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After cultural competency: research practice and moral experience in the study of brand pirates and tobacco farmers

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ABSTRACT This article explores the value of ethnographic methods in identifying and addressing ethical issues in qualitative research on stigmatized populations. Examples come from two anthropological projects carried out in populations where stigmatized and illicit activities are prevalent: tobacco farmers in the USA and brand pirates in Guatemala. In both cases preliminary ethnographic research proved essential to understanding potential ethical dilemmas and tailoring research practice to avoid stigmatization. Cultural competency is discussed as a useful concept for approaching ethical issues in the study of stigmatized populations, especially when complemented by ethnographic attention to moral experience, the values, meanings, and relationships that are at stake within a given population. Complicating the professional meaning and application of approaches to research ethics, including cultural competency, that privilege formal research techniques and formal ethical guidelines, our case studies describe ethnography as a process involving interpersonal skills, learning through participation, and situational ethics. Critical reflection on ethnography as process is relevant to debates about institutional review and research ethics and points to the need for enriched professional training and ethical reflection on the social skills amenable to effective and responsible field research.

KEYWORDS: *agriculture, cultural competency, Guatemala, institutional review, moral experience, piracy, research ethics, tobacco*

This article explores the value of ethnographic methods in identifying ethical issues and problems in social research on stigmatized populations. Research with vulnerable populations often demands careful consideration of such perennial issues for qualitative research as research preparedness, institutional

review, consent, and rapport building. Methodological and ethical dilemmas that arise in such contexts can be useful for broader reflection on research ethics as they apply to a range of social research settings (Mitchell and Irvine, 2008: 32–3). The focus here is a pair of anthropological projects carried out in populations where stigmatized and illicit activities are prevalent – one in the USA, one in Guatemala. In each case ethnographic methods used in preliminary research stages proved essential to acquiring cultural competency, understanding potential ethical dilemmas, designing research methods to avoid stigmatization, and gaining the trust of informants. The practice of ethnography requires that researchers bracket their own cultural and ethical understanding about a particular phenomenon, a methodological stance that we argue is essential to the design and implementation of ethical forms of research. Interactions and interviews, for example, should be based on complex moral understandings of sensitive issues. Appreciating who informants are as people and the particular circumstances that surround their behavior is essential to formulating a research program that does not contribute to stigmatization or harm. In addition to addressing methodological considerations in research on stigmatized populations, this article also speaks to a need to complicate the professional meaning and application of approaches to research ethics such as cultural competency. Ethnography is more than a set of formal research techniques and ethical guidelines. More than cultural competency, it is a process involving interpersonal skills, learning through participation, and situational ethics. Critical reflection on the principles and practices of fieldwork, which has been underway for decades within cultural anthropology (Clifford and Marcus, 1986), is relevant to debates about institutional review and research ethics. We point to the need for enriched professional training and substantive ethical reflection on the social skills amenable to effective and responsible field research.

Ethnography and moral experience

The turn to evidence-based ethics in fields such as bioethics has been praised for taking into account both the specificity of individual cases and the diversity of social situations in which ethical quandaries arise. In short, knowing about local situations and conditions is helpful for thinking about what is right and wrong, and for devising appropriate social interventions to address problems. There have also been concerns about how to implement a more empirical approach. For instance, evidence-based methodology runs the risk of replacing normative models with statistical models that are assumed to be more ‘neutral.’ This may lead to the problematic disqualification of ‘non-verifiable considerations like moral claims and judgments,’ perhaps even those arising in the empirical populations affected or under investigation (Goldenberg, 2005: 11).

Ethnography provides the kind of contextual evidence that can be useful in shaping ethical orientations and policy approaches, while avoiding reductionism

and a lack of dynamism, the potential pitfalls of narrowly objectivist approaches in evidence-based ethics. Rather than using empirical data to make complex ethical dilemmas into manageable technical problems, ethnographic approaches draw on emic, or subjective insider, perspectives to interrogate the starting points and assumptions of ethical inquiry (Parker, 2007). Ethnography is an experience-near approach that seeks to grasp how a particular phenomenon looks from inside a cultural context, which is commonly described as the 'native's point of view' (Geertz, 1973). Such a perspective often demonstrates that the meanings given to values like rights and health in globalized political and ethical frameworks are not universal and that vernacular understandings of important values and problems must be taken into account when thinking about the ethics of a particular phenomenon. Anthropological fieldwork enriches the kind of material available to evidence-based ethics, but also entails, as part of its fundamental orientation, a critical purview on how policy approaches and ethical guidelines can become irrelevant or even harmful amidst changing empirical realities.

Arthur Kleinman (1999a: 70), a psychiatrist and cultural anthropologist, argues that ethnography is an appropriate way of reconciling 'the clearly immense differences in the social and personal realities of moral life with the need to apply a universal standard.' In the case of stigmatized and illicit behaviors, sensitive ethnography contributes empirical data on local understandings of what is right and wrong, richly informed accounts of why people participate in such activities, and knowledge about the complex societal and structural realities that commonly surround them. 'Ethnography is a method of knowledge production,' Kleinman writes, where 'the ethnographer enters into the ordinary, everyday space of moral processes in a local world' (1999a: 77). Consequently, ethnography can attend to the ways that prevailing discourses in science and ethics may embody tacit moral values that might contradict, occlude, or menace the empirical conditions of people involved in stigmatized and illicit behaviors. Clearly, the social implications of a more appreciative understanding of the worldview of stigmatized populations must be weighed against the greater opportunities for social control. While this is not a question we explore in this article, anthropologists are beginning to demonstrate that there may be more potential for harm in the uncritical application of esoteric ethical models (Das, 1999; Kleinman, 1999a) or the dilution and formalization of ethnographic impulses in new research and professional orientations such as cultural competency (Fassin, 2000; Fassin and Rechtman, 2009; Sargent and Larchanche, 2007, 2009).

The anthropological concept of 'moral experience' is essential to thinking about local contexts and ethical considerations in qualitative research. This concept refers to 'what is locally at stake' for a given population, including such values as 'status, relationships, resources, ultimate meanings, [and] one's being-in-the-world' (Kleinman, 1999b: 360–2). Important values, relationships, and ways of being may often be wrapped up with illicit and stigmatized

behaviors, despite the negativity and risk that is also present. Ethnography is a powerful way to apprehend subjective experiences of being or participating in stigmatized or otherwise problematized activities. Anthropological research can also contribute to policy development by illuminating the complex local moral conditions in which stigmatized and illicit behaviors subsist and the need to take into account what people stand to gain or lose from efforts that seek to modify or govern them. We argue that this contribution goes beyond the kind of knowledge and skill set usually referred to as cultural competency.

The two case studies discussed here involve anthropological research on populations that participate in a stigmatized vocation, in the first case, and in illicit behavior, in the second case. We begin with a discussion of methodological and ethical issues that arose in fieldwork among tobacco farmers in rural North Carolina. Despite participating in the world's most harmful industry, tobacco farmers see themselves as decent people and legitimate, hardworking citizens. The main dilemma that arose involved accessing a social group known for being defensive about their livelihood while also maintaining a critical stance toward the tobacco industry. The case study addresses specific methodological strategies having to do with rapport and interview style, and points to the processual aspects of why researcher disposition is more complex than textbook competency.

The second case deals with brand pirates in the Guatemalan highlands. Indigenous Maya apparel manufacturers who pilfer the logos of global brands make a living by participating in an illegal activity and are vilified in the national media. Manufacturers often have a limited understanding of the intellectual property rights encoded in international trade agreements, and regional apparel markets embed distinctive cultural conceptions of ownership and the morality of imitation. This case study reveals the value of ethnography in understanding local perspectives on who owns and who can legitimately copy what, which provides a substantial critique of the ostensible universality of western legal concepts. The main dilemma that arose during this project involved recruiting informants whose businesses are oftentimes hidden to avoid state surveillance and criminalization while acknowledging and maintaining the value of privacy among apparel producers. The case study addresses specific methodological strategies having to do with privacy, trust, and subject recruitment. It also emphasizes our core argument that the process of developing interpersonal relations in a field setting characterized by complex ethical issues is an important consideration in debates about research ethics and research training.

Not ticking off tobacco farmers [PB]

Tobacco farmer Frank Warren was skeptical of my motives for wanting to interview him. Over the phone, I introduced myself as an anthropologist interested in learning about tobacco agriculture in North Carolina. 'Too busy,' he

replied, 'find somebody else.' Later I met Frank at a wintertime farm meeting. Another grower who I already knew introduced us. Doing his friend a favor, Frank agreed to meet with me for five minutes, 'but five minutes only,' he insisted.

When I arrived at Frank's modest house, he was finishing his morning coffee. A clock on the wall with a Philip Morris logo indicated that Frank sells his tobacco to that company. After 30 minutes, we were conversing about the changing tobacco economy. Neighboring farmers have gone out of business and Frank struggles amidst declining prices and stiffened regional and global competition. His farm business, passed down to him by his parents and grandparents, is now increasingly unstable. After more than an hour, our interview finished. Frank admitted: "That five-minute rule was a bluff. I was expecting a journalist. They just care about smoking. The interview begins: "Do you smoke?" Question two is: "Do you want your kids to smoke?" When you say "nope" each time, they get around to it: "Well, isn't that hypocritical"?"

Most of what the public knows about tobacco has to do with smoking risks. There are also significant social and health problems associated with tobacco agriculture, including pesticide exposure among farmers and farmworkers (Arcury and Quandt, 2006; Benson, 2008b). I have studied the linkage between the problems that affect tobacco farmers and farmworkers and the industry's reorganization in an era of antismoking fervor (Benson, 2008a, 2008b). Here, I briefly explore two themes related to ethics and policy development that come out of my ethnographic engagement with tobacco farmers. This research has consisted of extensive archival research in North Carolina newspapers, approximately 200 interviews with tobacco farmers, family members, and farmworkers, and months of direct observation on tobacco farms.

First, undertaking preliminary or reconnaissance research prior to lunging into the larger-scale research project increases the researcher's 'understanding of complex contexts, assists as a repositioning tool in asking questions during research, and helps gain deeper access to the lived experiences of others' (Caine et al., 2009: 493). It is crucial for assessing sensitive issues and learning to appreciate responses. As part of preliminary research, which was not limited to my main field site, I conducted unstructured interviews with farmers and found that when prompted about smoking they tend to become closed. When prompted with a more benign probe, such as a question about the weather or 'farming these days,' they respond in much more open ways. Approaching them in this way permitted extended contact with informants and access to their personal contacts, which I then used in snowball sampling.

Beginning interviews seemingly a million miles from smoking often led to conversations that directly addressed questions about smoking and responsibility. The emergence of farmer attitudes out of broader conversations may have enhanced the validity of the data. My first handful of interviews probed smoking much too early, and informants responded with curt, somewhat

predictable, although interesting responses. 'It's a legal product and it's an adult choice, that's all I have to say about that,' one tobacco farmer responded. Every tobacco farmer I interviewed offered this kind of response as a justification. But over time, as I learned to let farmers lead me into conversations about smoking, the quality of their reflections became layered. Unstructured interviews showed me that farmers use the phrase 'the health aspect' when talking about smoking as a public health issue. The subsequent use of this phrase in interviews was less threatening and permitted more openness from informants. I also learned that farmers often brought up sensitive questions about health and responsibility without needing to be asked. Here is a response to a question that I asked about church life in the rural area.

Being a Christian, I want to be a righteous person in whatever way. But I grow tobacco. Does that make me un-Christian? Would Jesus grow tobacco? Would he vilify me for growing tobacco? I don't know. I know, I know, it's a legal product and an individual choice. That's basically my position. If you smoke, sip liquor, it's up to you. But it still nags at me. I can't quit tobacco because I've got a family, and at my age, there are not other options.

Fuller responses may come with time and suggest that patience and tempo are important elements of research practice. Textbooks on qualitative research methods extensively discuss specific methods, but they devote less time to the affects and dispositions that are just as important to the project, the pros and cons of particular research styles, and the techniques for developing something like patience as a social skill (Benson and O'Neill, 2007; Cerwonka and Malkki, 2007). I found early on that patience, built on techniques such as maintaining a pause after brief responses and asking about other topics, usually led farmers to open up about smoking. This knowledge informed my research instruments, such as the language used in interviews, their tempo, and the various probes.

My field experience speaks to the need for fuller methodological debates about the subjective life of researchers, what might be called 'researcher dispositions.' What kind of disposition, what sort of manner and demeanor, works best in a particular research environment to enhance both data collection and the quality of the human relationships in a field site? Other tactics were also used to establish rapport, especially at the community level, such as attending church services and key family events when invited, whether birthday parties or funerals. These acts were important ways to show the people who live on and around tobacco farms that I was sincere about getting to know how tobacco livelihoods look from inside that world. And during interviews I tried to modestly exhibit the technical knowledge of the production process that I was developing in the field, often using emic terms to refer to equipment or farm tasks, or asking about timely problems, such as plant disease. These acts further demonstrated that my interest in tobacco went beyond the narrow scope of health ethics and that I regarded becoming a participant observer as essential to my project.

The second key theme of this case study involves the contribution of research on tobacco farms to the development of public health policies. In the USA, tobacco scholarship and advocacy have predominantly focused on consumer health issues and increasingly seek to control tobacco through the regulation of consumption. Policymakers and health professionals have historically paid little attention to tobacco farmers and lacked cultural knowledge about their communities (Altman et al., 1998: 381). Public health groups have often sought partnerships with farmer groups and promoted policies to facilitate crop diversification or alternative sources of economic development. However, these policies usually do not account for the fact that growers are extremely defensive about public health and often regard advocates as a threat to their businesses, attitudes induced by decades of tobacco industry propaganda, or that farmers have a great deal at stake in maintaining their tobacco businesses. Why active tobacco farmers cling to and defend tobacco amidst thinning profits and thickening clouds of ethical suspicion reflects more than a strict financial calculation. Documenting the intricate relationship between economic and cultural factors that make it difficult for North Carolina farmers to simply relinquish the business has been a main objective of my scholarship (see Benson, n.d.). Resistance to diversification away from tobacco farming, which is widely documented in tobacco producing states, has to do with the fact that exiting tobacco production implies wrongdoing. Diversification among active farmers is often socially interpreted as implying that tobacco farming and those who continue in the business are sinful, whereas farmers who are pushed out of business because of market forces are said to have been bad farmers. My research led to the development of local insights that shed light on policy implementation issues. Implementation must go beyond the esoteric ethical position that involvement in the tobacco industry is unequivocally wrong to account for the complex realities of how tobacco is valued in this local world. Policies that seek to promote alternative livelihoods must take into account cultural dynamics and involve effective means of connecting with tobacco farmers in terms of their lives and subjective experiences (see also Griffith, 2009).

Anthropological research on tobacco farms is essential for building partnerships in rural communities to counter-balance the political influence of the tobacco industry, promoting collaborative efforts to develop alternative sources of livelihood, and articulating public health and farmer concerns with farm labor struggles. As is beginning to happen in some parts of the world, the traditional public health focus on the regulation of smoking behavior finds a useful complement in research and advocacy concerning labor conditions and farm livelihoods. Attention to these issues enables a critique of the structural foundations and capitalist dynamics of the tobacco industry and must be a central part of a comprehensive tobacco control agenda in the new millennium. Anthropological research on tobacco farms is crucial for documenting the occupational health and safety problems that are related to industrialized

tobacco production and the problem of farm livelihood loss seen among many farmers. Anthropologists are well-positioned to document and analyze the role of corporations in causing harms, in this case important public health issues that lie upstream from smoking. It is important that such research be undertaken with the kind of disposition that builds trust among farmers. Efforts that seek to improve farm labor conditions and make farmers the allies of public health will be most effective when they do not also imply that farmers are blameworthy for smoking disease or migrant health problems. My ethnographic research leads me to believe that the antagonism tobacco farmers exhibit toward public health and farm labor advocates is partly a face-saving response to the multiple kinds of blame they themselves face and declining economic fortunes on farms (Benson, 2008a, 2008b).

The World Health Organization (2008) has acknowledged that the promotion of alternative livelihoods is one of the most important strategies in tobacco control. Uprooting the political influence of tobacco companies in rural constituencies facilitates the passage of anti-tobacco laws. The take home message of this case study is that a comprehensive policy approach must provide a foundation for the development and implementation of economic diversification programs. Given the sheer magnitude of tobacco's burden of disease, public health advocates may want to think about or treat farmers with contempt or confusion because they are often resistant to such programs. Anthropological and historical research emphasizes a need to also think about the influence of industry on local attitudes and to recognize that a narrow view of tobacco that emphasizes the 'health aspect' does not fit with how farmers see or talk about tobacco, and it can turn them off during interactions. The implementation of programs to promote economic diversification demands the adoption of a particular kind of disposition in public health coalition building involving an appreciation for patience and the fact that farmers have a great deal riding on the tobacco business.

Building trust with brand pirates [KT]

At the end of an hour-long interview with a clothing manufacturer in highland Guatemala, part of a year-long ethnographic study, I was asked,

You know that you are lucky that I am talking to you, don't you? There was another foreigner here a few years ago, asking questions about our businesses, and when we found out that she was telling the government everything that we were doing – where the factories were, who wasn't paying taxes, who sells the popular brands – everyone got together and threw her out.

The gist of this warning probably sounds familiar to many researchers whose investigations touch on illicit practices. At the time, it was unsettling and a bit confusing. I thought I had followed procedures to mitigate the negative implications of my research and avoid this kind of response. On this occasion, I had

asked a close informant and neighbor of this producer to arrange the interview and make introductions. I opened the conversation with a set of rehearsed assurances regarding confidentiality and anonymity. Yet, this person still offered up the thinly-veiled threat, and not just on his own behalf but on behalf of 'everyone,' all those whose ability to earn a living and participate in a valued form of work might be threatened if the wrong information ended up in the wrong hands.

These threats followed on the heels of a quick set of questions I posed about the use of Abercrombie & Fitch logos on the sweatshirts manufactured in this producer's factory. I also asked to take a few photographs of the final products. Brand piracy, the unauthorized reproduction of trademarked brand names and logos, is a sensitive issue among apparel manufacturers in Guatemala. In the national media, pirates who hawk unauthorized reproductions of copyright- and trademark-protected materials are portrayed as law-breakers – 'mercenaries of illegality,' as one national newspaper calls them (Menocal, 2005). They are viewed as participants in an underground market that threatens the ostensibly more legitimate business interests of multinational corporations, the integrity of Guatemala's economy, and the state's modernist aspirations. In a country characterized by low rates of formal sector participation, pirates are also targeted and blamed for informal business practices, including tax evasion. Manufacturers who are fully integrated into the contemporary global economy and work with advanced technologies of mass reproduction are said to be antithetical to Guatemala's legitimate participation in the international community, as defined according to an official globalized view of economic development and progress (Portes and Schauffler, 2004). The state and military have flexed their muscles through sporadic, well-reported crackdowns on piracy, confiscating illegal name-brand clothing, compact discs, and DVDs sold in the capital city streets (Mauricio Martínez, 2004).

International trade agreements, the Guatemalan state, and the national media characterize piracy as a serious crime. Research on brand piracy could easily start from this premise as well, with the research program built around questions and hypotheses having to do with the 'problem' of piracy and how actual pirates respond. Such a project would begin with a narrow view of pirates as law-breakers and then investigate why deviance is prevalent within this particular population of Maya entrepreneurs. Many studies of consumer behavior have been carried out in this manner, asking consumers if and why they might be inclined to purchase a pirated product rather than an authorized original (Albers-Miller, 1999). Ethnography pushes the researcher to approach illicit behaviors from a different perspective, however. Bracketing social science explanations regarding the significance of brands and the importance of strong intellectual property rights, I approached apparel manufacturing in Guatemala with open-ended questions about how brands are used, what they signify, and how branding figures into a broader context of commercial and social life.

Sensitive questions about the illicit nature of these activities were brought up only after extended interaction with a given informant. For most manufacturers, the illicit nature of brand piracy is basically an afterthought, at this point not an issue that directly impacts them, though there is a general sense that copying a Tommy Hilfiger logo could get one in some kind of financial or legal trouble.¹ Open sales of apparel featuring pirated brands in municipal markets and city streets contradict the notion that piracy is an underground practice that the state must somehow root out. Manufacturers are much more concerned about keeping up with local competition and watching market trends, including what brands are gaining in popularity, and, in spite of the media stereotypes, they do not see themselves as people who live shadowed lives because of participation in a stigmatized behavior. In this case, then, there is a notable contrast to tobacco farmers, who participate in an entirely lawful livelihood, yet can often be defensive because of the blame they feel for large-scale social and health problems.

Admittedly, apparel factories and workshops in the department of Chimaltenango, where I conducted the bulk of my research, are not easy to spot. Despite their numbers – local estimates place the number of apparel workshops and factories in the department at around 600 – they are generally tucked away out of sight. Knitting and sewing machines are often housed in a back room of the workshop owner's home. Employees either walk to work or ride a bicycle, which is parked out of sight in the home's central courtyard or patio. There are no signs advertising that a home is also a clothing workshop. Publicity takes the form of handshakes and design samples traded during face-to-face meetings in municipal markets and apparel stores throughout the country. The few factories that are registered with the state tax and commerce agencies and that have the name of the business painted on an outside wall are exceptions to the general rules of secrecy and informality.² Upon arrival at a workshop without an introduction from a close friend or relative of the producer, I was commonly asked if I was an agent of the state tax administration or a representative of Nike (or some other multinational apparel company) tracking down pirates.

Secrecy is motivated not only by desires to avoid interference from state agencies, police, and other authorities. Business owners in the apparel and other sectors safeguard the locations and activities of their enterprises to protect themselves and family members from crime. In recent years, all types of criminal activity and especially violent crime have dramatically increased in Guatemala (O'Neill and Thomas, n.d.; USAID, 2006). One type of crime that especially plagues business owners is extortion, in which demands for one-time or regular payments are accompanied by the threat of harm to one's family members. Such threats are made over the phone or in person by individuals claiming to be part of gangs or organized crime rings. For some apparel producers, contemporary forms of extortion look a lot like the threats and violence that characterized Guatemala's lengthy internal armed conflict. In

the 1980s, indigenous business owners who were gaining economic and political power through their entrepreneurial activities were commonly targeted by the military as potential threats to the established order, and many were dragged from their homes and never seen again.

Historical and contemporary contexts of mistrust, threat, and violence conspire to create a context in which secrecy is an important value among Maya apparel producers, although not one that reflects either a simple response to the criminalization of piracy or a defining cultural trait. My research reveals a complicated tension between desires to keep business practices secret to protect personal and community interests and an ethic of open exchange that has driven the commercial success of the region's apparel industry. There are important trade secrets that workshop owners strive to protect. There are also commitments to community development that push entrepreneurs to share knowledge and resources among family members, neighbors, and employees looking to start their own workshops or build their businesses.

Through preliminary research, it became apparent to me that apart from assurances of anonymity and confidentiality I needed to work within my existing network to build contacts with apparel manufacturers during the extended research phase. When I could not secure an introduction from a close friend or family member of an apparel manufacturer, I relied on contacts who were not involved in the apparel industry, but who were well-known and well-connected in the region. It was important that I worked with indigenous men and women to make contacts, since the history of discrimination and unequal access to resources in highland Guatemala often pits indigenous people against their ladino (non-indigenous) neighbors. One of my research assistants who assisted with locating factories and introducing me to owners and employees was the daughter of a retired school teacher, whose Maya family names were immediately recognizable to many people in the town where I was based. Her family's reputation and the fact that they were not involved in apparel manufacturing, which made it less likely that she would be working with me to gather secrets to help out other manufacturers, worked in our favor in meeting producers and gaining their trust.

In the course of talking with manufacturers about their lives and work, the types of questions that I asked mattered greatly in sustaining trust. Whereas asking direct questions about the use of pirated brand names could spark suspicion, asking open-ended questions about the design process proved much more successful in eliciting viewpoints on brands, property, and imitation practices. Producers are comfortable talking about the use of designs copied from imported sweaters or jackets, such as those manufactured in Mexico or Taiwan. They are also comfortable discussing the morality of copying designs (which often includes the use of particular brand names) created by a neighbor or a competitor from another town and acknowledge that the creative process depends heavily on borrowing ideas from other manufacturers. This practice becomes suspect only in particular cases, as when a manufacturer

reproduces a competitor's design more or less exactly and then charges a lower price for the garment. This discourse is based on some of the same principles that underlie intellectual property law, including the acknowledgement that invention is an investment of time, energy, and capital, an investment that cannot easily be recouped without some guarantee of exclusivity.

Conversations regarding the design process allowed for a discussion of intellectual property and permitted access to producers' perspectives on international trade, relationships to state authorities, and other topics integral to the research project. Precisely because I avoided asking specific questions related to the law or invoking a discourse of criminality or deviance, the research project was successful in terms of gaining access to a population engaged in illicit behavior and documenting the social and moral context of brand piracy in highland Guatemala. This is not to say that simply asking indirect questions rather than direct questions related to a stigmatized or illicit behavior is a surer method for building rapport and gaining access. On the contrary, asking a set of indirect questions related to piracy, especially questions that implied illegality, without addressing the law directly, could have heightened suspicion among the research subjects. Indeed, this was the case in my conversation with the manufacturer mentioned in the beginning of this section. I had attempted to use indirect questions to get at whether or not he saw his use of trademarked brand names as legal or legitimate. His response reflected the fact that these questions had come too soon in our relationship, the timing was wrong, and what he and others have at stake in the apparel business is valuable whether or not it was legitimate in the eyes of the state and other authorities.

Ethnographic research among piracy producers is essential for understanding the vernacular context of intellectual property rights and why policies that seek to root out informal activities and trademark infringement are not always successful.³ In this case, a long history of state violence and ongoing problems of political and juridical legitimacy in Guatemala make the law seem like a suspicious vehicle for the protection of outside and elite interests (Sieder, 2003). At the same time, apparel manufacturers who participate in piracy are viewed as hard-working entrepreneurs, participants in a vibrant regional tradition of commercial enterprise, and people whose creativity, which often involves practices of imitation and combination, is essential to their success. Participation in a valued form of work as well as problems related to economic and physical security are much more pressing concerns for people involved in the apparel market than are questions of legality. A business ethics or international policy perspective narrowly focused on the protection of global intellectual property rights misses these broader social conditions in which brand piracy occurs. My research suggests that a policy approach that does not address issues of insecurity and uneven access to political, legal, and economic resources in a country like Guatemala will have little impact on piracy markets, apart from contributing to dangerous processes of criminalization and stigmatization.

After cultural competency

Focused on specific methodological issues, these case studies are more broadly relevant to the strengths and limitations of research ethics. Debates over Institutional Review Boards (IRBs) and issues of prior regulation are clearly relevant. How do you stipulate consent procedures and a research design in order to establish IRB approval when an essential aspect of the classical ethnographic method centers on personal attributes of the researcher rather than the research project, especially openness to change and flexibility in the midst of a dynamic social setting? This is obviously a can of worms, and we hope to contribute in a small way through reflection on the case studies.

The IRB is premised on a procedural division between formal research activities and activities that fall outside the purview of a given research project, even though they might occur within a field site, such as travel and informal conversation (Benson and O'Neill, 2007; Castañeda, 2006a, 2006b). Both of our studies came out of travel experiences and any number of informal conversations with people who would eventually become research subjects. The institutional review framework is concerned with fieldwork as a process in a largely formal and impersonal sense, emphasizing the project's overarching research objectives, data collection methods, and ethical guidelines. Ethnographers, however, must rely for data on the relationships that are forged in the midst of fieldwork and often find it difficult to start with the kinds of fixed hypotheses and research objectives that drive other methodologies (Bosk and de Vries, 2004: 253). In our cases, the primary research objectives and proposed field and data collection methods did not change over the course of preliminary and longer-term field work. Neither did the potential risks and benefits for the research subjects. The IRB was helpful in pushing us to be more sensitive to all kinds of ethical issues. Yet, as we have illustrated, many practices and contexts shaped by changing personal sensibilities and skills over the course of fieldwork are important for the objectives and methods governed by formal ethical oversight. Formal approval represents only one aspect of ethics as it relates to ethnographic field work. The critical self-reflection that is at the heart of ethnography is itself an ethical orientation, although not one required by institutional review, orienting the researcher to the concerns of a local world. This may come at the expense of pre-given research objectives, although ideally to the enrichment of cultural understanding.

Like all ethnographers, we got better at doing fieldwork, learning how and when to ask questions in ways that were local and relevant and to listen in ways that made complex problems and potential ethical responses apparent. Understanding that at the institutional level, a universal and impersonal set of standards is essential, it is nonetheless crucial to discuss ethnography as involving a mix of technical and interpersonal skills. Perhaps these qualities are not part of the formal institutional approval process because the vocabulary for talking about them and formal models for measuring them in researchers or

research contexts are currently lacking. Methodology handbooks commonly emphasize design principles and technical instructions with less attention to the social aspects of undertaking fieldwork. Our case studies call for an ongoing conversation and richer interrogation of these complementary issues, whether in text books, classrooms, field schools, or academic journals.

This conversation is somewhat evident in the area of cultural competency training and clinical medical practice. Cultural competency interests us because this concept reflects a specific professional effort to enhance the quality of interpersonal interactions in diverse settings governed by institutional ethical standards. Cultural competency refers to 'a set of congruent behaviors, attitudes, and policies that [enable...] professionals to work effectively in cross cultural situations' (Cross et al., 1989: iv). This approach has become fashionable for clinicians and researchers in medical fields (Tsai et al., 2004). It is clear that culture does matter in the clinic. Cultural factors are crucial to diagnosis, treatment, and care. They shape health-related beliefs, behaviors, and values (Kleinman, 1981). Yet a major problem with the idea of cultural competency is that it suggests culture can be reduced to a technical skill for which clinicians and researchers can be trained to develop expertise (DelVecchio Good, 1985). This problem stems from how culture is commonly defined in medicine, the social sciences, and public health, which contrasts strikingly with its current use in anthropology, the field in which the concept of culture originated (Fox, 1991; Stocking, 1996). Culture is often made synonymous with ethnicity, nationality, and language. For example, patients of a certain ethnicity are assumed to have a core set of beliefs about illness owing to fixed ethnic traits. Cultural competency becomes a series of 'do's and don'ts' that define how to treat a person of a given ethnic background (Betancourt, 2004). The idea of isolated societies with shared cultural meanings would be rejected by anthropologists today, since it leads to dangerous stereotyping, as if entire societies or ethnic groups could be described by simple traits (Kleinman and Benson, 2006).

Another problem with the concept is that 'culture' has historically been assumed to belong to the patient or research subject and 'competency' to the clinician or researcher. But we can also talk about the cultural background of researchers and their assumptions about ethical principles. The culture of biomedicine is now seen as key to the transmission of stigma, the incorporation and maintenance of racial bias in institutions, and the development of health disparities across minority groups (Keusch et al., 2006; United States Department of Health and Human Services, 1999). Recognizing the assumptions about ethics and social norms that comprise the worldview of the researcher is crucial to an orientation that seeks to ensure that research with stigmatized populations does not contribute to stigmatization.

Using culturally appropriate terms in research on stigmatized populations is a starting point. It is also important to understand what to ask and how to ask it in a way that is sensitive to local moral understandings. Ethnographic research is an ideal means of getting at the important linguistic markers

and cultural factors that frame how participants in stigmatized and illicit behaviors understand them. Awareness of cultural factors facilitates rapport building and an ability to probe sensitive topics during ethnographic interviews. Understanding that a streak of defensiveness is common among tobacco farmers is a kind of cultural competency that arose in preliminary ethnographic research and was essential to the research project, where interviews were strategically constructed to use a focus on agricultural issues as an entry into more sensitive ethical topics. The knowledge that Maya apparel producers find less discomfort with the theme of imitation in relation to the local marketplace than in relation to national and international law is also a kind of cultural competency that proved essential to how interviews with them were conducted.

There is also the important question of timing. Timing is a cultural issue insofar as when people will want to talk about a sensitive topic depends on the social setting and what is going on there. Researchers need to know when and when not to raise particular topics during interviews. Ethnographic research is a good way to develop this skill, but not in terms of a simple question of 'culture' or a checklist approach to 'competency.' Timing transcends culture in a way that is notable, as with many other aspects of social life. Knowing when to ask a question is as much a feeling, and a deeply contextual one at that, as a technique to be learned. The German philosopher Georg Hegel (1991[1830]) noted that it is impossible to learn how to swim simply by reading a textbook, an argument to counterbalance the formalism of Kantian epistemology and ethics. It may be the case that timing strategies for interviews cannot easily be taught in a classroom or learned apart from participant observation. For this reason, it is only more important that methodological discussions involve reflection by experienced researchers, teachers, and students on existential and practical components of field research.

In the case of research on stigmatized and illicit populations, there are ethical implications for having a conversation about research styles. As a complement to the cultural competency framework, which requires further evaluative research to comprehend its efficacy and utility, we believe that the quality of human interaction in clinical settings as much as in academic field research is influenced by a much less tangible or teachable skill and knowledge set. Concepts of ethical literacy or methodological relativism (Di Leonardo, 1998) get at something like the empathetic disposition, ability to meet people where they are, and contextual awareness that we are describing. New approaches in cultural competency emphasize a 'transformative learning process' (Taylor, 1996) and encourage the researcher and clinician to 'develop an awareness of his or her existence, sensations, thoughts, and environment' (Purnell, 2002: 193; see also Cross et al., 1989; Orlandi, 1995; Tirado, 1996). Yet, in even the most comprehensive reviews of the merits and limitations of cultural competency as a category for clinical research and care, culture is described in terms of traits and competency in

terms of knowledge acquisition and relevant techniques (cf. Brach and Fraser, 2000; Tervalon and Murray-Garcia, 1998). Although members of a population may share common experiences and behaviors, they are also individuals, and individuals for whom identity and an existential sense of who one is and where one is heading are informed by multiple relationships and contexts. The ethics of not imparting stigma in the course of studying stigmatization and illicit behavior requires constant acknowledgement, on the part of the researcher, that individuals can respond in unexpected ways. This demands that the researcher working with a cultural understanding also engage the research subject as someone with unique experiences that shape his or her regard for sensitive topics and something personal to gain or lose by participating in the research project.

The very idea that individuals belong to a group may itself be threatening. This is certainly the case with tobacco farmers, who feel that they are narrowly understood as part of a homogenous group that does nothing but contribute to smoking disease. When the interview focuses narrowly on health issues, rather than on the particularities of a farm operation and farm family, then the interview risks contributing to the social stigma they feel and closes down possibilities for understanding their work in richly informed ways. Tobacco farmers will lead you into a conversation about smoking issues, but when they are barraged from the beginning with this issue they shut down and the research suffers in the process of contributing to negative labeling. In stigmatized populations, it may be helpful to make a direct and immediate appeal to the person as an individual, not as a representative of a group. This is not simply a data collection issue, but a matter of professional, even personal, ethics.

Maya apparel manufacturers admit that their ability to succeed in the market depends on imitating popular styles and copying brand names. But questions that imply that 'imitation' is an activity lacking creativity, reflecting negatively on the producer's skill, put research subjects on the defensive or offend them. Research in this social context depends on an understanding that illegal activity is actually not a sensitive matter in the way that one might expect and also awareness that in the local view imitation is not seen as stealing. Beneath this cultural awareness is the ethnographic understanding that managerial skill and entrepreneurship in business are deeply at stake for apparel producers, definitive of moral worthiness in the local world. This kind of understanding is not a technical skill and the fundamental value of this kind of social interaction is not exclusively scientific. It is an elective affinity to other people that becomes part of the researcher's sense of self and ethical orientation to research subjects. Even though the subjective and social aspects of field study may ultimately confound efforts to formalize research ethics or professional development, they can be part of broader ethical and methodological debates and deserve a more robust vocabulary.

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NOTES

1. There is a moral discourse against piracy evident among a certain population of producers – primarily those who do not pirate brands and have formalized their businesses (see Thomas, 2009).
2. Factories that advertise, whether via a painted sign on the side of their home/workshop, a van with the business name on the side, a local sponsorship, or a highway billboard (I have documented a handful of cases representing each of these forms of publicity), are generally the oldest and most established apparel businesses, and were registered with the state decades ago. Their owners commonly complain about the unfair competition within the industry due to tax evasion.
3. On the consumption side, ethnographic investigations such as Elizabeth F. Vann's (2006) study of counterfeit and piracy markets in Vietnam have made important contributions to these debates.

REFERENCES

- Albers-Miller, N. (1999) 'Consumer Misbehavior: Why People Buy Illicit Goods', *Journal of Consumer Marketing* 16(3): 273–87.
- Altman, D.G., Zaccaro, D.J., Levine, D.W., Austin, D., Woodell, C., Bailey, B., Sligh, M., Cohn, G. and Dunn, J. (1998) 'Predictors of Crop Diversification: A Survey of Tobacco Farmers in North Carolina', *Tobacco Control* 7: 376–82.
- Arcury, T.A. and Quandt, S.A. (2007) 'Health and Social Impacts of Tobacco Production', *Journal of Agromedicine* 11(3–4): 71–81.
- Benson, P. (n.d.) *Sick and Sorry: Growers and the Changing Face of Big Tobacco*. Princeton, NJ: Princeton University Press.
- Benson, P. (2008a) 'El Campo: Faciality and Structural Violence in North Carolina Farm Labor Camps', *Cultural Anthropology* 23(4): 589–629.
- Benson, P. (2008b) 'Good Clean Tobacco: Philip Morris, Biocapitalism, and the Social Course of Stigma in North Carolina', *American Ethnologist* 35(3): 357–79.
- Benson, P. and O'Neill, K.L. (2007) 'Facing Risk: Levinas, Ethnography, and Ethics', *Anthropology of Consciousness* 18(2): 29–55.
- Betancourt, J.E. (2004) 'Cultural Competence – Marginal or Mainstream Movement?', *New England Journal of Medicine* 351: 953–4.
- Bosk, C.L. and de Vries, R.G. (2004) 'Bureaucracies of Mass Deception: Institutional Review Boards and the Ethics of Ethnographic Research', *The Annals of the American Academy of Political and Social Science* 595(1): 249–63.
- Brach, C. and Fraser, I. (2000) 'Can Cultural Competency Reduce Racial and Ethnic Health Disparities? A Review and Conceptual Model', *Medical Care Research and Review* 57(Suppl. 1): 181–217.

- Caine, K.J., Davison, C.M. and Stewart, E.J. (2009) 'Preliminary Field-work: Methodological Reflections from Northern Canadian Research', *Qualitative Research* 9(4): 489–513.
- Castañeda, Q. (2006a) 'Ethnography in the Forest: An Analysis of Ethics and Morals in Anthropology', *Cultural Anthropology* 21(1): 121–45.
- Castañeda, Q. (2006b) 'The Invisible Theatre of Ethnography: The Performative Principles of Fieldwork', *Anthropological Quarterly* 79(1): 47–76.
- Cerwonka, A. and Malkki, L.H. (2007) *Improvising Theory: Process and Temporality in Ethnographic Fieldwork*. Chicago: University of Chicago Press.
- Clifford, J. and Marcus, G.E. (eds) (1986) *Writing Culture: The Poetics and Politics of Ethnography*. Berkeley, CA: University of California Press.
- Cross, T., Bazron, B.J., Dennis, K.W. and Isaacs, M.R. (1989) *Towards A Culturally Competent System of Care* (Vol. I). Washington, DC: Georgetown University Child Development Center, CASSP Technical Assistance Center.
- Das, V. (1999) 'Public Good, Ethics, and Everyday Life: Beyond the Boundaries of Bioethics', *Daedalus* 128(4): 99–133.
- DelVecchio Good, M. (1995) *American Medicine: The Quest for Competence*. Berkeley, CA: University of California Press.
- Di Leonardo, M. (1998) *Gender at the Crossroads of Knowledge: Feminist Anthropology in the Postmodern Era*. Berkeley: University of California Press.
- Fassin, D. (2000) 'Les politiques de l'ethnopsychiatrie: La psyché africaine, des colonies britanniques aux banlieues parisiennes', *L'Homme* 153: 231–50.
- Fassin, D. and Rechtman, R. (2009) *The Empire of Trauma: An Inquiry into the Condition of Victimhood* (Rachel Gomme, trans.). Princeton, NJ: Princeton University Press.
- Fox, R. (ed.) (1991) *Recapturing Anthropology: Working in the Present*. Santa Fe, NM: School of American Research Press.
- Geertz, C. (1973) *The Interpretation of Cultures: Selected Essays*. New York: Basic Books.
- Goldenberg, M.J. (2005) 'Evidence-based Ethics? On Evidence-based Practice and the "Empirical Turn" From Normative Bioethics', *BMC Medical Ethics* 6: 11–19.
- Griffith, D. (2009) 'The Moral Economy of Tobacco', *American Anthropologist* 111(4): 432–42.
- Hegel, G.W.F. (1991[1830]) *The Encyclopaedia Logic: Part I of the Encyclopaedia of Philosophical Sciences with the Zusätze* (T.F. Geraets, W.A. Suchting and H.S. Harris, trans.). Indianapolis, IN: Hackett.
- Keusch, G.T., Wilentz, J. and Kleinman, A. (2006) 'Stigma and Global Health: Developing a Research Agenda', *Lancet* 367: 525–7.
- Kleinman, A. (1981) *Social Origins of Distress and Disease: Depression, Neurasthenia, and Pain in Modern China*. New Haven, CT: Yale University Press.
- Kleinman, A. (1999a) 'Moral Experience and Ethical Reflection: Can Ethnography Reconcile Them? A Quandary for "The New Bioethics"', *Daedalus* 128(4): 69–97.
- Kleinman, A. (1999b) 'Experience and Its Moral Modes: Culture, Human Conditions, and Disorder', in G.B. Peterson (ed.) *The Tanner Lectures on Human Values* (Vol. 20), pp. 357–420. Salt Lake City, UT: University of Utah Press.
- Kleinman, A. and Benson, P. (2006) 'Anthropology in the Clinic: The Problem of Cultural Competency and How to Fix It', *PLoS Med* 3(10): e294. DOI: 10.1371/journal.pmed.0030294.
- Mauricio Martínez, F. (2004) 'Negocios de película', *Prensa Libre*, 3 October.
- Menocal, C. (2005) 'Guatemala es paraíso de la falsificación', *Prensa Libre*, 7 August.
- Mitchell, W. and Irvine, A. (2008) 'I'm Okay, You're Okay?: Reflections on the Well-Being and Ethical Requirements of Researchers and Research Participants in Conducting

- Qualitative Fieldwork Interviews', *International Journal of Qualitative Methods* 7(4): 31–44.
- O'Neill, K.L. and Thomas, K. (eds) (n.d.) *Securing the City: Neoliberalism, Space and Security in Postwar Guatemala*. Durham, NC: Duke University Press.
- Orlandi, M.A. (ed.) (1995) *Cultural Competence for Evaluators: A Guide for Alcohol and Other Drug Abuse Prevention Practitioners Working with Ethnic/Racial Communities* (OSAP Cultural Competence Series 1). Rockville, MD: Office for Substance Abuse Prevention.
- Parker, M. (2007) 'Ethnography/Ethics', *Social Science & Medicine* 65(11): 2248–59.
- Portes, A. and Schauffler, R. (2004) 'Competing Perspectives on the Latin American Informal Sector', *Population and Development Review* 19(1): 33–60.
- Purnell, L. (2002) 'The Purnell Model for Cultural Competence', *Journal of Transcultural Nursing* 13(3): 193–6.
- Sargent, C. and Larchanche, S. (2007) 'The Muslim Body and the Politics of Immigration in France: Popular and Biomedical Representations of Malian Migrant Women', *Body & Society* 13(3): 79–103.
- Sargent, C. and Larchanche, S. (2009) 'The Construction of "Cultural Difference" and Its Therapeutic Significance in Immigrant Mental Health Services in France', *Culture, Medicine and Psychiatry* 33(1): 2–20.
- Sieder, R. (2003) 'Renegotiating "Law and Order": Judicial Reform and Citizen Response in Post-war Guatemala', *Democratization* 10(4): 137–60.
- Stocking G.W., Jr (eds) (1996) *Volksgeist as Method and Ethic: Essays on Boasian Ethnography and the German Anthropological Tradition*. Madison, WI: University of Wisconsin Press.
- Taylor, E.W. (1994) 'Intercultural Competence: A Transformative Learning Process', *Adult Education Quarterly* 44: 154–74.
- Tervalon, M. and Murray-Garcia, J. (1998) 'Cultural Humility Versus Cultural Competence: A Critical Discussion in Defining Physician Training Outcomes in Multicultural Education', *Journal of Health Care for the Poor and Underserved* 9(2): 117–25.
- Thomas, K. (2009) 'Structural Adjustment, Spatial Imaginaries, and "Piracy" in Guatemala's Apparel Industry', *Anthropology of Work Review* 30(1): 1–10.
- Tirado, M. (1996) *Tools for Monitoring Cultural Competence in Health Care*. San Francisco: Latino Coalition for a Healthy California.
- Tsai, J.H.-C., Choe, J.H., Mu Chen Lim, J., Acorda, E. Chan, N.L., Taylor, V.M. and Tu, S.-P. (2004) 'Developing Culturally Competent Health Knowledge: Issues of Data Analysis of Cross-cultural, Cross-language Qualitative Research', *International Journal of Qualitative Methods* 3(4): 16–27.
- United States Department of Health and Human Services (1999) 'Mental Health: A Report of the Surgeon General', Washington, DC: HHS. URL (consulted 01 October 2010) <http://surgeongeneral.gov/library/mentalhealth.html>
- Vann, Elizabeth F. (2006) 'The Limits of Authenticity in Vietnamese Consumer Markets', *American Anthropologist* 108(2): 286–96.

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