at various levels of the research, from approaching the community to collecting the data and even writing the report.

This research is grounded in a particular context. We use the Sweat-Lodge as a common point of reference, first to demonstrate that consent is tied to the idea that there is a spiritual grounding for ethical conduct and then to analyze the ways in which this spiritual component affects the ethics of research, with special attention to the protocol of informed consent. The research methodology can be defined as a shared inquiry, in that we, as research participants,

approached these issues from within the

circle[1] to which we belong. We elaborated a set of ethical recommendations that would be respectful of the teachings of this circle, and it was the collaborative aspect of our research relationship that enabled us, as research participants, to emerge as a "we."

My research took place with one of the Pauite-Shoshone Tribes in Nevada, beginning in 1997. I developed a close friendship with these people before I even considered doing research with them. Originally, I was interested in investigating educational strategies in Native storytelling. In 1994 and 1995, I did some research in a Native community in Alberta on the topic of storytelling as a pedagogical process. I became aware of the existence of a teaching/learning process based on the underlying principle that stories unfold and have effects beyond the immediate. Looking back on my own learning process, I have come to realize that my interest in the ethics of researching Native knowledge has been largely influenced by some of the stories that I was told. Amongst these stories, some seemed to make a significant point about the consequence

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1 The term "circle" refers to a group of people who share the teachings of a particular Sweat-Lodge. This research is grounded in this circle, in that the research participants often refer to the Sweat-Lodge to discus notions of consent, of authority, and of protocol.

of violating traditional ethics. Most narratives centered on the harm that may result from the investigation of esoteric knowledge involving ceremonies. Reference was made to the relationship between ethics and spirituality. Failure to act in accordance with the ethical system of the group may cause hardship for family members and, as in the stories I was told, to any person, such as researchers, who may interfere with what is often referred to as the natural laws. To many of these people, there are ethics beyond human ethics. As the Report of the Royal Commission on Aboriginal Peoples (1996, p.617), stated:

> Ethics, or rules guiding the conduct of human beings toward another and with other creatures and elements of the world, are more than rational codes that can be applied or ignored. The rules are embedded in the way things are; they are enforced, inescapably, by the whole order of life, through movement and response in the physical world and in the spiritual realm.

The idea that ethics are embedded within a worldview does not simply draw a line between secular and spiritual; it is an ethic which takes the circle as its model and does not find it easy to disregard connections between the categories which

many scholars draw when proposing research projects. While the aspects of informed consent may be considered to be satisfied by the researcher, it is clear that the perspectives of those who become the subject of the research do not always concur.

The problem arises from researchers' working in Native communities who have been widely criticized for their disregard of local ethics, adhering only to the conventions of scientific knowledge. This critique comes from two general perspectives. First and foremost is the opinion of many First Nations people that researchers have been guilty of misappropriation of knowledge[2]. The second is located within academia. A common expression in postmodern theorizing is that modernist researchers, by not questioning their own ethics and methodologies, have unwittingly constructed the "other." While the importance of informed consent is unquestioned in most circles, what often goes unquestioned is how informed consent may have different meanings and implications in cross-cultural situations. It is the researcher's ethics that often seem to govern the relationship. It is often as if researchers in cross-cultural situations assume that the individual in question understands the project fully and is able to give full permission in a communicative code that is only that of the researcher.

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[2]See for example Deloria (1991).

This thesis is divided in 3 sections. The first section investigates the epistemology of ethical knowledge and the notion of the ethical encounter as approached by Lévinas. It then focuses on ethical issues that are involved in participant observation. Special attention is given to the research protocol of informed consent. The primary goal of this section is to demonstrate how cultural differences may affect the ethics of research, particularly the ethical protocol regarding informed consent. The second section focuses on the relationship between researcher and informant with ethical recommendations on how this relationship should be constructed. I worked on this issue with a circle of people from Paiute-Shoshone Tribes in Nevada[3]. Through the example of the Sweat-Lodge, we tried to demonstrate how spiritual awareness defines, shapes, and demands specific ethical behaviour. In the third section, I discuss the notions of collaboration, shared inquiry, and shared responsibilities. Key to collaborative research is the view of informed consent

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Although I believe that this research may apply to different contexts and may guide other researchers investigating Native knowledge, as well as in their dealing with the ethical issues in a "self-other" relationship, I need to point out, however, that this research does not account for all possible "others". This research is grounded in a specific context involving a particular group of people, thus does not deal with the "other" as a universal other, but rather with a specific "other" to which others may relate.

as a spiral process.

Last, but not least, the guiding circle that has shaped and grounded my learning experience is composed of people who share the teachings of a particular Sweat-Lodge. It is this guiding circle that gave this thesis its substance and its essence. The Sweat-Lodge is not the topic of this research. It is, though, amongst many other things, what grounded us, as research participants, in a common learning context. It has been guiding me throughout this research, and I am very thankful for it.

PART I: CONCEPTUAL FRAMEWORK

"Il n'y a pas d'éthique sans la présence de l'autre". Derrida, De La Grammatologie. (1976, p.202)

"There is no ethics without the presence of the other". Derrida, Of Grammatology. (1976, p. 139)

Chap.1: Philosophical Assumptions

Introduction

In recent years, researchers working in Native communities have been criticized for their disregard for their 'object' of study: the Native Other. They have often unwittingly violated the integrity of the communities they have studied because they were not receptive to indigenous conceptions of ethics, adhering only to the conventions of scientific research. As Punch (1986, p.73) pointed out: "Any academic in his right mind would agree that research should display respect for persons and should not bring them harm, but fieldwork may inadvertently and unpredictably lead to the

opposite." In "An Investigation of the Impact of Psychological Research on a Native Population" (1993), for example, the authors describe how the Crees of Northern Quebec expelled most of the researchers who were conducting research in their territory because of their disrespect for local authority and their reluctance to adapt to local values. Therefore, we are faced with a profound moral conflict between respect for local tradition versus a culturally insensitive science.

Certain scholars have begun to reexamine the underlying principles guiding research. The American Anthropological Association, for example, is revamping its code of ethics, stressing the importance of protecting the community and the individuals involved in the research at all times. However, further questioning and research are needed to elaborate a code of ethics that truly is respectful of both traditions. The question that needs to be addressed is how the informants' ethics and beliefs can be respected, thereby ensuring protection against ethnocentrism.

My primary goal in this chapter is to deal with the following issues: the epistemology of ethical knowledge, including the relationship between an ethical belief system and a worldview, the development of ethical thought, and the idea of moral statements as an existential choice; the debate between ethical relativism and ethical universalism concerning

whether ethical conceptions are products of a particular heritage or are universal; the application of research ethics, with special attention to cross-cultural situations; and the centrality of otherness in Lévinas' philosophy.

I) The epistemology of ethical knowledge

A) Moral standards as an existential choice

The following questions are linked to the issue of the nature of ethical knowledge: What is the nature and origin of the faculty by which moral duties are recognized? How do people make up their minds on an ethical point? What are the conditions for the emergence of moral standards?

Ethics are assumed to be related to what is good and what is right. They can be defined as a system of ideals or norms concerned with what ought to be done. Consequently, ethics deals with moral duty; an ethical system involves moral prescriptions. The primary concepts involved in the notion of ethics are ought, obligation, duty, right, wrong, valuable, and the good in itself. The notions of moral code and ethics have been defined by Ladd (1957, p.9) as follows:

> A moral code is a collection of moral rules and principles relating to what ought, or ought not, to be done -what is right or wrong. An ethics includes both the moral code and all

the ethical conceptions and argumentation which are associated with it.

As a field of scholarly inquiry ethics have both normative and descriptive aspects. The former deals with the conduct itself, what is right or wrong; the latter deals with individuals' or cultures' ethical conceptions. The study of descriptive ethics usually shows that ethical conceptions are culturally specific, for they vary from one culture to another. Indeed, ethical relativists argue that societies differ in their ethical principles by demonstrating that ethical conceptions of one culture are frequently not replicable in another (Kneller, 1965). However, the nature of moral variety has been the subject of an ongoing debate between relativism and universalism, which will be dealt with in Section B.

The study of the history of ethics shows that there are many schools of thoughts. Ethics can be defined within a religious and dogmatic framework, a secular perspective, or within an existential and phenomenological perspective. In Medieval time, what was considered ethical was what agreed with the Church. In the Renaissance, ethics were defined as a duty that seeks for the truth through science. In the eighteenth century, Kant revolutionized deontological ethics by developing a secular grounding for ethical duties. Kant's

categorical imperatives led to the idea that a rule is an ethical duty when it can be determined to be a general law. However, it has been argued (see Merleau-Ponty for example) that there is a phenomenological or an existential component to human self-definition. Phenomenology (from the Greek *phenomenai*, to appear) and existentialism are both founded on the underlying principle or belief that the way people understand the world is inextricable from their own implication, involvement and 'immersion' in it. Therefore, values and moral statements can be argued to be a causal consequence of an existential choice.

The emergence of ethics is therefore closely related to world view, that is to how people define their place and role in the universe. This relies heavily on the principles of both phenomenology and existentialism, as it suggests that experience and interpretation are essential to a people's definition of their own ethics. Indeed, phenomenology refers to a movement that emphasizes the description of human experience. Its philosophy attempts to place essences back into existence, insofar as the world is considered to be already there before reflection begins. Heidegger (1965) emphasized the idea of subjectivity as being-in-the-world and stated that the meaning of Being is to be attributed to subjectivity. Phenomenology is often associated with

existentialism, for they both stress the importance of human existence in human self-definition. However, existentialism is more focused on individuals, on their relations to the world, and on the notion of Being. The Cambridge Dictionary of Philosophy (1995, p.255) defines existentialism as "a philosophical and literary movement that came to prominence in Europe, particularly in France, after World War II, and that focused on the uniqueness of each human individual as distinguished from abstract human qualities". According to existentialism, existence precedes essence, which means that individuals do not live a predetermined essence.

From the ideas developed in both phenomenology and existentialism, it follows that experience is essential to people's self-definition, for the way people define themselves is shaped by their understanding and their interpretation as an attempt to make sense of the world. This process involves an hermeneutic approach, since it is concerned with interpretation first. From this perspective, it follows that the 'choice' of moral standards is conditioned by people's self-definition: it constitutes an existential choice. In other words, the emergence and the development of ethical thought are inherently shaped by the relationship between humans and the universe. The precepts of existential phenomenology lead to the idea that there is unavoidably a

hermeneutical component in the way a people construct their ethical system.

B) Ethical Relativism versus ethical objectivism

Ethical relativism.

If one applies cultural relativism to the concept of ethics, it appears that there can be no universal idea or ideal of moral standards. Each ethical system is only valid for the particular culture that elaborates it and that subscribes to it. The merit of ethical relativism is that it avoids the danger of ethnocentrism by assuming that a moral standard cannot be rated by the standards of any other civilization. Cross-cultural study of ethical conceptions cannot be conducted according to a preconceived universal value system because each culture is believed to be unique. The following paragraph seeks to demonstrate that a serious objection can be raised concerning ethical relativism.

Moral relativism implies that moral values are grounded in a particular culture and that it is only within this context that they are legitimate. Ethical relativists believe that it is imperative to respect any other culture's moral code and customs even if they may seem cruel to others. Moral relativism would seem to lead to tolerance and objectivity, its main merit being that it avoids the danger of cultural

imperialism by arguing that each culture constitutes its own frame of moral reference. However, it can also be argued that by making each culture the ultimate judge of its own morality, relativism denies the possibility for a culture to be judged by any external kind of criteria, which may create a moral problem. Indeed, if one applies the principles of cultural relativism, genocide and slavery could not be condemned because they would have to be considered as part of a 'coherent' system. But can one rate the culture of Nazi Germany as the equal of a Western democracy? The experience of Nazi Germany demonstrated a major weakness in ethical relativism.

Ethical objectivism.

The opposite of ethical relativism is ethical objectivism, and cultures may differ in their moral principles, some moral principles have universal validity; a case in point is the prohibition against incest, against killing the innocent, etc.

Universalism.

According to cultural universalism, human nature is essentially universal, which asserts that cultures have features in common even though cross-cultural study may reveal a wide range of differences. Cultural universalism suggests

the existence of a set of common values believed to be appropriate to the needs of human nature. Morality, for example, is believed to arise out of the nature of human beings. For example, Kukathas (1994, p.13), using Smith's argument in *The Theory of Moral Sentiments* (1976), explains that common moral standards arise from individuals' interactions with one another:

> It is the process of self-evaluation by reflecting on the likely judgements of others that leads to the development of common moral standards. Once again, mutual sympathy and the desire to be in harmony with the sensibilities of others are crucially important.

The weakness in cultural universalism is that it does not take into account the historical context and development of each culture. Indeed, what may be appropriate for a particular culture at a particular time may not be appropriate for the same culture at a different stage of its own historical development.

If relativism weakens the moral unity of mankind, it is also true that universalism tends to deny the existence of cultural particularities. Both cultural relativists and cultural universalists tend to approach culture as if it was an entity in 'isolation'. However, the rightness/wrongness of

an action also depends on the historical and cultural context of a society. Indeed, an action can be regarded as intrinsically evil but not blameworthy when it happened in a certain society at a given time. For example, slavery is considered an immoral practice, but has been, in the case of Greek culture, argued to be a necessary evil, for it made possible the development of a leisure class necessary for a higher culture: slavery, in Ancient Greece, is believed to have enabled intellectual and artistic life to develop. Justifying slavery in the case of Greek culture does not, however, make the practice right.

The fact of cultural diversity stresses the importance of toleration of cultural differences. When reflecting on the ethics of research, the question that needs to be addressed is whose ethics governs the relationship between researchers and informants. It is clear that further investigation needs to be done on the possibility of doing research using First Nations' ethics. The debate between relativism and universalism does not offer an "either-or" answer to the problem of cross-cultural research. The ethics of cross-cultural research need to be defined within the framework of a universalism that allows for cultural sensitivity. One of the main arguments of this dissertation is that informed consent ought to be defined as ethical universal, but that its meanings and implications

may vary from one culture to another.

II) Alterity and the Other

Having established that in many cross-cultural situations, particularly those involving First Nations communities, researchers have failed to respect the otherness of the other when dealing with ethical issues, I have chosen to refer to Lévinas' philosophy[4] to support the idea that research ethics ought to be based on a commitment to difference. Lévinas is opposed to the rationalistic reduction of other to sameness. He presents the self as a decentered and humble subject whose responsibility to the other is the ethical act of acknowledging and respecting alterity. When applying Lévinas' philosophy to anthropological research, it follows that the researcher has the responsibility to recognize, respect and maintain the other's otherness if the relationship is to be ethical. In particular Lévinas (1969, 1981) defined the relationship with the other as an ethic of encounter ("une éthique de la rencontre.") The centrality of otherness lies at the heart of his philosophy, which centres

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4 It should be noted that philosophical accounts on the notion of the other are not totally absent from anthropological literature. For example, Asch (1997) uses Buber (1970) to demonstrate why the relationship between self and other is inherent to the question of self-determination for Aboriginal peoples.

on the relationship between the self and the other's irreducible alterity. Lévinas' philosophy is grounded in a phenomenology of the face: "La relation au visage est d'emblée éthique" (1982, p.81). The act of facing constitutes the first contact with alterity, and this relationship with alterity is essentially ethical, as it commands responsibility which is the recognition of an irreducible absolute and infinite other. Ethics begin with the awareness of otherness and a calling into question of the privileges of the self. As Lévinas stresses, "the other faces me and puts me in question and obliges me in his essence qua infinity" (1969, p.207); or more precisely as in Lévinas' native tongue: "Positivement, nous dirons que dès lors qu'autrui me regarde, j'en suis responsable sans même avoir à prendre de responsabilités à son égard; sa responsabilité m'incombe" (1982, p.92). Lévinas' account of the approach of the other (the relationship with alterity) begins with the correlation of responsibility and substitution: I have the responsibility of putting myself in the place of the other, even though his alterity is not interchangeable with me.

In the same way, in cross-cultural research situations, the researcher has important responsibilities towards the "other", the main one being to negotiate informed consent. However, while the ethic of responsibility for the other's

otherness seems ideal, problems of application need to be addressed when doing ethnography. One of the largest problems that I can see arising is that of differing communicative norms and patterns of interaction. These communicative differences can lead to misinterpretation of statements including those of consent. A philosophy of ethical encounters may fall victim to such instances of miscommunication.

In the face-to-face relationship between a fieldworker and the people who become the research material of the former's project, a direct relationship between the self and the other is entered into in an intense manner. The researcher is asking questions and trying to put himself/herself into the other's world. On the other hand, the informant is trying to understand why this person is asking these questions. In such a circumstance, informed consent often falls victim to problems of communication: the researcher may receive information which falls outside of the parameters of the stated project, and at these times, the question of reporting this information becomes an ethical problem. Conversely, the informant may communicate information that he or she believes is harmless at the time, only to discover that the researcher has used it in ways that the informant did not intend to reveal. An extreme case is reported in Thomas (1995, p.5). He cites The Tea Room Trade by Laud Humphries as a blatant

example of the misuse of friendship and camaraderie[5] to gather data on the identities of members of a gay culture. By obtaining these identities, he then later went on to question these individuals under the guise of another project so that he could gather the sensitive information which he felt he needed to write the book he had always intended on writing. Even though he kept the personal information out of the final report, his methods were deemed unethical and harmful, and he was therefore censured. While this is an extreme example of unethical research, what is perhaps more dangerous is those situations in which the information that was attained through honest means becomes the subject of a report that the informant never even considered or that he\she thought would be kept confidential. These situations take place in specific contexts, and context becomes a vital issue when one takes the metacommunicative norms of different people into consideration. There are problems of differing ethics of interaction and differing ways of teaching, learning and speaking authoritatively.

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He gained trust through his constant presence and by such acts as serving as a lookout when his subjects would engage in sexual activities in public washrooms.

Conclusion

The obligation to expect difference

Cross-cultural studies of ethical ideas emphasize the relativity of moral principles and ethical beliefs. It should be noted that doing research that involves two distinct cultures, that of the researcher and that of the community under study, implies that researchers have an obligation to expect differences. As Ross (1992, p.4) stated:

> The first step in coming to terms with people of another culture, then, is to acknowledge that we constantly interpret the words and acts of others, and that we do so subconsciously but always in conformity with the way which our culture has taught us is the 'proper' way.

In a similar way, Lévi-Strauss (1969) argued that the process of socialization requires that a child, who as a newborn possesses all the mental structures available to mankind, retains and develops only the mental structures and elements which have a functional value in his/her particular culture: "Each type of social organization represents a choice, which the group imposes and perpetuates" (p.93). He further argues that as adults we do not remember the myriad of possibilities that were present in the infant's repertoire; adults, thus,

may see the "other's" practices as puerile and may not question the fact that there are equally valid reasons for the "other's" behaviour or attitudes (p.95).

In research situations, even if researchers acknowledge the existence of cultural differences in the field, they may not be aware of their own cultural biases and presuppositions about ethics. Therefore, in trying to uncover people's self-description, there is often a risk of misinformation, misinterpretation, and misrepresentation.

In this chapter, I have examined the nature and the conditions of the emergence of moral standards. I used the theories of existentialism and of phenomenology to support the idea that ethics are entwined with a particular worldview. Ethical relativism stresses the importance of toleration of cultural differences; it does, not, however, offer practical guidance on how to negotiate these differences in the field. Further dialogic experiences with Native communities themselves need to be undertaken in order to avoid misappropriation of knowledge.

Chap. 2: Ethics and Ethnography

Introduction

Breaking away from a Manichean conception of a universe where there is a clearly defined 'good' and 'evil' as defined by Western standards, I will demonstrate that ethics are inherently difficult to define with any precision. This difficulty is compounded when two different cultures are in contact. The code of ethics of one society may not correspond to that of another society. Researchers, especially those who practice participant observation, must continually navigate between two sets of ethics: those imposed by academic institutions and those of the community under study.

In this chapter, I will examine the ethics of ethnography, more specifically the ethics required of a participant observer. The relevance of this issue derives from the idea that participant observation implies social interaction and thus involves personal experiences, therefore raising ethical questions that concern all researchers. The purpose of this section is to contribute to a better understanding of the nature of ethical problems in ethnography, particularly when researchers and informants are from two different cultures. As I have learned over the last four years doing fieldwork in Native communities in Alberta

and in the South-Western United States, questions of ethics arise at unforseen moments, and the researcher must at all stages of the research be respectful of the 'object' of research and the community under study.

The first section of this chapter approaches participant observation as a research method used within ethnography and determines some of its essential characteristics. The second section deals with participant observation as a research process and discuses ethical issues involved in this particular ethnographic method. This section also argues that ethically sensitive research is not only about seeking permission prior to research, especially in the case of participant observation, but also about continually renewing and confirming consent as the research project unfolds.

I) Participant observation as an hermeneutic phenomenology.

Participant observation is a technique of anthropological research that consists of extended periods of fieldwork in which the researcher attempts to immerse him or herself in the daily life of the people involved in the study. Participant observation is a technique that enables researchers to get a better understanding of cultural meanings of the group, namely of their customs and beliefs. It is considered to be an essential element of fieldwork; this is the reason why I have

chosen to focus on it in the following discussion. A first remark has to be made about the expression 'participant observation' itself and the inherent tension expressed by the two terms. The concepts of 'participation' and 'observation' have different implications: participation implies experience, 'immersion' and involvement, whereas observation seems to involve a more purely objective approach, as it suggests that there should be a distance between the researcher and the "observed object." Participation requires the researcher to experience a phenomenon, whereas observation requires the "subject" to objectify the "object," thus suggesting a physical and social distance.

However, participation and observation are not necessarily in conflict. Indeed, participation enables the researcher to gain an appreciation of how people from the culture that is being investigated perceive and structure the world around them. Observation, on its own, does not necessarily lead to accuracy, since a certain distance is imposed between the ethnographer and the object, the people studied, and the social and physical context in general; but this distance is inherent in the ethnographic narrative: data must be analyzed according to theoretical constructs. The problem of obtaining accurate information was mentioned by Jorgensen (1989), who favours participation: "Participation

reduces the possibility of inaccurate observation, because the researcher gains through subjective involvement direct access to what people think, do, and feel from multiple perspectives" (p.56). I would add that, indeed, participant observation allows the researcher direct access to the community and its daily activities. However, it is illusory to claim that participant observation can give complete access to a person's way of thinking: one can only record what is said; besides, the culture studied is viewed through the researcher's eyes, culture, and personal history.

Participant observation requires the researcher to be in direct contact with people and therefore has a social and even personal dimension. As Jorgensen stresses, "It focuses on human interaction and meaning viewed from the insiders' viewpoint[6] in everyday life situations and settings" (p.23). Participant observation can be defined as an hermeneutic approach, since it involves a process of interpretation (making sense of what is being experienced); it can also be defined in terms of a phenomenological research, insofar as it emphasizes the importance of experience.

Participant observers place themselves in the context

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Jorgensen's statement refers to the emic view which is a view from within the culture. Emic analysis refer to an insider's view. The researcher seeks to reach an understanding of cultural representations from the point of view of a native of the culture.

they wish to investigate in order to understand how people from the culture in question experience the world around them. Jorgensen subscribes to the idea of participant observation as phenomenological research method: "Basic concepts are defined phenomenologically, that is, in terms of what these ideas and actions mean to people in particular situations" (p.34). A further point may be added to Jorgensen's definition: Participant observation should be defined as a hermeneutic phenomenology, as its method involves both experience in the culture in question and interpretation from an insider's point of view.

The defining characteristics of participant observation can be summarized as follows:

a) Participant observation is a research method used within ethnography.

b) Participant observation is contextualized and localized: specific places, contexts and people are involved. The notion of context is prevalent in some of the research done within the field of educational ethnography. In particular, Spindler (1976) defined some of the essential criteria involved in the ethnography of schooling. He states that "observations are contextualized" (p.6). The same research conducted in a different cultural setting may lead to different conclusions. What is important, however, is that these research findings

may be applicable, to some extent, to other research situations. Spindler further argues that "hypothesis and questions for study emerge as the study proceeds in the setting selected for observation" (ibid.). I can relate to this statement. As my ties to my friends and research participants got stronger, what was first a research interest developed into a research question focused on what was meaningful and significant to all of us involved in the project. Spindler finally argues that a good ethnography of schooling requires an awareness of the "sociocultural knowledge held by social participants"; he specifies that "a major part of the ethnographic task is to understand what sociocultural knowledge participants bring to and generate in the social setting being studied" (p.7). This is particularly important when using collaborative research as a methodology. In order to represent voices as "authentically" as possible, the researcher may seek to reach some degree of "intimacy" with the cultural background of the research participants.

c) Participant observation occurs in natural settings (in contrast to laboratory setting).

d) The relationship between researchers and informants is a personal one: it involves not only transfer of information but also creation of information. The understanding and analysis of the data essentially involve a process of interpretation;

e) Participant observation enables the researcher to get a sense of tacit knowledge. As Spradley (1979, p.9) wrote:

> A large part of any culture consists of tacit knowledge. We all know things that we cannot talk about or express in direct ways. The ethnographer must then make inferences about what people know by listening carefully to what they say, by observing their behaviour, and by studying artifacts and their use.

f)Participant observation involves specific ethical awareness (a point which is elaborated on in the following section).

II) Ethical issues involved in participant observation

Ethical issues involved in participant observation are more problematic than those involved in other research methods such as the interview, since they arise through living in a community during an extended period of time, participating in the daily life of that community and, therefore, being constantly involved in social interaction. Ethics become a thorny issue when researchers and informants are from different cultures which have different ideas as to what constitutes ethical behaviour. Learning social mores and trying to conform to a society's definition of appropriate behaviour require the ethnographer to investigate and respect

the ethical system and beliefs of the host culture. This process involves considering ethics from the informants' point of view. Appropriate ethical behaviour should at least lead to respect for people and protection of private or concealed knowledge. In my ethnographic research, the research participants who collaborated with me argued that there is a body of knowledge that is referred to as sacred or spiritual and that, as such, is considered more private and demands specific protocols of approach.

Ethnographic interviews are usually structured around a main focus question; in this case, informed consent, as we have seen, implies that the researcher is allowed to use the information given by the informant. The interview process seeks to probe the beliefs and ideas of an individual. Open communication between informant and researcher requires a certain degree of trust, a trust that can be betrayed if the researcher does not conscientiously respect ethical considerations. The interview itself imposes a distance, physical and also (but not always) emotional, between the researcher and the informant. Though in a good interview these are not distractions, the tape-recorder and the notebook of the researcher subtly direct the conversation, indicating, even if only unconsciously, that the two or more involved in the interview process are not "intimate acquaintances".

Ethical guidelines are thus seemingly easier to follow and respect.

Such is not the case in participant observation. The ethical considerations involved in participant observation are more subject to interpretation than for interviews. By spending time with people from the host community, by living with them, by participating and observing their daily lives, the participant observer learns about the culture and, it is hoped, answers his research question. Inadvertently, though, he or she learns about other unrelated issues. In addition, the line separating researcher/informant blurs. The informants may begin to confide in researchers as they would in friends or relatives. The ethical question that has to be answered is how researchers can be morally responsible in their use of what they learn without betraying the confidence of the community and of the people whom they interact with on daily basis. Ethnographers must also deal with local political issues that may have ethical considerations. For example, before embarking on a research project that involves participant observation in an Aboriginal community, ethnographers must usually obtain the consent of the Band Council. The Band Council will stipulate what research can be done and may indicate the Elders or other individuals who are the recognized community 'experts' on a given topic.

Permission may be granted to an anthropologist to do some research on a specific topic. In the practice of Anthropology, however, rarely do people talk about only one topic all the time. Information may be divulged by other people who are not recognized by the community leaders as being 'legitimate informants' or as having the authority to talk about certain topics. Further questions arise: Does using information given by the informants about issues other than the one presented to the community leaders constitute a violation of ethics guidelines? Should researchers seek to renew and update the original request made to the Band Council? Is it ethical to simply respect the rights of the individual and include anybody's comments? To illustrate these considerations, I will cite as an example an ethical issue that I faced when doing ethnographic research in Alberta.

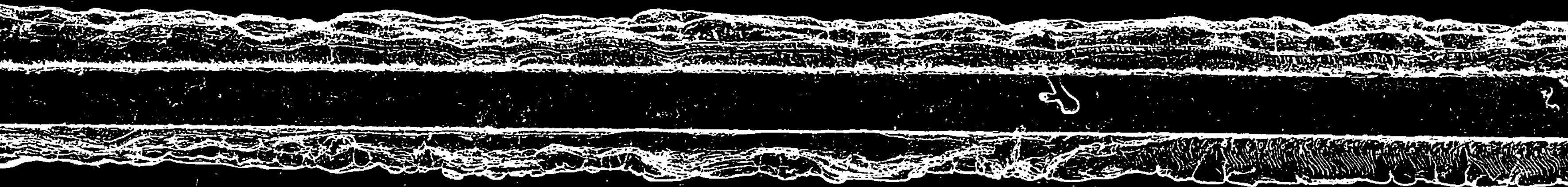
Three years ago, I was granted both oral and written permission to study narratives, storytelling, and traditional ways of learning in general as they applied to a specific Native community in Alberta. The Elders of the school involved in my research gave me oral approval; the written consent was given to me by the Director of the school. Even though the written authorization may be regarded as the official one, the acquisition of the Elders' permission constituted the first and most important step of my research. The oral approval may

be defined as "cultural approval," whereas the written one constitutes, in this case, what I would call "political approval." The former conforms to the protocol of the community, whereas the latter is in accordance with the university. The two are not necessarily always synonymous. In the course of my fieldwork, a person from the community in question, approximately 35 years in age, wanted to be interviewed and explicitly told me to "use it in my research." I made sure that his/her consent was fully informed and turned on the tape-recorder, as was requested. Without my asking any question the person started to recount what had happened to him/her in the course of the week. The story centred on a ceremony that had taken place. The narration did refer to traditional teachings and education, the topic of my research. Nonetheless, I knew that I would not and could not use any of what my informant had told me in any paper: I had been told by "recognized authorities" that ceremonies should never be recorded or written about. I erased the tape even though the person expressly wanted me to record and transcribe the interview.

This example demonstrates that it is necessary to learn the community's social and cultural organization and beliefs and to be sensitive to the issues of authority, power, and protocol. Had I chosen to integrate information obtained from

an 'illegitimate' interview (even though I had obtained the informant's informed consent), I risked betraying the community's trust as well as their code of ethics. This raises an ethical dilemma: why and when should information be disregarded, even when informed consent has been obtained? This example demonstrates that in certain contexts some people have the authority to talk about specific topics and consequently can transmit information to the researcher. Therefore for example, in the case of a Native community, researchers have to be familiar with the culture's traditional ways of learning, which requires the researcher to understand the social and cultural organization of the community under study. In other words, the 'political' and the 'cultural' permission may be distinct, depending on the social organization and on whether the people who give approval for research to be conducted are the same people who have the authority to transmit knowledge. Furthermore, this example suggests that the acquisition of written authorization does not always guarantee ethical behaviour: both political and cultural approvals are necessary.

In this community, as in many other Native communities, the Elders and other spiritual leaders are recognized as having the authority to pass on specific knowledge. Private information may be defined as esoteric knowledge; it includes



information about a particular topic and is transmitted for specific purposes in a specific context. The idea of sacred knowledge as a group's intellectual property highlights the distinction that needs to be made between knowledge about individual and collective knowledge. Methods and ethics for investigating Indigenous knowledge need to be investigated in greater detail, with special attention to intellectual property rights concerning the protection of concealed knowledge.

III) Acknowledging the oral copyright of the research participants

As defined in the introduction, doing ethnography for knowledge's sake raises important ethical issues. Participant observation, in particular, can lead to deception (uninformed consent), to the violation of the sacredness of concealed knowledge, or the violation of people's privacy. This is the case if the researcher, assuming that "everybody has the right to know," conducts his research according to the principle of "knowledge for knowledge's sake", or "scientific validity first" (see Punch, Kimmel).

In addition, it should be noted that the way researchers have interpreted informed consent in the past raises an ethical dilemma: researchers have argued that informants

should not be fully informed of the purposes and procedures of the research, in order to ensure that the results will not be distorted and rendered scientifically meaningless. However, the intent of informed consent is to give relevant and sufficient information to the community and the people involved in the research. Even if this is done, we are still faced with the following questions: to what extent are subjects truly informed? What makes consent sufficiently informed? Kimmel (1988, p.29) demonstrated that informed consent, even though intended to avoid the use of deception in research, may, in practice, lead to omission of pertinent information:

> Behavioral scientists who wish to be open and straightforward with their subjects, but realize that to do so might jeopardize the validity of their research findings, are faced with an ethical dilemma. They are forced to weigh the ethical importance of informed consent against the requirements of validity and to decide which violation constitutes the lesser evil.

In response to this problematic behaviour, Spradley (1979, p.14) argued in favour of collaborative ethnography:

> Instead of beginning with theoretical

> problems, the ethnographer can begin with informant-expressed needs, then develop a research agenda to relate these topics to the enduring concerns with social science. Surely the needs of informants should have equal weight with 'scientific interest' in setting ethnographic priorities.

The idea of collaborative research and fieldwork was defined and practiced by Cruikshank (1990). As cited in her introduction, her research is presented "in a way that clearly acknowledges the oral copyright of the community" (p.XI). Collaborative fieldwork is more than simply informing the informants as to their rights; it implicates them in all aspects of the ethnography. The informants are not passive "givers" of knowledge that must be extracted by the researcher from their memories, but active partners in the research. Collaborative ethnography not only acknowledges the oral copyright of the researched but also suggests the idea of collaborative analysis and interpretation. Often, researchers assume that their ethical responsibilities cease when they have completed the ethnographic phase of their research. But ethical questioning should continue in order to avoid misuse or misinterpretation of information (Deloria, 1991). Collaborative research would, ideally, require researchers to

submit their written accounts to the community to ensure accuracy.

Conclusion

Ethical competence seems to occur at two different levels, for the researcher must respect the ethical guidelines of two distinct communities: the institution's, and that of the community participating in the research. The question that needs to be addressed is whether fulfilling the requirements of an ethics review required by professional institutions (in this case a university) appropriately protects and respects the community involved in the research. In other words, how can the informants' ethics and beliefs be respected, ensuring protection against ethnocentrism? Do ethics guidelines published by various national institutions correspond to the ethical statements that the community involved in the research would impose on the researcher?

Researchers need to keep in mind the question "Whose knowledge and whose voice is it?"

Chap. 3 : The Research Protocol of Informed Consent: Historical, Philosophical, and Legal Aspects.

Introduction

While the importance of informed consent when doing research with human participants is unquestioned, controversy prevails over the nature and possibility of informed consent, particularly in cross-cultural situations. Indeed, it has been widely held that subjects should enter a research project voluntarily and with adequate information and that the given consent should be free of coercion and undue influence. The Belmont Report (1979), for example, stated that the informed consent process can be analyzed as containing three elements: information, comprehension, and voluntariness. However, specific fundamental questions remain, such as what makes consent informed? Whose consent is morally relevant? In other words, from whom should consent be sought? Who are the accepted and relevant authorities? How do cultural differences affect the condition and the nature of informed consent? I intend to investigate the conditions under which informed consent is obtained in the research paradigm, with special attention to cross-cultural situations.

The first section deals with the notion of consent as framed within the disciplines of both criminal law and the

social sciences. The legal and social science discourses provide definitions of the notion of consent that are essential to the analysis of informed consent. The second section investigates the characteristics of informed consent in ethnographic research and raises specific ethical issues involved in cross-cultural situations. While the principles of informed consent are now omnipresent in the proposals of academics when they seek permission to work with humans, what, however, often goes unquestioned is how informed consent may have different meanings and consequences in cross-cultural situations. The last section of this section will discuss the communicative disparities that may arise from cultural differences in the social use of language. I will use the example of the indigenous ethic of non-interference, as defined by Ross (1992), to discus the complexity of the ethics of research in cross-cultural situations.

I) The notion of consent and the intent of informed consent

A) The notion of consent in Criminal Law

In Canadian Criminal Law dealing with sexual assault, consent is the focal point of most court cases involving rape. The focus is often on the accused's perceptions of the victim's behaviour interpreted as being or not being consensual, rather than on the actual existence or non-

existence of consent. The Criminal Law states that among adults, rape does not occur if there is consent. The question raised in most trials is not so much whether there was actual consent, but whether the accused believed that there was consent or not. A situation in which the accused believed that he had the victim's consent, when in fact there was no actual consent, has been defined as "a mistaken belief in the victim's consent" (see Young, 1986): the accused's perception and interpretation of the victim's behaviour led him to believe that there was consent. Rape has been defined (*Criminal Law Consultation Paper*, n.139) as occurring between a male and a non-consenting female:

> A man will be guilty of rape if he has sexual intercourse with a woman without her consent and he knows that she is not consenting, or he is aware that she may not be, or does not believe that she is, consenting. (...) A woman is to be treated as not consenting to sexual intercourse if she consents to it because of a threat. p.7

The accused's defence usually tries to prove that there was a mistaken belief in the victim's consent: "the defence will endeavour to prove that the accused believed the woman had given her consent" (SchWeber and Feinman, 1985, p.60). It

follows that the defence's argumentation is based not so much on the actual existence or non-existence of consent, but on the accused's interpretation of the victim's behaviour. The question that needs to be addressed is, "What aspect of the accused's conception of the notion of consent and what aspect of the accused's perception and interpretation of the victim's behaviour led to the perception of consent?" Perceptions of consent (whether there is actual consent or not) arise from individuals' ideas of the kinds of behaviour or response that they think can be interpreted as consent. Controversy arises from differing conceptions of the notion of consent.

Some issues raised in Criminal Law dealing with the notion of consent in sexual assault highlight ethical issues involved in the process of obtaining informed consent to conduct research that involves human participants. Therefore, it may be relevant to draw a comparison between the notion of consent as framed within the discipline of Law and the notion of informed consent as framed within the Social Sciences. It should be first noted that both notions incorporate a fundamental ethical principle,-- that individuals should be treated as autonomous agents.

In the case of rape, Criminal Law states that there cannot be rape if there is consent. In the same way, in research involving human subjects, it can be said that there

cannot be violation of ethical guidelines if there is informed consent. As expressed above, court cases dealing with sexual assault mainly focus, however, on the accused's perception of the victim's attitude as leading to a belief in consent. Quite similarly, in ethnographic and medical research, researchers may think that they have informed consent when, in reality, the subjects or participants did not agree to participate in the study but communicated and acted in a way that led the researcher to infer that consent was granted. This situation can be defined as a mistaken belief in the subject's informed consent.

What needs to be addressed is what characterizes valid, legal, and ethical informed consent. For example, in both the Criminal Law and the Social Sciences, consent is not valid consent if it is obtained by a threat. To restate, in Criminal Law (See *Consultation Paper n.139*) "a woman is to be treated as not consenting to sexual intercourse if she consents to it because of a threat" (p.7). In the same way, ethical guidelines for research involving human participants stress that no undue pressure should be applied to obtain consent for a research project. Both legal and social science discourse have similar ways of approaching the notion of consent; however, informed consent's indexical qualities need to be analyzed, for ethnographic research raises specific ethical

issues, particularly in cross-cultural situations.

B) The informed consent as a research protocol

The notion of consent was one of the Nuremberg Code's most important ethical principles. The Nuremberg Code of 1947 was established to judge concentration camp scientists for their inhumane research on unwilling subjects imprisoned during the Second World War. In particular, the Nuremberg Code states that no research should occur without the subject's voluntary consent. The person involved must have legal capacity to give consent and should be given the necessary information concerning the research in order to be able to make an informed decision about participanting or not in the study. The Code also points out that any experiement should be done "for the good of society", and should be conducted "to avoid all unnecessary physical and mental suffering and injury[7]." In 1964, the Helsinki Declaration was established to reinforce the Nuremberg Code. The World Medical Association elaborated a code of ethics that includes specific recommendations for biomedical research. In particular, the Helsinki Declaration states that "each potential subject must be adequately informed of the aims, methods, anticipated

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[7]"Research Ethics" (Elliott, ed., 1997) includes a section on the Nuremberg Code (pp.300-301).

benefits and potential hazards of the study and the discomfort it might entail." The Helsinki Declaration also includes a section on the subject's right for privacy: "every precaution should be taken to respect the privacy of the subject and to minimize the impact of the study on the subject's physical and mental integrity and on the personnality of the subject[8]." In 1979, the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research published the Belmont Report, which incorporated ethical guidelines for research involving human participants. Three main principles are stated to be particularly relevant to the ethics of research involving human subjects:

1) Researchers must show respect for a person as an autonomous individual: "an autonomous person is an individual capable of deliberation about personal goals and of acting under the direction of such deliberation" (The Belmont Report 1979, p.3);

2) Beneficence: "do not harm and maximize possible benefits and minimize possible harms" (ibid., p.4);

3) Justice, as a principle against exploitation (such as the biomedical experiments on unwilling prisoners in Nazi concentration camps). In addition, the Belmont Report states that consent is informed if it includes the three following

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[8]"Research Ethics" (Elliott, ed., 1997) includes a section on the Helsinki Declaration (p.304).

standards: information, comprehension, and voluntariness (ibid). The protocol of informed consent has, then, been adopted by professional institutions such as the American Psychological Association (APA), the American Sociological Association (ASA), and the American Anthropological Association (AAA). Informed consent can be defined as a voluntary agreement in the light of relevant information. An example is consent given by a competent adult patient for a specific medical procedure, under the condition that the patient has an adequate understanding of all relevant information concerning treatment options and their risks. Informed consent is believed to be an adequate procedure to ensure the protection of individual rights to self-determination, privacy, and well-being.

Both the Social Sciences and The Humanities Research Council of Canada (SSHRCC), and The National Research Council (NRC) have defined ethical guidelines for research with human subjects. Key to these ethical guidelines is the fundamental principle of "free and informed consent," which involves the following components:

a) Research subjects must be provided with all information regarding their involvement in the research (the purpose of the research, benefits/inconveniences envisaged, tasks to be performed);

b) Individuals may or may not give consent;

c) They have the right to withdraw consent and discontinue participating in the research at any time and for any reason, without prejudice;

d) They have the right to assurance that their privacy will not be invaded and that information disclosed will remain confidential. They may allow private matters to be recorded;

e) They have the right to remain anonymous.

Ethical guidelines for research on other cultures

Ethical issues involved in research on or with other cultures or ethnic groups are mentioned as "special applications of ethical principles" by the SSHRC (n.d., p.6-7): "research on cultures, countries, and ethnic groups different from one's own requires a different ethic... Concepts of privacy must be viewed from the perspective of the research subjects or the subject's culture." The National Research Council's publication (1995, p.14) also includes a section on this issue:

> If a study involves a distinct cultural group or takes place outside Canada, researchers should recognize that the principles, laws, customs and cultural standards governing confidentiality, anonymity, privacy and

consent may vary markedly from those in the researchers' own culture.

These statements acknowledge the fact that ethical beliefs must be contextualized and grounded in particular cultures. However, these statements constitute more of an observation than an ethical recommendation. They highlight a fact, but do not say that the researcher should do anything about it. The Royal Commission on Aboriginal Peoples (RCAP, p.1996) goes further in establishing ethical guidelines for research on Aboriginal cultures. The RCAP recognized that "Aboriginal people have had almost no opportunity to correct misinformation or to challenge ethnocentric and racist interpretations" (1996, p.325). Thus, the Commission advocates collaborative research "to enable community representatives to participate in the planning, execution and evaluation of research results" (ibid., p.326). The Royal Commission also recognized the importance of the notion of collectivity: "Informed consent shall be obtained from all persons and groups participating in research. Such consent may be given by individuals whose personal experience is being portrayed, by groups in assembly, or by authorized representatives of communities or organizations" (ibid.), a view which recognizes what Cruikshank (1990, p.xi) phrases as "the oral copyright of

the community."[9]

Informed consent is morally justified by the principles of respect for autonomy and for privacy and of the right to self-determination. However, the process of seeking/giving consent raises fundamental questions. For example, what range of individuals is competent to give consent? How does one assure that an individual's consent was not influenced by the institutional authority of the researcher? The questions that remain are what makes a consent informed and whose consent is morally relevant. The following section focuses on these issues by dealing with the nature of informed consent as framed within the discipline of moral philosophy.

II) Performing the Action of Informed Consent

A) Autonomy and competence

The notion of informed consent, as framed within the discipline of moral philosophy, has been studied in detail by Faden and Beauchamp (1986). Indeed, *A History and Theory of Informed Consent* is instrumental in understanding the nature of informed consent, as it raises a fundamental question: what

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Cruikshank acknowledges the importance of ownership of stories in Native communities. She is careful to always cite who is doing the telling and under what context the story is told. In addition, all proceeds of her written report go back to the community.

does performing the action of informed consent involve in terms of rights, duties, and competence?

Faden defines the process of giving informed consent as an autonomous action performed by an autonomous person who understands that he/she is authorizing and what he/she is authorizing: "Informed consents are acts of autonomous authorizing and, in the case of refusals, of declining to authorize" (p.235). This statement raises the issue of competence as a necessary component in the action of giving informed consent: on a legal level, consent is valid if the subject is an autonomous and competent person. For example, a seemingly autonomous action could very well be performed by a non-autonomous person (such as a 5 year old child), but would not be considered as valid consent by the legal system. Therefore, competence is required in the informed consent process as well, which demands that the subject giving consent must understand the information given by the researcher about the research process. Consent is informed when it is given by an autonomous person who has the legal and moral competence to 'authorize'. However, perceptions of what characterizes an authorization may vary from one person to another or from one culture to another. Examples will be given in the next section.

The fundamental question that remains is, "Whose informed

consent is morally and legally relevant?" Or to be more specific, "Who are the culturally relevant authorities from whom consent should be sought?" This question raises both issues of competence and authority. The first point that needs to be made about the issue of competence refers to the difference between a capacity and an action. As Faden stresses, "The capacity to act autonomously is distinct from acting autonomously, and possession of the capacity is no guarantee that an autonomous choice has been made or will be made" (p.237). A subject may be competent to give consent but may not use his competence as a result of not considering all the relevant information about the research process. Therefore, the researcher's duty is to enable the subjects/participants to make an autonomous choice in performing the action of giving informed consent or informed refusal.

To summarize Faden's perspective, valid, legal, and ethical informed consent can be characterized as an autonomous action which involves three conditions: first, the condition of intentionality phrased by the author as "an action willed in accordance with a plan" (p.243); second, the condition of understanding (providing the subject with relevant information, such as the nature of the research, as well as its potential risks and benefits); and third, the condition of

non-control by external sources: the action of authorizing/not authorizing has to be independent from the control by others.

However, and as will be seen in the following section, the problem of autonomous action in giving or refusing informed consent is further complicated in cross-cultural situations in that cultures may have different ideas about who is competent to give consent. For example, from a Western perspective, it can be said that, in general, consent is considered legal if given by an individual who is at least 18 years old and who is not mentally "handicapped." However, in some Native communities and under certain circumstances (such as those involving spiritual matters), only an Elder may have the authority to give consent.

In the following section, I use the example of the ethic of non-interference as defined by Ross to demonstrate the complexity of cross-cultural communication. Ross has gone as far as to argue that all traditional First Nations' interaction patterns are based on an ethic of non-interference. While this ethic may be prevalent in specific contexts, the conclusion that First Nations' people do not interfere in practices that they consider harmful is erroneous. This misperception is dangerous when interpreting whether consent for research has been properly obtained. Many researchers may believe that they have the consent of a First

Nations person, while that same individual may be communicating his displeasure in a way that is unknown to the researcher.

B) The example of the ethic of non-interference in Indigenous traditional ethics.

The ethic of non-interference has been defined by Brandt (1990) and by Ross (1992) as one of the most important behavioral norms in North American Indigenous ethics. Whether this principle is still followed by many communities or not, and to what extent, is not my main concern in this section. My intent is to use this ethic as an example to demonstrate how cultural conflict may engender communicative disparities and misconstruction of the meaning of what is said. I will first define the ethic of non-interference and then analyze and discuss the implications of this principle to the research paradigm.

Ross explains that both interference and confrontation are considered rude in traditional Native ways. He cites Brandt for a definition of the ethic of non-interference:

> This principle essentially means that an Indian will never interfere in any way with the rights, privileges and activities of another person (...). Interference in any form

> is forbidden, regardless of the following irresponsibility or mistakes that your brother is going to make. p.13

As Ross stresses, this rule also involves an ethic prohibiting criticism: "For many of them, testifying against someone to his or her face in a public courtroom may well have seemed an even greater wrong than what was done to them in the first place" (p.13). According to Brant (1990), even the action of giving advice may be considered as interference:

> The advisor is perceived to be 'an interferer'. His attempt to show that he knows more about a particular subject than the advisee would be seen as an attempt to establish dominance, however trivial, and he would be fastidiously avoided in future. The ethic of non-interference, then, is an important social principle. p.535

A spiritual grounding for ethical duties

Ross goes further in his analysis by developing the idea of a spiritual grounding for ethical duties: there is a relationship between traditional ethics and a spiritual view of the universe. Ross gives the example of the ethic requiring that anger not be shown. Ross argues that the notion of

'fighting back' is a 'foreign' notion to Native people who follow traditional ethics. Using examples of court cases, he demonstrates that behaviour respecting the ethic of non-interference does not necessarily mean that individuals agree with the judge's decision:

> The patience Native people have demonstrated in not criticizing us for behaviour they considered repugnant has been nothing short of astounding. Indeed, it is perhaps the clearest illustration possible of their determination to remain faithful to those commandments forbidding criticism of others and the expression of angry thoughts. p.45

He concludes:

> In fact, this failure to 'stand up and be counted', to take action to force change, may flow from a code of ethics which required not forceful response but stoic acceptance, a code constructed upon an underlying belief that it is the spirits which are responsible for things, and that man attempts to force them to change at his moral peril. p.57

The phrase "a code constructed upon an underlying belief that it is the spirits which are responsible for things, and

that man attempts to force them to change at his moral peril" suggests that there are ethics beyond human ethics and that these ethics are informed by supernatural principles.

C) Non-interference and problems of interpreting consent

The question that now needs to be addressed is how the behavioral norm of non-interference may affect the communicative aspects of the process of seeking informed consent. For example, a person may be asked to give (or not) his/her consent as to whether he or she agrees (or not) to be involved in a research project. A person who follows the ethic of non-interference may not fully consent or agree to the research but may answer in a way that may be interpreted by the researcher as informed consent. May an attitude of non-interference be interpreted by the researcher as informed consent? Controversy is often rooted in disagreement about the proper interpretation of consent/non-consent. This example shows that non-interference does not necessarily lead to consent; a community's acceptance of a researcher's presence does not necessarily imply consent to participate in the research.

The example cited above shows that cultural differences do affect the condition and process of informed consent, mainly because ways of communicating ideas and opinions differ

from one culture to another. The Royal Commission on Aboriginal Peoples' Report acknowledges the difficulty of trying to build an intercultural common ground between Aboriginal and non-Aboriginal people, for communication consists in an intercultural dialogue arising from two conflicting worldviews:

> When Aboriginal and non-Aboriginal people meet, exchange ideas and negotiate, they unavoidably bring to the table their own modes of communicating and understanding. In other words, the dialogue becomes intercultural. It would be misleading to pretend that such a dialogue is always easy or straightforward. All sorts of misunderstandings can arise simply because the partners speak and act in accordance with their particular predispositions and expectations, which are not necessarily shared or even understood by the other party. p.693

Further investigation should be done on the importance of the sociolinguistic context in the process of seeking/giving informed consent. The notion of consent is controversial, for perceptions of consent and ways of communicating aspects of informed consent vary from one person to another and,

consequently, from one culture to another. As the communication of aspects of worldview depends upon the social use of language, one should become as attuned as possible to the communicative norms of the community in question if ethnographic research is ever to meet the true philosophical intent of informed consent.

It is from this understanding that I am partially critical of Ross' argument. Ross argues that the ethic of non-interference makes certain discourses, i.e. those that are critical of others or that attempt to sway others' opinions or actions-- a non-traditional aspect of Native practices. Perhaps Ross should pay closer attention to some of the sociolinguistic research among Native communities that demonstrates that there are ways of being critical and of arguing for proper actions. For example, Richard Preston (1975, pp.179-80) in his work on James Bay Cree narratives argues that stories told by elders often contain scenes involving humorous or tragic outcomes that befall those who act in improper and disrespectful ways. Regna Darnell (1990, p.270) further argues that such stories are open-ended pedagogical devices that are meant to be "parked in memory, available for leisurely reflection in relation to ensuing life experience." Without some sort of pedagogical system a society could not in any way communicate what proper actions are and

what, perhaps even more importantly, improper actions are. Much of Ross' argument hinges on comparing the speech acts of Native people with those of the West. On the basis of such a comparison it may appear that there is no intervention between people, but all speech acts have the potential for powerful social action and I believe that it is an important task of the researcher to discover how these speech acts come to have social meaning and resultant actions. It is true that in a court room setting Native people may not testify against one another; however, a more foreign speech event could not be devised to test such a standard. As Keith Basso's informant said when discussing place names in relation to Apache morals: "All these places have stories. We shoot each other with them, like arrows" (1990, p.113)[10]

Cultural differences are likely to engender communicative disparities, that is misinterpretation and misconstruction of the meaning of the informant's responses by the researcher. Looking at informed consent as a communicative event requires taking into account the metacommunicative norms involved in the process of obtaining/giving informed consent. Briggs

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Basso (1990, p115) argues that place names are linked metaphorically with historical tales which "are intended to edify, but their main purpose is to alarm and criticize social delinquents (or, as the Apache say, to 'shoot' them), thereby impressing such individuals with the undesirability of improper behaviour and alerting them to the punitive consequences of further misconduct."

(1986) provides a case in point by demonstrating that interviews always occur in a specific sociolinguistic context. Thus, a lack of socio-linguistic competence on the part of the researcher will invariably lead to misinterpretation of informants' responses. He argues that interviews are communicative events that involve more than just an exchange of semantic content; they are grounded in metacommunication. Failure to take into account the metacommunicative patterns of the group under study will result in misinterpretation of the meaning of what is said:

> This hiatus between the communicative norms of interviewers and researchers can greatly hinder research. If the fieldworker does not take this gap into account, he or she will fail to see how native communicative patterns have shaped responses; this will lead the researcher to misconstrue meaning. (1986, p.3)

According to Briggs, communicative disparities arise from a lack of awareness of Native metacommunicative patterns. If one applies Briggs argument to the process of informed consent, it follows that interpretations of a response as being or not being consensual are interpreted according to participants' sociolinguistic backgrounds. The greater the

distance between the cultural and communicative norms of researchers and informants, the more likely it becomes that this hiatus will generate misinterpretation in the process of informed consent and that interpretations of the meaning of what is said (or not said) will be based on false assumptions.[11]

[11] Basso provides another good example of this in his work on Apache metaphors. His constant misinterpretation of the meaning of metaphorical statements lead him to write a chapter on "Wise Words" of the Western Apache (1990, p.65).

Conclusion

When seeking informed consent, the researcher begins a relationship with the "other" whom he or she hopes to eventually learn from. According to the theory of Lévinas, it is the researcher who must respect the other's otherness if the relationship is to be ethical. What this means is that a subject centred perspective is necessary, as it is the informant's perspective, be it the community's, the collective's or the individual's, that really matters, not the researcher's. As Thomas (1995, p.6) pointed out, research that is deemed unethical by the people who are the informants puts all of Social Science at risk. It jeopardizes the credibility of the work, the ability to study without constant monitoring, and, perhaps most importantly, the access to collectivities and individuals who may still have much to teach us. As I am focusing on the relationship between researchers and Native North Americans, I believe that it is necessary for researchers to become attuned to the communicative practices of these people so that they can realize that silence, for example, does not mean consent or agreement. The following are some of the questions that need to be investigated:

From the Native perspective, how can informed consent be made to accomplish what it was originally designed for? How can the informant's ethics be respected, ensuring protection against

ethnocentrism?

How can researchers open their eyes and their ears to subtle open ended-narratives so that they may learn by experience what it is to be human in the eyes of their teachers?

PART II: THE DATA

Chap. 1: Methodological choices

"Be in touch with somebody who knows". A Research-Participant. (Spring 1998)

I) The research context: a guiding circle

The people who collaborated in my research are members of Paiute-Shoshone Tribes of the South Western United States. My informants were individuals participating in a Sweat-Lodge, who, therefore, belong to a particular "circle." Being part of this circle has constituted a great learning experience for me for these last two years. As my ties to this circle became stronger, I also developed a stronger interest in what has become the subject-matter of this thesis: the ethical issues involved in researching Native knowledge, particularly spiritual knowledge. My informants were more than sources of data; they were my teachers. I have known them for two and a half years, and I have been doing research and conducting interviews with them since December 1997.

I will not say much about the Sweat-Lodge itself, as I do not have the authority to do so. I believe that there are

experiences that should not put into words. The only thing that I feel comfortable saying is that, from what I understand and from my own experience, it is a very sacred and spiritual ceremony, in which people are connected as part of a circle, a guiding circle, a praying circle, and a healing circle. This has to be taken as an opinion based on my own experience; other people may choose to (or not to) share their understanding of the Sweat-Lodge in different ways. The research was grounded in this circle, giving us a common point of reference, for we all shared its teachings. A dozen individuals participated in this research and contributed to it at various levels. I worked in close collaboration with 6 of them whom I interviewed several times from December 1997 to August 1998.

II) The field text

The data are composed of open-ended interviews, field notes, as well as letters from some of my informants. I regard my informants as co-researchers, exploring the issue of ethics together. In the course of months of research, my co-researchers and I discussed a number of ideas, including the following: that

doing research with Native communities or groups, as the one involved here, may require specific ethical awareness, that

researchers need to be aware of and recognize the existence of a potential "spiritual component to what's there" (as phrased by one my informants), that research that does not take this component into account may cause harm, and that some degree of collaboration is necessary for a truly ethical research relationship.

III) Methodological choices

Transcriptions of interviews can pose a challenge when focusing on the form and context of oral speech since special attention needs to be given to silences, overlaps, laughter, etc. This project, however, required me to mainly focus on the field text as content. The main concern was to provide the reader with an understanding of what research involving Native communities might entail, an awareness of the spiritual context in which research participants might be interacting , and an opportunity to refer to a set of ethical recommendations that might be applicable in the context of many research. I believe that I transcribed the interviews in a way that was relevant and pertinent to the scope of this research. I was, at first, very concerned about transcribing the interviews in a way that would be as "authentic" as possible. But as Derrida argued regarding the notion of "differance", the truth or the authenticity of any kind of

speech is always "deferred". Derrida's account of representation aims to deconstruct the metaphysics of presence and immediacy. Whenever one reports an event or transcribes a speech, one already includes a multivocal aspect into the text because the text is a representation which is interpreted by different people in relation to different contexts. In other words, following Derrida, when a researcher transcribes a taped interview, the "truth" is not immediately disclosed by the speakers utterance but is deferred to the many contexts in which the transcribed speech will be interpreted. Derrida further argues that any use of language is a representation, and as such, is an instance of writing. This notion of representation involves a temporal difference, which is what Derrida calls differance spelled with an "a". The notion of temporal differance means that the truth is being differred from the originary meaning intended by the speaker. It characterizes an endless dissemination of meanings. Therefore, a transcription must be thought of as being as infinite in meaning as there are readers, speakers, and contexts. Each reading, each interpretation is at the same time different from the original meaning intended by the speaker and is deferred from all the others.

Having taken this problem into consideration, I decided to submit the transcriptions to my informants and let them

offer suggestions as to other possible choices for speech representation. In particular, they had the opportunity to decide whether or not to "correct" their speech, making it conform to standard written English. For example, we discussed whether or not words such as "wanna" should be replaced by "want to". In addition, they had the opportunity to suggest changes to the transcriptions, including removing some sections. Because we knew and trusted each other, our discussions were generally very spontaneous, and my informants knew that they could talk freely, not guarding their words. Our conversations often shifted to sensitive issues or personal experiences, which we knew would be removed from the transcriptions. In the transcriptions of our interviews, I refer to the participants, including myself, as "research-participants" (R.P.), for the data are the result of a shared inquiry. I may be the one writing this thesis, but I do not own the information and the knowledge.

IV) Reliability and credibility

My research methodology was at a crossroads between personal experience methods as defined by Clandinin (1974) and phenomenological research methods as defined by Mouśtakas (1994) and Osborne (1990). The field text is inherently shaped by the teachings of the circle defined earlier. We used the

example of the Sweat-Lodge in order to define ethical awareness, and that was done in conjunction with an understanding of its spiritual dimension. This research was grounded in a very specific context, and consequently perception was to be regarded as the primary source of data and knowledge. My approach to the issues of reliability and credibility was based on the assumption that perception is contextual: the information obtained from the data produced results that are valid for the particular context in which the research took place, and that may be applicable to other contexts. The ways in which the credibility of this research can be assessed is that it was grounded in a constant dialogue with the research participants, with recurrent confirmation. Credibility is also ensure by the fact that the information was passed on to me by the people who had the authority to do so. The ways in which reliability can be assessed is the extent to which the information is obtained from research techniques that are recognized as producing "consistent resuluts." My methodological choices draw from some of the ideas defended in post-modern ethnography (Clifford, 1986, and Borofsky, 1994) in that I "lived" my ethnographic research as a cooperative activity in which there was no such dichotomy as observer-observed, but rather, an experience in which we, as research participants, collectively shared an inquiry and

constructed a text in a specific context.

Chap.2: Entering into the research relationship

Introduction

Before I entered into this research relationship, I had known the people with whom I now work for two years. I became a friend and was even adopted as a virtual kin. We developed a relationship of mutual trust, and I have the highest respect for those who gave me some of my life's most important learning experiences. I have to admit that I struggled for about 6 months wondering whether it would be appropriate for me to ask them if they would accept collaborating with me in this project. I say struggle because I thought that I might offend them and put them in a situation in which they would not feel comfortable. Now I know that the mutual respect and the level of trust that we had established along with the friendship had a positive effect on the quality of the information shared for the purpose of this thesis. Being part of this group, having participated in their ceremony, gave me an emotional relationship to the subject-matter and to the inquiry. I was surprised to realize that I had become protective of some of this sacred knowledge, which I was told that I, too, had some claim to (to a very small extent of

course). I was pleased to see in the existing literature that some significant scholars have argued that having an emotional relation to the research is an advantage. In particular, Clandinin (1994, p.423) stresses:

> It makes a difference whether the researcher imagines her or himself as having an emotional and ethical relationship to the participant and to the inquiry. If the researcher cares about the ongoing relationship to the participants as well as to the ways the research account is read and for what purpose, it will make a difference to the way the research account is written. These concerns play an essential part in the ethical aspects of the research.

My co-researchers had a strong interest in, as well as an emotional relationship, to the inquiry. The issues that we explored together are issues that they were and are still facing. Their main concern evolved around researchers, namely anthropologists, harming the connection of the people to the rest of their living environment by not respecting local ethics and protocols. It is because this research was meaningful to them that we were able to work as partners building a collaborative inquiry.

I) Ethical awareness

One of my co-researchers offered suggestions as to who and how I should be asking permission to conduct my research, and as to how we, as a team, should make sure that we had consent from the relevant person to work together. He explains:

> The information that I have passed on is primarily based upon what I know. And I feel comfortable with the information that I have shared. But at the same time, I need to make sure that the information that I have passed on is not intruding in somebody else's, because they may have to give their consent as to whether or not the stuff I gave was correct and accurate. That's why we needed to talk to these other people who might be involved with it, whether it's a Sweat-Lodge leader or other people, to make sure that our understanding is the same thing that they require. M. [the Spiritual Leader] gave his consent for me to work with you. He knows that you participate with the Lodge and that you have an understanding of what's happening. He also knows that I have been involved with it quite

> a bit; so he knows that I am not going to come up with some really strange interpretation. So he feels comfortable in giving his consent for us to talk.

At the beginning of the project, my co-researchers and I were mainly discussing the ethics of research in a very general way. The information that was shared with me was mostly composed of personal opinions on research with Native people, such as comments on newspapers articles, etc. However, my co-researchers then took the initiative to use the Sweat-Lodge as the main focus, for it constituted a common experience. Getting informed consent from the "recognized authority" became a vital priority. The recognized authority, in this case the spiritual leader, gave his permission for us to work togetheron this topic. Although I never did interview him (by choice), his contribution to my learning process, and thus to this research, was of major importance, for it is those life experiences that shaped my interest in this research topic.

II) Purpose

This thesis aims to provide other researchers wanting to do research with Native communities with an example of what researching Native knowledge may involve in terms of consent,

particularly when interacting in a "spiritual context." In the following section, three research participants reflect on this research process as well as on its outcome:

> R.P.1: I think that the way we have been working on this is more of a shared giving and taking of what's occurring. There is a lot of mutual respect going on with what we are looking at. And we are also trying to make sure that whatever comes out of this sharing is going to be good and satisfies everyone who is involved in this research. And that's why it is important that we work as a team, and in a collaborative way. In our research here, what we are doing is looking at the Sweat-Lodge; we are trying to figure out the kind of consent that would be required. We are using the Sweat-Lodge to measure consent. And here you are looking at the same group with the same kind of experiences, and the same basic beliefs; and these people all know each other, and there is some element of trust there, too. They have the same basic teachings, and probably the same understanding of what's happening. We hope it translates into

something that is workable for this context, so that we can use it for other instances where the project is different, the people are different.

R.P.2: People will have available to them some kind of resource, something that they can use if they are ever in a situation where they are disputing whether or not consent was given on some subject that might be important to them.

R.P.3: I think that this research will be important for any group and for many things. The basic principles would probably be the same. It's just that some communities would not need as much consent; other ones might be more concerned about it. But I think that the same thing we are looking at would be valid for a lot of different projects, the consent, and the collaboration that goes into it, and the necessity to understand the community that you are looking into. It all helps.

This thesis does not aim to offer a comprehensive theory of research in Native knowledge. It is grounded in a particular context and, as such, must be understood as an

example illustrating the ethical awareness that would be necessary for a research conducted in the context of this particular circle.

Chap.3: The research narrative

Ethical recommendations for an ethical research relationship based on the results of a research conducted in collaboration with a group of people from a North American Native community in the context of a guiding circle

"You could give consent to talk about a lot of things, but you just may not have the authority to give that consent". A Co-Researcher.

The main idea that we hope to convey is that there is consent beyond the initial informed consent. Consent may develop in stages, depending on the cultural background of the people involved in the research and depending on the subject-matter of the research. The initial informed consent was defined by the research participants in the same way as it has been defined by various professional institutions. One of my informants has worded it as follows:

> Consent is based on communication. The people have to understand what's requested of them, and they have to be fully informed of all the kinds of things that are going to be involved

with it, the subject-matter, the purpose, even the potential risks and so forth, so that they have information to give consent that's valid.

I) Understanding the community's background: Learning the Other's ethics

In some Native communities, such as the one involved in this research, ways of seeking consent differ from 'Western' perspectives. I discussed this idea with one of my informants. He believed that it is important that the researcher spend time in the community prior to the actual research:

> The researcher needs to take some time to understand the community, to figure out who has to be involved with the consent, and who has the authority to talk about certain things. While they [researchers] are there, you would explain why they couldn't do certain things at the ceremonies for example... Like "this is a ceremony; while you are here, there are certain things that you need to respect, you need to understand. These are why you don't do certain things while you're at this particular ceremony".

The idea that the researcher should get to know the

people before starting the research was expressed by all my informants. In the following extract the person gives an example of what might happen when things are "not done right" or "done in a way that offends the spirits":

> We have a family around here that makes duck decoys. They make them in a certain way. Well, in this one family, the thinking was that whoever was doing it wasn't doing it in the right way. And it was offending the spirits. And a lot of bad things have happened to those people; two of them died. And a researcher, or anybody that is new in the community wouldn't know about it unless he had an opportunity to find out more about the locality and the people that are involved. It's very important to get to know the people, because even though you may not know it, you know, you are talking to somebody here that you think is the head of the family or something, but that person isn't; it's this one over here who is real quiet and everything. And everybody when they want to make a decision, that's the one they go to. And then going into the community and meeting with them and getting to them is a lot

better than going in and doing it and leaving,
because you could be offending a lot of people
by doing that.

One of the main difficulties in cross-cultural research is the existence of conflicting values between the researcher's world view and that of the participants. Ethics is a cultural construct and, as such, what is sometimes described in terms of ethical conflicts is better understood in terms of conflicts in cultural values. Thus, it makes sense to consider ways of understanding and solving cultural conflicts with a particular focus on the necessity of a collaborative research in which trust and mutual respect are inherently involved. Doing research with a group of people whose world view is based on the belief that spirituality is embedded in all aspects of life requires the researcher to spend much time in the field.

One of the topics that we frequently discussed was spiritual knowledge and practices. The following is an extract of a taped interview on that topic:

R.P.1: What would be your first reaction if a researcher came to your community with the intention to write about ceremonies and spirituality?

R.P.2: My first reaction probably would be not to say anything. [Laugh] I'd be very guarded until I got to know this person. [Silence] The problem is that you know they're going to do it anyway.

R.P.1: What would you want the researcher to be aware of?

R.P.2: I'd want to point out that there may be a spiritual component to this that has to be respected, and sometimes, it's not something that we can actually define, but it's here, and there has to be some respect given to that.

R.P.1: Spiritual component to what, sorry?

R.P.2: Spiritual component to what's there, whether it's a dig, artifacts, or even a story, a legend. And of course ceremonies, like the Sweat-Lodge for instance.

R.P.1: I see.

R.P.2: Ya, see, that's when you'd have some restrictions on bringing in somebody who's just more of an acquaintance, I suspect, as opposed to somebody who is going to the ceremony for example. There is some risk if you bring these people in, that they would write things and then use it in a way other than what they are telling them. But as you get to know the person, you are more willing to share some of that stuff with them.

Trust is perceived as an essential component to a research relationship, particularly when researching sacred and private knowledge. Trust entails the researcher trying to understand and respect people and their beliefs. But trust is also based on whether or not the participants believe that the research is going to serve a good purpose and whether the researcher may be concealing anything from the participants. Motivation was believed to be an important factor in building an ethical research relationship:

R.P.1: Why is motivation so important?

R.P.2: That's important for verification, to make sure that it is accurate and that you can

rely on them. If the person really does not have very good motivations, then you might doubt the sincerity, or whether or not it's valid. But as you get more of a background in the community, you get an idea of who are the people that you can trust. But sometimes if your research just depends upon a particular person's contributions, and that person has the wrong motivations, well your results are not going to be all that accurate.

II) Subject-matter: nature and purpose

Presenting the nature and the purpose of the project to the people or the group who might be involved is an essential step, as it should enable them to make an informed decision as to whether or not they want to take part in the research. This step is therefore key to the process of seeking informed consent. The following extract of a taped dialogue highlights the importance of having "a good purpose":

R.P.1: As a person involved in a research project, other than this one I guess, what would be the kind of topics that you would feel more comfortable talking about?

R.P.2: First I'd feel the most comfortable talking about things which I would have some personal acquaintance with, or personal knowledge. That's one thing I would look at. It would probably, too, depend on the nature of the project that they're [researchers] looking at. If it's something that they're looking at generally, then I wouldn't have any problems giving general answers. More specific things might require more reflection on it, because I'd be really concerned about how the thing was going to be used, and whether or not there'd be a chance say for not quite understanding what I might be telling this particular person. And the other thing I'd probably want to look at is how they were going to use this information. If it's something that might be used commercially, then I might be less inclined to share the thing with them. On the other hand, if they have a sincere interest in using this thing for a good purpose, then I wouldn't mind taking a risk and sharing some of that information with them.

R.P.1: How would you define a good purpose?

R.P.2: It would probably depend on the subject-matter of the research[12].

R.P.1: What about writing about the Lodge?

R.P.2: I don't think I'd have a problem with them [researchers] writing about the Lodge in a very general way. I think I'd have more of a problem when they got to be very specific about what's going on in the Lodge.

R.P.1: What would be an acceptable way of writing about it?

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Later on, I asked this same informant to specify what the notion of a good purpose entails. This is what he wrote in a written correspondence:

> In conducting research, it helps when the research project has a good purpose from the perspective of the person being interviewed (interviewee). For example, many native people understand that their tribal culture is being lost and want to help in the preservation of what is left. A good purpose would include the preservation of the particular cultural aspect. Too often, the interviewee does not have the resources, including financial to assist with the preservation of that culture.

R.P.2: Something general about the Lodge; what it entails, that it's a cleansing process; they use sweet-grass, sage, and these things. When you get more specific, that's something that the Grandfathers have an impact on; it's their ceremony. Now as they become a participant with the ceremony, then they sort of have a claim to the knowledge, too. It's first-hand information, and you want to make sure that they understand the full picture so that they don't betray something.

R.P.1: So, it might be O.K. for a person to do research on a ceremony as long as this person approaches it from a general perspective. But describing what goes on in this ceremony is something more private. Did I get this right?

R.P.2: Yes. And I suspect even something that's more general could be private. For example, say you're at a Pow-Wow. And you're there, and you see an event. Say for instance, maybe like an Eagle feather that falls from somebody's regalia. In most cases they'd pick

> it up; then they'd have a little ceremony. Then, when a person writes about it, it is a public event, but to a certain extent only. Because if you talk to the person, it will have a more significant meaning. But then if that person is trying to learn more about it, there may be a by-stander who might say "this is why we're doing this, etc". He is making comments about a public event, but what he is telling you is kind of private. That's when the additional consent comes in.

It seems that what plays an important role in deciding whether the description or comments about a particular cultural event can be used for the purpose of research is the context, the context in which the event takes place (the reason and purpose for that event) and the context in which the information is shared with the person (again, the reason and purpose). A researcher may investigate spirituality but may not be authorized to contextualize his investigation by, as a research participant said, being "specific about a Grandfather, describing the Lodge, etc."

I think that this notion of context is important. This is how it was explained to me by the same participant as we were talking about private/public stories:

> What might be entailed is the context in which the stories are given. Some are given as part of ceremonies, and then, those are something that would be very difficult to give. They are not intended to be shared except for the people that are there and for the purpose of that particular ceremony. Others are just stories that people pass on, and if they want to share that with you, they'll share it with you. I guess that's what the main thing is; it's the context. There are some private stories that people may not really talk about, except in the context of that thing that they are doing. The context will determine the consent needed.

III) Hierarchy of consent - Authority to give consent

As we have seen in the first section, most ethical guidelines dealing with research involving human participants recommend that researchers obtain informed consent from individuals prior to doing the research. When dealing with collectivities, the researcher has to seek informed consent from the person who 'represents' this particular collectivity. For a researcher and a research participant to work together

on a specific topic, there may be two different levels of consent involved: that of the informant as an individual and that of another person recognized as the "keeper" of this particular knowledge; this person may authorize somebody to pass on that knowledge. It is interesting to note that this concept of authority was mentioned in 1929 by Malinowski (whereas it has rarely been mentioned in the official ethical guidelines of ethnographic research until recently). Malinowski highlights the issue of authority in reference to his ethnographic research on a Melanesian group (The Trobriands): "Every story is "owned" by a member of the community. Each story, though known by many, may be recited only by the "owner"; he may, however, present it to someone else by teaching that person and authorizing him to retell it." (p.21). This notion of authority has also been mentioned by Cruikshank (1990, p.268) in reference to one of the Elders whom she was recording: "Her recurring theme is that authority to speak about the past comes not from originality but from accurate repetition. (...). First, and most important, is the received wisdom from elders". (1990, p.268).

With regards to my ethnographic research and to my learning experience as a member of the circle, I need to make a distinction between the notions of owning and keeping knowledge. In my understanding, the kind of knowledge that I

was exposed to and that some people refer to as sacred, is meant to be available for people to access to and to use for their personal growth. Therefore, a spiritual leader is a keeper of the knowledge rather than his owner; this allows him to help others in their learning process, and in their dealing with this knowledge.

The notion of hierarchy of consent works in conjunction with the notion of "speaking authoratively" and is key to what could be called fundamental knowledge, such as cosmogony for example. It is a concept key to ways of passing on knowledge in many, Native communities. In the following interview we learn about the notions of hierarchy of consent and of additional consent in the context of the Sweat-Lodge:

> R.P.1: Could anybody within the community authorize research?
>
> R.P.2: I think that it probably goes in stages. I could probably give consent to some of the things that I know, some of the things that I do. But as I get more into, say, a general type of spiritual undertaking, say for example the Sweat-Lodge itself, with the potential for impacting a lot of people, then you need probably an additional consent from, say, the people who are in control of those

things. There are certain roles that people have in any type of ceremonies. See, my role is very limited. The kind of information that I would pass on and feel comfortable sharing with somebody would be within the things that I understand. Like I could give some general perceptions of what spirituality might entail.
R.P.1: I see.

R.P.2: See, for example, the kind of things that I would share with you would be some of the things... for example with the Lodge. Say you're new to the Lodge. I'd probably give you a basic understanding of where that sort of fits in, you know, what to expect, where you might go for help, how to prepare for a sweat, what to look for when you are inside the sweat. Once I start getting you closer to the sweat, then I'd have to get the consent of the next person who's higher up. Say for instance, if I was going to instruct you on how to prepare a Sweat, I'd probably be really careful on what I say, because it's not my place to really talk about that too much.

.../...

R.P.1: From whom should the researcher seek consent?

R.P.2: I think that the person to give permission should be from within the property, within the land, within the reservation. But then again, they wouldn't necessarily control the kind of ..., well the areas where you'd want to do the research. That would be under somebody else's control.

R.P.1: That's not something that researchers are necessarily aware of.

R.P.2: I know. See if you're doing research on legends for instance; say somebody tells you a story. Well, sometimes that legend might be something that other people may claim: "Well this is a tribal story or something like that." You know, the person can't just give it away. It has to be other people participating in that decision. And another thing too is ... say consent from a Tribe to talk about something that belongs to another Tribe may not be a consent. Even though that person says "it's O.K. to write about that," you could

offend somebody from another Tribe: "that story belongs to my Tribe, and that's not the way we understand it."

R.P.1: I see.

R.P.2: Ya. See, then if you're getting to some spiritual types of things, then of course, you'd need consent from whoever's running that, like a Sweat-Lodge, or all the other ceremonies that they have.

R.P.1: This may not be easy to understand for somebody who is from a different culture.

R.P.2: I know, and that's why the researcher needs to spend some time with the people first, to understand those things. See, you're O.K., because you've been here several times before; you participate with the Lodge, you have an understanding of what's happening. [Silence].

I mean you could give consent to talk about a lot of things, but you just may not have thee authority to give that consent. Do you understand? Like about giving the Pipe: I

could talk to you about it, but I could not give you permission to print it, or share it with other people. Well, I could give you permission to go ahead and write about it, but it wouldn't mean anything because the permission has to come from something else or someone else. See, let's say I told you you could do it; then certainly you can say "well he gave me permission," but the harm doesn't come so much from me and you; it's more of what we did to intrude upon a spiritual matter that neither of us had the authority to give consent in the first place. You can't give consent when it's not yours to give. You get into situations when you need the Grandfathers[13] consent, and I don't know how you go about doing that. [...] And the other thing too, is as you go through your research and you start finding out things, and sometimes you run into issues where there's information that may not have been developed at the time, or may be you're finding a new

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[13] The term "Grandfathers" refers to the "metaphysical", such as non-physical beings with whom people feel strongly connected.

area that you want to explore, then there might be some need for going back and getting consent again. If you want to use that information again, then you always have to make sure that you are always getting their approval, because you are developing trust at the same time with the people that you are interviewing. You know, you are not just looking at this as a one-time shot; you may be having other things that you want to do with it, see. So you have to make sure that this consent is always there.

The notion of collectivity:

These interviews also point out that the researcher has to seek consent from the person in charge of the group involved in the study before seeking consent from individuals who belong to it. In the following extract, the person describes a situation in which a member of a particular collectivity asked her to do something that would help the people from this collectivity. She would, however, not perform what was required from her unless she had consent from the person who was recognized as being responsible for this collectivity:

The Health Facilities people came here and asked me if I would go and smudge their house facilities because they thought that there was a lot of negative energy there. It was one of the girls who worked there that asked me. I turned her down because I told her that she did not have the authority to make that request of me, that I would be happy to do it, but it would have to be from the person that was in charge of that health facility. If you just go in and don't have the appropriate permission, it could backfire on you, in a negative way, because you are not following the protocol of respect. You know, you are kind of like sneaking in the back door of the health facility. You need approval of the higher up, of the one in charge. So when a researcher goes into a community, or somebody goes into a Lodge, you really have to watch; you really have to look and see who is in charge and how is this thing structured. Then you know who you should talk to and how you should approach them. So that's what I did at this health facility. So what this lady then

did was she went to the director and asked him if we could smudge the health facility. And he gave permission.

Additional consent and relationship between researcher and participant:

The research participants expressed the idea that the quality of a research depends on the nature of the relationship between the researcher and the participants. Trust is a key element to an ethical relationship. Another important element is the friendship that exists before the research is started. In the case of this research, it is clear that the friendship that we had built, along with mutual trust, enabled us to get to a deeper understanding of the issues, by sharing stories and experiences that we would not have shared would we have been just acquaintances. One of the research participants highlighted the importance of friendship. He also made an interesting point in saying that when friendship shapes the research, special attention should be given to protocols of consent:

R.P.: As you become friends with somebody that you're getting more information from, you have to make really sure that the consent is there. Because a lot of things that are passed on

> because of the friendship might not be passed on to someone else who is only an acquaintance. But on the other hand though, it's I think because that type of friendship exists, the quality of the information that's being shared and passed on between the two is probably a lot stronger. It has more meaning and significance, and that's why there would be this additional requirement for a consent.

In the next section, the research participants seek to demonstrate that consent is tied to the idea that there is a spiritual grounding for ethical duties.

IV) Research involving spirituality: spiritual awareness for an ethical learning

In the following interviews, the research participants discuss the ways in which the spiritual context of an event may affect the ethics of research. They also argue that spiritual awareness is necessary not only to ensure ethical research, but also and mainly to avoid causing harm to the people.

> R.P.1: What are the types of events or traditions that you would refer to as more private?

R.P.2: Well [...], say for instance a pow-wow where you have no control over who comes in. People come in; they may take pictures; they may be allowed to take pictures or they may sneak the pictures. But if they take the pictures, it really doesn't mean a lot because it's so common and so public. There are so many people, and whatever they are getting is the same thing as anyone else would be getting. Now, on the other hand, if they were going to some of the areas where the dancers were preparing for the ceremonies, there are certain rituals that they may be going through and those would be a little bit more private, and they wouldn't be allowed to take pictures.

R.P.1: And those rituals would be considered more private because...

R.P.2: Well, you know, as these people get ready for a ceremony or a performance, they are going through certain things that are important to them: prayers, using Smudge, or putting on their costumes, so that they dance

for a good purpose. Because some people dance just to dance, others when they do it, it has some religious significance. That's what's respected. It's some privacy I guess depending on what they are preparing for; it's the kind of things..., you know..., doing the kind of things that they need to do to protect themselves. They want some private moment when they prepare to make sure that they have got a good medicine protecting them against things that might be there to harm them while they are dancing.

R.P.1: We talked several times about the harm that may result from inappropriate research. Could you tell me what kind of research might be have the potential to be harmful?

R.P.2: I suspect that depends on the subject-matter of the research. The kind of things that would be harmful are those kind of ceremonies where they have more spiritual significance; when you're talking with other presence, sharing things with other things who

are not physical: Grandfathers, the Creator and those things. And if they're doing research into those areas where you need the consent of the entity that you're working with, the Grandfathers and so forth. And if they're doing it without permission, then that's a problem.

R.P.1: Consent of whom you said?

R.P.2: Well you need consent I think from the Grandfathers to do that, and if you don't get that consent, then it won't bother you, but it would bother the person that you are interviewing. See, that's the one who would be harmed in some fashion. See those would be the areas where I'd be really careful. In fact, I wouldn't feel comfortable at all doing something like that. Because it's not really so much they are giving you consent, but you're consenting to publicizing something about a Grandfather or the Creator, when they mean to just share that with you. You're making it public to a lot of other people, and

I think the harm comes in because it wasn't done the right way.

R.P.1: I see.

R.P.2: See, the way I look at prayers..., I look at prayers and the things that go on in the Sweat as an offering that goes to the Creator. And when you write the stuff down or pass the information on, you are kind of stealing it from the Creator or the Grandfathers, because this was offered to them. And that's why I feel very private about talking about something like that. I'd feel very uncomfortable talking about a Sweat because of that. It's something that wouldn't feel right because it's called for a specific purpose. That's why they [researchers] need to understand the community and the culture, so they don't run the risk of mistaking the consent that was given.

R.P.1: What about healing? I mean, I guess anything that has to do with healing would be

private as well.

R.P.2: Yes, and that's when you have to be even more careful. Because it's between the person healed and the Creator. We're there to support, we're not there to say anything more than that. Maybe in a general Sweat, they might be sharing things, somebody might make a general comment; I don't think it would be appropriate, but I don't think that I would feel all bad about it. But something that's more personal, like when somebody is getting help, you really have no place taking pictures or writing about it. I've always looked at those things as kind of taking something meant for the Creator. It doesn't get to the Creator in the way it was intended. We divert it into some other purpose, we interfere between the person being healed and the healer.

R.P.1: What could be the consequences of these kinds of interferences (between the healer and the person being healed)?

> R.P.2: One other thing that we would have to be concerned about if there were some interference going on between the healer and the person that is being healed is that if there is some intrusion into that process, some interference with that interplay between the Creator and the person that is seeking help is that the person, through his prayers, may not be receiving this help, because of something that was done in a way that offended the Grandfathers. And if it interferes with the Grandfathers, then that exchange may not occur and the person would not receive the help that he or she has requested.

<u>The notion of harm:</u>

At that point, I felt that I needed to better understand this notion of harm due to inappropriate behaviour. From what I had gathered, a person could be harmed by research if it was conducted in a disrespectful way. I spent some time talking about this with one of the research participants, and this person explained to me:

> A lot of spiritual people are healers who do a lot of things to get the power to heal. A lot of it is through sacrifice. Once they go

through the rituals, then they are blessed with the power to do what they are supposed to do. It's really based on a lot of trust between the healers and the spiritual powers, that give them the ability to heal. So what I suspect is when a healer might share some of this information with somebody else, it might be bad if it's inappropriate. The kind of things that they are passing on might be something that offends the spirits. And then, if it's complicated by, say, the interviewer taking the information and showing it to even more people, then it could offend the spirits even more and make the things worse, to the point where the spirits might just leave the person. And it would hurt him spiritually, because now he is no longer blessed with the spirit beings that gave him the power. That's one thing that could happen. Or they can have a diminishing effect on their ability to heal, or do what they're supposed to do. And then the other thing is that there might even be some physical ramifications on him, to where the person might get sick. That's another

thing too. Or bad things might happen to him: those things where the spirits would communicate their displeasure for what's happening. [silence] See, that's what they need to take into consideration, because the person who heals would know when he is sort of stepping on the toes of the spirits. A person might give consent: "you have my consent to do this for this particular purpose." But if the interviewer then or even later in the research has a different purpose which he is not disclosing, that's how it could hurt him. And that's probably true in a lot of ways [not only spiritual]; if somebody shares some intimate information with an interviewer, and he didn't really intend for other people to read it, well this could affect some members of his family. A spiritual person, a healer, would have that but more than that, too: it could affect things on the spiritual side.

In reference to an article on the display of ancient bones and artifacts in museums published in the Reno-Gazette

Journal[14] (1998), this same informant said:

> My thought would be that there are some things more involved with the spirits here, because the person has done things in accordance with some rituals or some ceremonies. So, those things taken away, like those Bundles, they are destroyed because treated disrespectfully. Those things have a spirit. I don't know there could be some effect on that person joining in the spiritual world. See, that's what would kind of bother me. Like somebody's Grandfather taken away from him. There'd be the sense of loss and so forth, but I don't know what it would be like in the spirits' side. The Grandfathers would probably be offended because one of their... brothers wasn't treated properly.

Another informant's reaction to this article was:

> That is not good. Those things were buried for a reason. Like when a Medicine man dies, there

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14 This article highlights the ongoing opposition between some scientists and some Native groups regarding the display of ancient bones and artifacts in museums. While the tribal chairman explains "There is no respect there. These things are sacred. They are not meant to be seen.", a scientists' reaction was "I can't see how this can damage anyone."

> are those things that are buried along with him, like his pipe, his arrows, his little spear points, or maybe something that meant something special to him, all right there into burial. And then when people come and take it, they are taken away from what was here, you know with his life. And I believe that there is even life thereafter. Because his spirit carries on, and that's all the stuff that was buried with him. And they should have stayed there. They are taken away not only from that person but from the family because they felt good about leaving it there, you know.

Research conducted in 1978 by the Association on American Indian Affairs on spiritual issues led to similar conclusions. Over 100 Indian spiritual leaders were consulted regarding the issue of preservation of sacred sites. This is the conclusion of this Association:

> Without exception, the traditional and spiritual leaders expressed the view that the disinterment of human remains is a sacrilegiouus violation of Indian spiritual and religious beliefs. According to the spiritual leaders, the disinterments have

> broken the trust of Indian ancestors by failing to give proper respect to their spirits. These spirits cannot rest until the human remains and associated grave offerings are revived in a proper religious ceremony. Many tribal, traditional and spiritual leaders view those opposing repatriation as "holding the spirits of Indian ancestors hostage in the name of scientific research. 1979, p.272

The following is an extract of an interview which involved two participants who explained how they were taught not to "bother anything that does not belong to them." Their story emphasizes the importance of teaching these values at an early age and implies that the researcher needs to devote much time to understand and respect the community's belief system:

> R.P.1: When we were little, you know, we were taught "you don't bother anything that does not belong to you." I remember when I was a little girl, we walked to the desert back here and we found this baby basket. So we brought it home. "Look Grandma, look what we found", you know, and "Where did you get that?" So we told her. And she said "You take that right back." Because she said that the basket was

made with a baby in mind and that the spirit of the baby went into the basket. And then they take it and they turn it upside down over a bush, so it could just go back to the Earth again. So it was for a specific purpose, you know, and nobody else was supposed to bother it. So what we learnt from that is that is we don't touch anything out there that we find that does not belong to us, no matter what it is. So we were taught that.

R.P.2: Same thing with arrow heads. I don't like to pick up arrow heads or anything like that. It's something I just don't do. And sometimes you see little pouches of stuff that people leave around. And we were always warned to stay away from that because some of that is medicine bags. And you don't know what it is. So you don't bother it. When we were growing up, that's what they were telling us.

R.P.1: Ya, it's depending on what they are taught. If they are taught when they are little, then when they grow up they are not

going to bother it. But yes, I think that it would be a good idea if something like that did happen, you know. When you are out there, you see these things and you don't bother them, you know. Because there are a lot of spiritual things that are involved there. I know that people doing research do it because they want to reconstruct the past, but the past is not buried there you know because there are people who make the baskets, who make the arrow points, who do a lot of this stuff today. So it's not lost, you know, it's still alive. Yes that's one of the arguments "How did they live back then?" And these things that are in the museums now, how do they obtain them? Where do they get them? Was it in a burial? It was buried there along with the medicine man, and that was his medicine. They are all spiritual items; they do have spiritual things with them still.

R.P.2: What she is working on is what kind of protocols that you might have when somebody is coming into a community. Say he or she wants

to research those kinds of issues. What type of things do they have to be aware of? And they need to be aware of quite a few things. Like what about if somebody wanted to write about the Lodge?

R.P.1: I would be very careful. Like "what is it for?" "What is the purpose of it?" I would talk to X [Spiritual Leader].

R.P.2: What about if you were getting healed?

R.P.1: No I wouldn't. Because to me that's really, really personal, you know. What you see in the Lodge or what's happening with you... because you don't have to go through healing ceremonies to be healed because it has happened in there when you are just in there. I think that takes away from it.

R.P.2: How about if somebody else wrote about his experiences and feelings in the Lodge? I wonder how that would be received by somebody else who is sitting in there.

> R.P.1: To me that would be like a breach of confidentiality really because what happens in the Lodge should stay in the Lodge with the people that are there. So if somebody was to do something like that I don't think I would like it, but what can you do? It's already been done; just pray for him I guess. [Laugh].

It seems that key to ethically defensible research is the notion of good purpose. However, this notion of good purpose may be controversial in some research situations. What happens when a researcher seeks information from a Native community about healing practices, for example, for the good purpose of helping his people? One of the participants answered as follows:

> It depends. The researcher may want the material for publishing a research paper for educational purposes or may want to practice the information. Since the research paper is more removed, the interviewee may be more willing to participate. If the researcher wants to practice the things being taught, the interviewee may be reluctant to share the information because he or she is not sure how it will be used. If the interviewee has a good

feeling about the researcher, he or she may be more willing to assist the researcher. The researcher, in turn, would be expected to know more about the community and the culture which he or she is exploring. Sincerity would be a significant factor in such a situation. There would be another factor here which may affect the degree of sharing the information. The people whom the researcher wishes to help may be unknown to the interviewee. In some cases, the people may be of another culture or tribe. If the interviewee is unsure of those people, he or she may not be willing to participate. In those cases where the researcher wants to practice the information, then more scrutinity would be involved. Here there is more opportunity for harm or injury to the researcher and to the persons practiced upon. The interviewee has some control over what he or she surrenders to the researcher. At some point, he or she may be able to read the paper or further discuss the matter. But where the information is practiced in a verbal form, the interviewee has less control over

> the subject and content. He or she would not be able to verify whether the information passed on is correct or misinterpreted. There is simply a greater potential for damage to the interviewee, the researcher and the people he or she professes to help. (written correspondance)

V) Confirming consent

The idea that needs to be clear is that when research is done, consent needs to be confirmed. Confirmation of consent ensures that the information that is being shared is interpreted in a way that satisfies both the researcher and the research participant. One of my co-researchers expressed it as follows:

> R.P.: The confirmation is important to make sure that the data that you are using are accurate and are interpreted in the right way. In truly collaborative research, you'd want that confirmation to flow all the way through. The people would have a chance to look at it to make sure that the information is accurate. And also, too, if it's there to fulfil the needs of two different groups, the results are

> going to be important to two things: for the researcher, it advances some knowledge about the subject, and then for the people who are being interviewed, there are certain things that they want to see out of this too. Confirmation is going to make sure that both end-products are preserved.

My analysis will emphasize the idea of consent as a circular process. The process of confirmation, in particular, suggests that consent cannot be considered as a "given." My co-researchers have argued that there is initial consent prior to research; then, in the course of the research, consent is to be continually informed by consulting with the participants and by seeking their confirmation.

PART III - ANALYSIS

Introduction

We established that various levels of consent have to be obtained, depending on the context in which the research is conducted. We used the Sweat-Lodge as an example to illustrate the types of consent that can be given. The research participants expressed the idea that "inappropriate behaviour" due to the researcher's ignorance of local ethics may cause physical, emotional and spiritual harm to the people involved in the project. Therefore, the level of consent may be ascertained by developing a well-grounded review of the community background before a project is started. Researchers and participants should develop a degree of trust, as well as common points of reference and interpretation before a project starts.

In the first chapter of the section, the research participants argue that some collaboration is necessary, particularly in cross-cultural situations, in order to avoid problems of misinterpretation of the information given. In this chapter, I define the notion of shared inquiry as involving shared responsibilities and a shared authority. I argue that the main purpose of a shared inquiry is to ensure that each participant's voice is represented in a way that

corresponds to his or her own area of competence.

The second chapter focuses on the research protocol of informed consent. The research participants argued that consent needs to be confirmed throughout the research. Confirming consent implies that the participants have an opportunity to review the research process, to reflect on what they have said, and to make corrections when necessary. I argue that the process of seeking/giving informed consent can be characterized as a circular or as a spiral process, in that the researcher always "goes back" to the source of information to confirm its accuracy, and to confirm his or her right to use the data.

The third chapter deals with the notion of the sensitive context of research. I use the example of the debate over the issue of repatriation of human burials and sacred objects to demonstrate that the sensitive character of a research project is essentially contextual. I will also use this example to highlight the idea that, to many Native people, there is a strong spiritual basis for ethical conceptions. Repatriation has become a sensitive issue, for it is tied to the belief that there is a spiritual component to burials.

Chap. 1: A need for collaboration

Ethical research is based on a negotiated agreement between two parties: the researcher and the participants. This agreement requires that the researcher seek informed consent from the potential participants and define the purpose of the research. Each party's motivations and expectations must be clarified, as well as the ways in which the information is going to be collected and disseminated. Therefore, an ethical research relationship is based on a collaborative effort aiming to reach a level of mutual understanding and acknowledgement. It can be said that collaboration is an inherent element of ethical research. It is only by hearing the other and by the other hearing us, in an open way, that the researcher and the participant can find a common voice and emerge as a "we."

I) A shared inquiry

Participant observation is a dialogical experience, and, as such, involves by essence some degree of collaboration in that it is an exchange, an encounter between people trying to understand each other's expectations. Collaboration as a methodology implies that the inquiry is a cooperative activity and a joint effort, which depend on researchers' and

participants' sharing a set of assumptions about the subject-matter, the purpose and the process of the research. Collaborative research as advocated by the Royal Commission on Aboriginal Peoples, among others, implies that the participants are also co-researchers who contribute to the research at different levels, be it the design of the project, the collection of the data, or its interpretation. One of the main purpose of collaborative research is to acknowledge and represent different voices. Doing so is particularly important when the researcher's cultural background is different from that of the participants. Indeed, as I argued in Part I, in cross-cultural situations, ethnographic encounters can easily lead to misunderstanding, and to conflict. In a discussion of some of the problems that may arise in cross-cultural situations, one of the research participants said:

> R.P.1: A lot of the people that come from an academic background don't believe anything other than what they have been taught, and they question everything else. And in those cases, they are going to need some type of collaboration to get past any biases and to learn to respect the people's beliefs. I actually think that a lot of projects would be conducive to collaboration. I suspect almost

every one that you do, especially when you are involving Native people, is going to be collaborative.

R.P.2: Why?

R.P.1: Because you want to make sure that the information is accurate. And you want to have accessibility to what is being published. And if these are not involved or consulted to varying degrees, then at some point in time, they are just not going to want to work with that person again. And then both sides are hurt: the academic world loses a chance for research, and the other people lose a chance of preserving ... well, a lot of history that we have now is there because somebody took the time to write it down. But any time, I think, that you are working with people on a certain type of subject, spiritual matters, or how to improve an educational system, it is going to require some type of collaboration. On the other hand, if you are just looking at technical data, you may not need as much

collaboration, but every time that you are working with people, you are going to have to have that.

Collaborative research is an on-going process in which researcher and participant accept going through a common learning experience in order to build an ethical relationship, -- a research situation in which each party's motivations are honoured and in which each party's code of ethics is respected. One of the research participants said:

R.P.:Collaboration also means allowing the people an opportunity to make sure that they feel at ease sharing some information in a way that accommodates their own beliefs, and that it is not going to offend any of their spiritual values. Most researchers, I don't think have a full appreciation of that. And they probably never even anticipate that there could be something like that.

Collaboration is a research methodology that enables researchers and participants to reach an agreement with regards to the nature and the purpose of the research and to the ways in which the research should be conducted.

II) Shared responsibilities

As a shared inquiry, collaborative research does not necessarily mean that all participants contribute to the research in identical ways. Participants will take on different roles according to their skills, interests, preferences, and motivations. The degree of collaboration needed depends on the subject-matter, as well as on the researcher's familiarity with the cultural context. One of the research participants' comment on this was:

> R.P.: I think that if the researcher knows a lot about the culture, and he has done his homework in figuring out what the community is like, then there might be less need for collaborating[15] with that particular group because they know what's there. On the other hand if you are exploring something that is totally unfamiliar, then I think that collaboration is going to be necessary, at least to make sure that the scope of the research is legitimate. For example, when you are dealing with things spiritual, sometimes

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15 Collaboration in this context should probably be understood as confirmation and re-confirmation, not only of the data but also of various cultural aspects such as protocols for seeking consent, identifying the people recognized as having the authority to pass on information on a particular topic, etc.

> you don't know exactly what you are getting into. And if you have somebody that is familiar with spirituality principles, then that person will help you understand things that are spiritual.

Shared inquiry also implies shared authority, which refers to the issue of representing voices. Participants may contribute to the inquiry in different ways and at different levels, and each participant's voice may be represented in a way that corresponds to his or her own field of competence. Some participants will be recognized as having the authority to pass on knowledge about a particular topic, and their voices will be predominant in the transcription of the data. Others may be more involved in the research process and may contribute to frame the research question in a way that is relevant to the context in which the research will take place. Their voices need to be acknowledged as well. The researcher's voice may be more predominant when analyzing the data. The participants' voices may also be represented in the phase of confirmation.

III) Contributing differences

Most of the current literature on cross-cultural research, and most of my comments up to this point, seem to

focus on the problems and difficulties that are apt to occur due to differing communicative norms, differing worldviews. However, one of the research participants pointed out that cross-cultural research relationships may actually benefit the research, by enlightening the issue through different perspectives:

> R.P.: It probably helps if the two parties kind of have the same motivations, such as advancing an educational need or preserving something that might be lost. Collaboration would be important for that part, just to make sure they understand what the motivations are. And of course, it is a little harder when you are coming at things from across cultures, but in some way it is not so bad either because when two people come from the same culture, have the same understanding, and the same common experiences, sometimes you look at it from one perspective only. But if you have two people coming at it from differing cultures, they tend to question each other more. And in some ways, the product might be even better.

It is by hearing different voices and by acknowledging different perspectives that a research question may develop

into a cross-cultural collaborative inquiry, thus providing protection against biased ideas. The idea of a shared inquiry also implies that informed consent, as an inherent part of the research relationship, is an on-going process that evolves with the inquiry and with the people who are involved in this inquiry.

Chap.2: Informed Consent as a circular process

Most professional ethical guidelines state that informed consent should be obtained prior to beginning research. These guidelines specify that consent is informed when participants are given all relevant information concerning the project so that they can make an informed decision as to whether or not they want to participate in it. Research is by its very nature "fluid." A researcher may begin studying one topic and finish with a radically different topic as it evolves. Consequently, consent must also be continually renegotiated throughout the research process, particularly when doing collaborative research. As Schroeder and Webb explain (1997, p.240): "It is not enough that we gain consent prior to commencing the research. In Collaborative research the consent of participants needs to be renegotiated throughout the research."

In cross-cultural situations, the researcher, while spending time in the community, is exposed to different cultural norms and different ways of interacting than those from his or her own cultural background. The type of consent that is required by the researcher's professional institution may not be relevant to or sufficient for the participants. There may be other perspectives on ways of seeking informed

consent, as shown in the data, that the researcher needs to incorporate. The interviews that have been conducted in the context of this research seem to point out that there are different characteristics or tendencies in the process of informed consent: a hierarchy and a circular and spiral process.

I) Respecting the group's protocol - A hierarchy:"Consent goes in stages"

As worded by one of the research participants, "consent goes in stages." Knowledge about a particular topic may involve several layers or levels of information, going from the general to the more specific. In one of the interviews, a participant used the example of the Sweat-Lodge to illustrate this idea; he explained that, from his standpoint, he would be in a position to give general information about this particular ceremony, but that consent "from the next person who's higher up" would be necessary when dealing with more specific issues about this particular ceremony. It is the responsibility of both the researcher and the participants to make sure that this hierarchy of consent is respected. The researcher needs to spend enough time within the community and with the potential participants to get in touch with the suitable guides. Depending on the subject-matter, an

individual may have to consult with an Elder first before sharing information, such as passing on a tribal story.

II) A circular or spiral process as a need for confirmation: making sure the "consent is always there"

The research participants also pointed out that, throughout the research, the researcher should make sure that "consent is always there." This requirement for "going back" fulfils the need for confirming that the data are accurate and for confirming consent. The participants are given a chance to review what they have said and to make corrections and suggestions when necessary. Negotiating informed consent in a circular way decentres the researcher's authority and ensures that each participant's voice is represented. This circular process of seeking and confirming informed consent is particularly important in collaborative research, in that reccurrent confirmation of consent implies that participants play an active part in the construction of the inquiry.

By combining both components (a "stage-process" and a circular process), one may see the process of informed consent as a spiral process. When research is done with a group of people on a particular topic, the kind of consent that is necessary is consent first from the representative(s) of that group and then from each individual involved in the project.

Seeking informed consent in this case may require that the researcher follow a specific protocol that may involve a hierarchy of consent and of authority, in that, as demonstrated in part II, not everyone is recognized as having the authority to transmit knowledge about a particular topic. When the researcher submits the research findings to the group in question to verify their accuracy, consent must be confirmed once more.

This process follows a circle, as the completion of the research is brought back to the point of departure, so that each person involved has an opportunity to review the process and make corrections. As MacAlpine and Crago explain, "the informed nature of the consent develops as people participate in the research process and then reflect on what they have said or done." (1997, p.111).

In many situations, when researchers are ready to enter the field, they often have defined their research topic, but they have not necessarily identified the participants. They may have chosen the community within which they intend to conduct ethnographic research, but they often have not identified the individuals who are suitable to authorize their research and who may be willing to participate. In such a case, the researcher needs to spend time in the community first in order to "be in touch with somebody who knows" and

"figure out who has to be involved with the consent" (as stated by a reseearch participant in Part II). In doing so, the researcher will meet individuals who might make suggestions as to "who would be a good person to talk to" with respect to the subject-matter of the project. As a spiral process, informed consent allows an evolution in the research while keeping the circle as a basic principle for confirmation.

Chap.3: Sensitive topics and sensitive contexts of research

Evidently the sensitive nature of a research project is essentially contextual, in that the potential harm is less inherent in the subject-matter itself and more in the way in which the issue is approached and in the way in which the research is conducted. Most researchers would recognize the importance of ethical responsibilities when researching sensitive topics; however, controversy prevails over what characterizes a sensitive research situation. In "Doing Research on Sensitive Topics", Lee (1993) explains that perceptions of what characterizes sensitive research vary cross-culturally and situationally in that "it may well be that a study seen as threatening by one group will be thought innocuous by another" (p.5). Therefore, when trying to identify sensitive research situations, rather than focusing on the topic itself, it seems more relevant to approach the notion of sensitivity from a contextual perspective:

> Although the term "sensitive topic" is a convenient one to use, it does not seem useful to try to develop a comprehensive list of sensitive topics. Instead, a more fruitful approach is to look at the conditions under which "sensitivity" arises within the research

process. (p.5)

Investigation of concealed knowledge may be characterized as sensitive research. From what I have gathered in my ethnographic research, one of the reasons why some aspects of the culture are considered more private, is that, in the past, cultural practices such as Sweat-Lodges or Sun Dances, were outlawed by the government. Many Native communities would still practice their ceremony, but in a secret context. If these practices were to survive, they needed to be protected. Therefore, concealment became a necessity.

In the following section, I argue that concealment is more than a way of protecting a culture from assimilation. The notion of concealment is tied to the way people view authority and to how they recognize and acknowledge an individual's authority, and his ownership of a particular knowledge.

I) The notion of concealed knowledge

In the same way that there are different kinds and levels of authority, there are different levels and layers of knowledge for which specific protocols of approach apply. If we take the example of a Tribal story, it may very well be that many people know this story, but would not pass it on to a researcher, or to anybody else, for they know that this

story belongs to a particular person. This person is recognized as the legitimate "owner" of the story, and has the authority to pass it on to others. Concealed knowledge is not about intellectual property rights; it is embedded in a world view according to which knowledge may be passed on by those who speak authoritatively. The choice to "remain silent" flows from a code of ethics which requires to respect, those "who know", and to recognize and acknowledge their authority. This ethical rule is constructed upon the underlying belief that knowledge about a particular topic or practice may be owned or kept by someone who speaks authoritatively about this topic of practice.

When trying to gather information about a particular aspect of a given cultural practice, researchers need to be aware of this ethical dimension of authority. In particular, when investigating knowledge that the community considers to be private or restricted to a few individuals, researchers need to learn that answers such as "I don't know" or, "this is what I can tell you, but it's just my opinion, and it's trivial" does not necessarily express ignorance, but rather serves as a way of acknowledging a recognized Elder's authority. It is in identifying those individuals who speak authoritatively, that researchers may approach a community while respecting specific protocols that may apply to

concealed knowledge.

II) Attempts to preserve and protect cultural patrimony, sacred knowledge, and sacred objects. The example of NAGPRA: intent and controversy.

Perceptions of what constitutes a respectful approach to sacred objects and to sacred knowledge in general is tied to the underlying principle that there is a strong spiritual basis for ethical conduct. The following is an extract of a taped discussion about the issue of repatriating burials from museums to the community where they had been excavated. This research participant explains that there is a spiritual component to burials and that, as such, repatriation may be characterized as a sensitive issue:

> R.P.: Sometimes it is also bringing bad things into the world that you may not be aware of. People don't know what is going to happen because that thing now has been brought forward, you know. These things were committed to the ground. You never know what was put in the grave with that person, and when it becomes unrested, you don't know what comes out of it, whether it is negative or positive. Native people respect that; once things are

put down, that's where they stay. There are archaeologists that do that, you know, dig out burials, and one of the things that is happening is this repatriation going on now throughout Indian countries with the NAGPRA[1615] act, Native American Grave Repatriation act. That law has allowed Tribes to request and seek possession of artifacts, bones and those things that are in museums and archives all over the country. Well, what is occurring is a lot of the Tribes see it as a positive thing; a lot of the Tribes see it as a negative thing because when you go take possession of bones, etc, you don't know where they are coming from or how to bring them back, and what's the right way, because there never ever was a process. Once they are put down, they are put down. And now, when you bring them back, what do you do? So the people have to really wait and pray to determine the right way to bring

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NAGPRA, or Native American Grave and Repatriation Act (1990) allows Native groups to request from museums the return of burial remains removed from their area on the condition that they can demonstrate that there is cultural affiliation between these remains and their people.

> these things back and what they need to do to rest them. That's when we have to rely on our spiritual leaders to guide us.

The debate over the issue of repatriation cannot be restricted to a dispute between the interests of science and the rights of Indigenous peoples to bury their dead, and to keep their dead buried. Nor can it be simply defined in terms of a struggle between good and evil. Differences over the issue for respect of burials need to be framed within the context of fundamental differing world views. In "Reckoning with the Dead" (Bray and Killion, eds, 1994), Pullar explains that whereas Western scientists see time as linear, that is as "a sequence of events containing generations of people" (1994, p.19), Indigenous people see time as circular, which means that those who died centuries ago "are still part of the circle." (ibid.). He further argues that differing ethics and differing conceptions concerning the issue of time become apparent when dealing with the past. Nobody would object to a people wanting to bury their dead. In fact, all religions have rituals for the care of cemeteries and for the treatment of human remains. However, controversy over what constitutes a respectful approach to the dead arises when the dead who have been excavated are from many generations in the past. As Pullar (1994) stresses, in Western societies most people are

concerned with only a few generations in the past and would not be too concerned about the treatment of burials from centuries ago. On the contrary, to most Native people, burials and human remains are to be treated as living spiritual entities; excavations of burials, whether recent or ancient, are seen as a desecration of their ancestors. In this regard. NAGPRA recognizes that there is a strong spiritual basis for repatriation and that tribes should control the disposition of the remains of their ancestors. Its purpose is to enable Native groups to repatriate objects of religious and patrimonial significance. The decision to repatriate is tied to the demonstration of cultural affiliation. Controversy arises from the lack of agreement over the ways in which to assess evidence for cultural affiliation.

The Larsen Bay Case (Bray & Killion, 1994) illustrates this controversy. In 1987, the residents of a village on Kodiak Island requested of the Smithsonian Institution the return of burial remains removed in the 1930's. While for the scientists involved, the decision of whether or not to repatriate burials was based on the demonstration of cultural continuity between the ancient remains and the modern residents, for the Native residents, it was sufficient to know that the burials had been removed from their area. Perceptions of what constitutes a respectful approach to sacred objects

are tied to the underlying principle that there is a strong spiritual basis for ethical conduct. It is in recognizing this spiritual grounding that one can understand the Native ethic of non-interference. The ethic of non-interference is prevalent in spiritual contexts and can be illustrated by the controversy over the disposition of human burials and sacred objects. In the course of my research, I learned that one should not displace or disturb human remains and burials, for doing so would be interfering with their spirits. People seem to follow the ethic of non-interference when interacting in a spiritual setting. In a worldview based on the belief that all living things are interconnected, interfering with this connection is seen as disrespectful. The research participants argued that such disrespect might cause harm to the people in question to the point that, as phrased by one of the research participants "the spirit might just leave the person" (Part II), resulting in a feeling of disconnection. This idea emerged from a discussion with Dr.Stan Wilson, in October, 1998. Our discussion focused on this research participant's statement that direspect for spiritual and sacred matters might "offend the spirits... to the point where the spirits might just leave the person". (part.II, p.101). We developed the idea that being deprived of one's spiritual surroundings might result in a loss of what seems essential to many Native

people: a sense of connection, of being emotionally, physically, and maybe spiritually connected to all living things. The idea that all living things are physically and spiritually interconnected has been argued to be an essential principle upon which Aboriginal epistemology is founded. Indeed, Ermine (in Battiste, ed., 1995) drew a comparison between Aboriginal thinking and Western science. He explained that whereas Western science is based on the assumption that "the universe can be understood and controlled through atomism," (p.102), Aboriginal epistemology emerges from a holistic view of the universe. He states: "Those who seek to understand the reality of existence and harmony with the environment by turning inward have a different, incorporeal knowledge paradigm that might be termed Aboriginal epistemology." (p.103) Ermine further argued that whereas Western ways of knowing involve a process of viewing the world objectively by "keeping everything separate from ourselves," Aboriginal ways of knowing focus on the "inner space":

> Aboriginal people found a wholeness that permeated inwardness and that also extended into the outer space. Their fundamental insight was that all existence was connected and that the whole enmeshed the being in it inclusiveness. In the Aboriginal mind,

> therefore, an immanence is present that gives meaning to existence and forms the starting point for Aboriginal epistemology. It is a mysterious force that connects the totality of existence -the forms, energies, or concepts that constitute the outer and inner worlds. p.103

It is by developing one's connection with the surroundings that knowing becomes possible. This idea is also one upon which phenomenology is founded. Both Aboriginal epistemology, as defined by Ermine, and phenomenoly, as defined by Merleau-Ponty are based on the idea that one can develop understandings of the unknown by developing understandings of the self in relation to one's experience of the outer space.

Ermine's main argument is that Aboriginal epistemology is tied to the belief in the existence of a strong spiritual connection between all living things. He wrote: "Aboriginal epistemology is grounded in the self, the spirit, the unknown. Understanding of the universe must be grounded in the spirit." (p.108) This idea was continually expressed by the research participants. It is in recognizing the existence of this interconnection between all living things that one can recognize the reality of a strong spiritual grounding for ethical conduct.

CONCLUSION

In this thesis, I used a concrete example to demonstrate that researching Native knowledge may require specific ethical awareness. Having established that there are problems of differing ethics in cross-cultural situations, the question that I focused on was how the research protocol of informed consent may have different meanings and implications for the researcher and for those who become the "subject" of the research. To answer this question, I have chosen to work in collaboration with people of a particular Native community in Nevada, whom I have known for 2 and a half years. These people were interested in investigating the ethics of research, for their community has had to deal, on many occasions, with researchers disregarding local ethics by excavating burials, which, from the perspective of the current inhabitants, are acts of "desacration".

This research can be labelled as a shared inquiry in that we collectively defined the notions that we thought needed to be discussed as well as the way in which we should approach these notions; it was a collaborative research in the sense that the research findings are grounded in a concrete learning context that we all shared. Our purpose was to offer a concrete example of what researching Native knowledge might

entail in terms of consent, with special attention to the relationship between ethics and spirituality. In particular, we established a strong spiritual basis exists that grounds and justifies ethical conceptions. It is in this context that we analyzed the notion of consent. In particular, we argued that consent may be ascertained by a well-grounded review of the community's background before a project is started. We argued that ethical learning requires not only learning the "Other's" ethics but also incorporating these ethics into the research relationship. We elaborated a set of recommendations that apply to this particular group, but that may also apply to other research situations. In my analysis, I used the expression "spiral process" to characterize the protocol of informed consent. Consent is not just a contract; it is an ongoing process of recognition of a mutual acknowledgement. As such, this process requires confirmation of consent at different stages of the research so that the research participants have a chance to reflect on what they have said and to offer suggestions.

This research was a product of a shared inquiry, and as such my research participants have a claim of ownership and of authorship. Knowing that they have chosen to remain anonymous, the only way that I have found to express this shared authority is for us to "emerge as a we" in the field text as

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