

Article

Transnational Institutional Ethnography: Tracing Text and Talk Beyond State Boundaries

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Abstract

Purpose: In this article I provide a rich account of how I utilized and critically applied the research strategy of institutional ethnography to investigate transnational processes of legislative standardization. The text at the center of this inquiry is a model law that was funded by the United States Agency for International Development (USAID) to create omnibus HIV/AIDS laws across West and Central Africa (2005-2010). Expanding upon the sociological approach of institutional ethnography, my research method is best understood as a transnational institutional ethnography (TIE). This article provides a case study of TIE for those interested in ethnographically exploring transnational processes across diverse institutional settings.

Design/Methodology/Approach: The complex legislative process being investigated was made visible through the use of participant observation, archival research, textual analysis, and informant interviews with national and international stakeholders (n=32). This research strategy involved ethnographic data collection in Canada, the United States, Switzerland, Austria, South Africa, and Senegal (2010-2011).

Findings: In this article a methodological discussion is offered focusing upon the everyday actualities of conducting transnational research in diverse environments, including cafes, conferences, courtrooms, and activist gatherings. I provide an account of (a) the complex institutional sites from which a research problematic may emerge; (b) challenges and opportunities when conducting interviews and identifying informants; (c) the importance of accounting for matters of geography and interview location in one's study design; and (d) the work of knowing where to look, what to read, and who to talk with during the iterative process of research and discovery.

Originality/Value: Moving beyond state-based organizational relations, a focus which is predominant in most institutional ethnographies, in this article I explicate the research process undertaken to ethnographically interrogate complex processes of transnational social organization and translocal text-mediated relations. Methodological insights and lessons learned regarding the experience of conducting transnational ethnographic research are provided.

Keywords: transnational institutional ethnography, global research, methodology, texts, interviewing, HIV/AIDS, legislative processes

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Wow – you really did your homework! I think you read this document [looks down at report on gender, violence and HIV] more carefully than our committee [laughter]... alright, let's talk. (Gender and Policy Analyst, World Health Organization, Geneva, Switzerland)

I am not sure to what extent I would be willing to disclose some of those documents, especially in the face of some of the controversy around the work on the N'Djamena Model Law ... If you could manage to travel to Dakar maybe you could [access them]. (Human Rights Advisor, UNAIDS, Geneva, Switzerland)

HIV/AIDS continues to pose some of the most significant social, political, and legislative challenges globally (UNAIDS, 2011). In this article I elucidate the ethnographic research strategy used to investigate the text-mediated processes by which many HIV-related laws are being created transnationally through the use of omnibus HIV model laws. A *model law* is a particular kind of regulatory text with a set of social relations of use. Model laws are designed to be taken, modified, and activated by stakeholders in the creation of state laws. Because they are already framed in legislative language, model laws are “worded in ways that can be expeditiously activated and translated into state law” (Grace, 2013b, p. 1). Model laws are frequently positioned as kinds of “best practice” texts that may act as transnational templates to facilitate the “harmonization” of laws across a region. Put simply, model laws are a textual product which, when used successfully, serve to create and standardize laws within and across state borders (Grace, 2013b).

I argue that model laws are a specific textual genre constituted by both situation and form (Gibbons, 1994, 2003; Giltrow, Gooding, Sawatsky, & Burgoyne, 2009). Not only are model laws written in a “characteristic type of written expression” (framed in the language of law) but situations in the everyday world “give rise” to particular genres (Giltrow et al., 2009, pp. 5–6). For example, Viljoen (2008) explained that “model laws are often adopted when there are new societal challenges, affecting numerous countries, which have not yet been addressed by legislation in most of the affected countries” (p. 384). Model laws have been developed or are being considered in various fields in and beyond global health: from drug use in prison to international commercial arbitration (Grace, 2013b, p. 2).

The problematic of this inquiry arose from the activities of a constellation of legislative actors, including human rights lawyers, policy analysts, academics, and activists, who have worked to critique aspects of the United States Agency for International Development/Action for West Africa Region (USAID/AWARE) Model Law (2004), or N'Djamena Model Law, and subsequent state laws this text has inspired across West and Central Africa (USAID, 2005; USAID/AWARE-HIV/AIDS, 2004). Articles in the Model Law that criminalized HIV transmission were a key concern for these international stakeholders (Clayton, Schleifer, & Gertholtz, 2008; Grace & McCaskell, 2013). For example, one of my informants described the Model Law in this way:

I think there are general deductions to be made and lessons to be learned from the unreflectiveness ... The [USAID/AWARE Model Law] is an appalling law in so many different ways. It was poorly drafted, it was vague, it was overly-broad, it was unenforceable, it was intrusive on privacy ... but, it is important to understand the near-beneficent impulse – the near-beneficent but perniciously-misguided impulse that lay behind it. (Constitutional Court Justice, Johannesburg, South Africa)

While the issue of criminalizing HIV transmission is central to many critiques of the USAID/AWARE Model Law (2004), this omnibus model law contains 37 articles aimed at regulating diverse social domains related to HIV and AIDS across West and Central Africa: HIV and AIDS education and information, safe practices and procedures, the use of traditional medicine, testing and counselling, health services and assistance, confidentiality, discriminatory acts, and the intentional transmission of HIV. As I have argued elsewhere, it is this “broad focus that gives this model law its omnibus character: a kind of text that seems to call out to would-be users to legislate it *all* and legislate it *quickly*” (Grace, 2013b, p. 2).

In this article I focus upon how my institutional ethnographic research uncovered this to be an omnibus model law rife with contestation: from its name, scope, funding source, and process of development, dissemination, and domestication to its legislative content and role in protecting or violating human rights and public health objectives. This transnational research has allowed me to map the ways in which the creation and critique processes of model laws are “put together” to respond to the social and political challenges of HIV and AIDS (Grace, 2013b; see also Carroll, 2004; Smith, 1987). The cross-border work processes of legislative creation, challenge, and reform under investigation demanded an interrogation of complex ruling apparatuses regulated by text, talk, and capital relations. As such, I argue that expanding on institutional ethnographic research traditions was the optimal research strategy to sociologically investigate this largely unexamined terrain of legislative creation and standardization.

Conducting research and analysis for this project has been an exciting and rewarding process of discovery—traveling from Western Canada to West Africa and from Switzerland to South Africa; collecting data in Joint United Nations Programme on HIV/AIDS (UNAIDS) and World Health Organization (WHO) conference rooms, government offices and constitutional courtrooms, cafes, and international conferences. In this article I review how this project has been informed by a transnational approach to conducting institutional ethnography. In doing so, I provide a retrospective account of how I came to know what I know about the legislative reform process under investigation.

First, I provide a brief overview of the alternative methodological approach of institutional ethnography. I explain how this approach has organized my research and discovery process. I review how my method of data collection involves three mutually-informing sources of information: interviews, texts, and participant observation. Next, I describe my research problematic in the context of the everyday. I discuss the relations organizing the ordinary experience out of which my interest in this inquiry has come. With this review provided, I outline the processes by which this research was carried out and the sources of data for this inquiry. This includes an account of how and when varied kinds of information were collected from informants and institutional sources. Examples of texts and interviewer-informant exchanges help to explain the research process. These examples will clarify key issues related to research method while providing a taste of some of the tensions and questions explored within this study. In this article I note key successes and challenges experienced throughout the research and discovery process. Models are used to provide some conceptual clarity and context to how this project has unfolded and the value of this methodology for conducting critical ethnographic investigation of translocal coordinations and organizational processes in diverse settings.

Institutional Ethnography as Critical Research Strategy

This project is heavily informed by the critical research approach known as institutional ethnography. Developed by the Canadian sociologist Dorothy Smith (1987, 1990, 1999, 2005, 2006), institutional ethnography allows for a consideration of complex processes of social

organization. This is envisaged as a sociology for people (Smith, 2005, 2006). Research in this academic tradition is rooted in a critical feminist (social) ontology. Academics working in this research paradigm have explicated the complex ways in which social and institutional forces translocally coordinate the everyday worlds of varied publics. By examining institutional complexes, this mode of ethnographic inquiry allows one to interrogate transnational networks of text-mediated social relations. Interviews, textual analysis, and participant observation provided entry into mapping the complex social relations being examined (Campbell, 2006). This critical research strategy provides a method of inquiry focused upon the process of discovery and critical social analysis.

I understand my informants to be active subjects who are knowledgeable practitioners of their everyday work practices: they are lawyers, judges, doctors, parliamentarians, activists, government officials, and people infected and affected by HIV and AIDS. It is also important to foreground that in addition to being members of one or more of the aforementioned categories, informants also bring expert knowledge from their intersectional subjecthoods, including their HIV-status, gender, sexual orientation, socioeconomic status, and ethnicity (Grace, 2013a). Building upon this, participants have different lived experiences of health and illness, discrimination, racialization, violence, and oppression which may or may not become explicit during the course of my interviews with them. These subjects participate in various kinds of text-mediated social relations, including the creation and challenge of policy and legal texts across diverse institutional sites.

For institutional ethnographers, *texts* set words, images, or sounds into a “material form” (Smith, 2006, p. 67). Institutional ethnographers use the concept of “ruling relations” to highlight how people’s social relations are coordinated both locally and translocally by “objectified forms of consciousness and organization, constituted externally to particular people and places, creating and relying on textually based realities” (Smith, 2005, p. 227). Texts—be they print or electronic, words or visual images—are replicated at varied times in multiple sites. In relation to law, Gibbons (2003) noted:

Once legal actions are committed to paper, they can be consulted and relevant elements reproduced. This leads, over time, to standard ways of performing legal functions, such as drawing up a will. It can also lead to the standardization of the steps through which a legal function must pass for its completion. (p. 18; see pp. 129–161 for related discussion of the development of standard legal genres)

The standardized operating modes of governmental and legislative institutions rely upon this replicability. As Smith (1987) has argued, “The work of administration, of management, of government is communicative work. Organizational and political processes are forms of action coordinated textually and getting done in words” (p. 17). Model HIV laws and subsequent state laws provide key examples of texts that are of relevance to this inquiry. Other texts include documents produced by USAID, UNAIDS, and non-governmental organizations (NGOs) based in Canada, Europe, and Africa that challenge the USAID-funded Model Law. These texts—model laws, state laws, press releases, meeting reports, PowerPoint presentations, academic publications, internal memos, written correspondence between stakeholders, and social movement campaign materials—are neither separate nor separable from the actions of people that must always be located in the everyday world.

Smith (2008) has described the “magic” of texts in that “they occur *in action, in motion, as occurring*, and as *activated* by people at particular times and in particular places” (p. 9, emphasis added). Mapping the making, movement, and activation of legal texts is central to this inquiry

(see Grace, 2013b, p. 3, Figure 1, for a detailed overview of how making model law and state law is a text-mediated work process that must be located in the everyday world). Doing such cartographic work required that I locate the actors involved in transnational legal reform efforts in the actualities of their work. This approach preserves the importance of texts and helps to uncover the “textual coordination of power” (Namaste, 2000, p. 54). Building upon the institutional ethnographic work of Smith (1987, 1990, 2005, 2006), Eastwood (2005, 2006), and Campbell (2006), among others, my project is premised on an understanding that in late (post)modernity much of institutional knowledge is text-mediated.

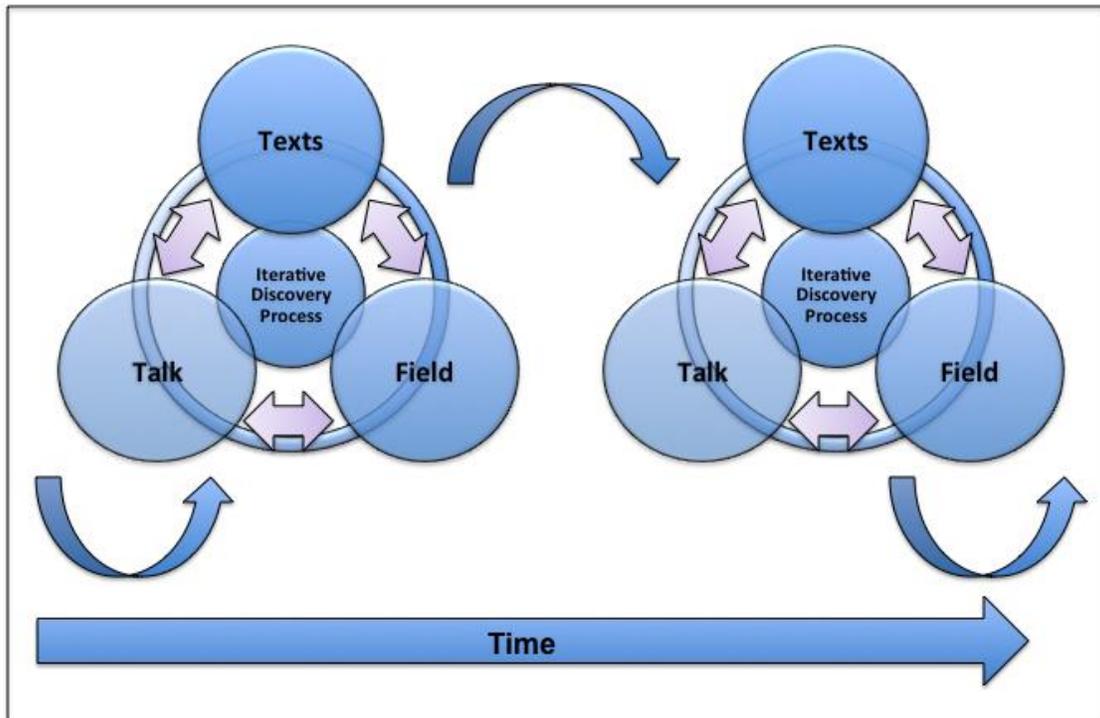


Figure 1. Conceptual model of key elements of research and discovery.

Expanding upon the methodological discussion above, Figure 1 illustrates a stylized model of the dynamic and iterative nature of this research that makes use of texts (e.g., model HIV laws and policies), talk (e.g., formal, digitally recorded interviews with informants), and field research (e.g., attending conferences, court hearings, policy briefings, and activist gatherings). Research is a complex work process that must be located in the everyday world. The above figure attempts to capture the relationship between these three interrelated sources of information. For example, field research and texts inform the process of stakeholder interviews—both who to interview and the questions to ask them. Additionally, interviews with key informants provide access to important texts to review, other people to interview, and field sites to visit. Finally, the figure illustrates that the discovery process evolves iteratively over time: as information is gathered, data is analyzed, and new sources of data and pathways to discovery are revealed.

Work is also an important orienting concept in this project. McCoy (2006) described the ways in which the notion of work in institutional ethnography “directs the researcher’s attention toward precisely that interface between embodied individuals and institutional relations” (p. 110). Work involves effort, intention, and a degree of acquired skill or competence (McCoy, 2006; Smith, 1987). This generous concept of work has been described as an “empirically empty” term that has

value in “directing analytic attention to the practical activities of everyday life in a way that begins to make visible how those activities gear into, are called out by, shape and are shaped by, extended translocal relations of large-scale coordination” (McCoy, 2006, pp. 110–111). For example, in this article I describe how informants provided rich descriptions of their work practices. These expert accounts render intelligible how legal texts are made and the complex social relations involved in their creation, challenge, and reform. It is through talking with a diverse group of transnational stakeholders about their work experiences—for example, doing “lawyering work” and/or “activist work” and/or “legislative work”—that I am able to understand the complex process under investigation. Furthermore, conducting research is work, and no matter how charming or skilled the interviewer, being interviewed is work.

Complex relations of power exist in varied sites, from the individual household to sites of international legal creation and the transnational activities of groups and policy actors which seek to problematize HIV legal reform initiatives. Policy is both made and challenged in the everyday world and must be mapped as such. Similarly, power is exercised by so-called “legislative architects,” “policy wonks,” and activists alike. The complex practices of global HIV and AIDS policy and legal reform must not be reified. Nevertheless, this does not prevent an analytic imagination. In fact, it is a critical, reflexive, and iterative research process which allows this project to be possible. The transnational character of this research makes it stand in contrast to the important largely state-based institutional ethnographic research which informs this project (G. W. Smith, Mykhalovskiy, & Weatherbee, 2006). The institutional systems under analysis are diverse and multiple; the texts being explored cross borders and are activated by publics in complex ways that have yet to be mapped in the social science literature.

The Development of a Research Problematic

For Smith (2005), “a problematic sets out a project of research and discovery that organizes the direction of investigation from the standpoint of those whose experience is its starting point” (p. 276). In this section I outline how I began my inquiry. I detail the reactions and work activities of those persons working for transnational organizations (including NGOs, women’s organizations, legal networks, and United Nation agencies) whose work drew attention to potentially “dangerous,” “colonial,” “infectious,” and “ineffectual” aspects of HIV legal reform based upon USAID/AWARE Model Law. It is important to note that this starting point is different, albeit related, to the formative institutional ethnographic research that arose from the everyday experiences of persons with HIV infection (G. W. Smith et al., 2006). Subsequent phases of my research expanded upon the work of the institutionally-located actors that first drew my attention to the legislative reform process under investigation. In reflecting upon the growth of my interest in this field of study, I have become aware of the critical importance of the International AIDS Conference (IAC), run by the International AIDS Society (IAS), as significant to my interest and understanding regarding both the processes of HIV and AIDS-related model laws in general and the problematic nature of the USAID/AWARE Model Law specifically.

It is worth noting that while I have been fortunate to find critical spaces for engagement at the IAC conferences, much of what is delivered in such international conference sites may be viewed with an eye to processes of social constructionism and paradigms of coercion to understand how HIV and AIDS policy knowledge and diffusion takes place (Lieberman, 2009). Lieberman stated, with ethnographic insight, that someone who has attended conferences such as the IAC: “has a palpable sense of ‘key messages’ being delivered by conference organizers and lead actors throughout the sessions of the conference” (p. 85). One clear example of this in my experience is the promotion of policies supporting male circumcision at IAC 2006, 2008, and 2010 with relatively little space for meaningful critique of such models of disease control.

Lieberman (2009) also draws on his experiences in “civil society consultations” in such large conference venues and positions them as largely a ritual rather than a forum for the meaningful exchange of ideas:

Decisions about policy and best practice are made by high-level experts and bureaucrats prior to a meeting, often in consultation with important NGOs. Leaders of the global governance regime perceive that civil society organizations, particularly with roots in the global South, must be consulted if the regime is to govern with authority. At least there must be the *appearance* of consultation. (p. 85)

Lieberman’s statement also highlights the question of which policy actors make decisions about what is constituted as “best practice”—an important organizing theme in my research. I now turn to discuss some of the (rare) spaces for policy critique and meaty dialogue that were central to the development of my research problematic and interest in model law. I provide a review of the role of conference spaces and activist interventions in the development of my research problematic.



Figure 2. Protest and US presidential politics in conference spaces, XVII International AIDS Conference, Mexico City, Mexico (August 3-8, 2008).

In Mexico, arguments presented by two policy actors—both of whom would come to inform this research project in their capacity as informants—were striking to me. In subsequent work I will examine some of the arguments presented by these advocates and policy analysts, among others (e.g., questions of gender-based violence (GBV) as a cause and consequence of HIV). For the purposes of positioning my problematic, however, I simply wish to note some of the ideas and unanswered questions that sparked my sociological imagination. The kind of activism work performed by these key policy actors is different, although related to, other forms of activist demonstration which happen frequently in these conference spaces (see Figure 2; see also Guta, Murray, & McClelland (2011) for a discussion of how some activist voices have been restricted

in these venues; pp. 21–23 of this article contains additional fieldwork photographs I took while at IAC 2010).

In one session at IAC 2008, Michaela Clayton, Executive Director of the NGO partnership, AIDS and Rights Alliance for Southern Africa (ARASA), asked the following complex question: “Criminalizing HIV transmission: Is this what women really need?” (Clayton et al., 2008). Clayton spoke about the increasing proliferation of laws which criminalize HIV transmission in the African context and the specific USAID/AWARE Model Law I am examining was referenced. Through a number of sessions at IAC 2008 she argued—as have others that I have interviewed through the course of this research—that while these model laws have been promoted as essential for addressing women’s vulnerability to HIV, they have “negative” and “dangerous” impacts on women in Africa who are seeing their health and human rights threatened. The “rush to criminalization” and “USAID support for the criminalization of HIV transmission” were problematized by Clayton and others who discussed sensitive issues, such as gender based violence (GBV) that may result from the disclosure of one’s HIV-status (Clayton et al., 2008; see also Strode, 2008).

More specifically, Clayton gave voice to what is at stake by allowing the movement towards criminalizing HIV transmission to continue. While the promotion of USAID/AWARE Model Law is couched in human rights language and touted as an omnibus legislative intervention that will address the vulnerability of women to HIV, Clayton (2006) argued:

These HIV-specific criminal laws have been passed notwithstanding the lack of evidence that they are effective in preventing HIV transmission, and without regard to their likely detrimental effect on women. They place women in a position of not being able to disclose their HIV status because of a risk of violence and of facing prosecution if they do not disclose. In some cases they attach criminal liability regardless of whether safer sex was practiced, HIV status was disclosed, the actual risk of transmission, and whether the threat or perceived threat of violence prevented disclosure. Many laws penalize mother-to-child HIV transmission, regardless of whether precautions are taken or are indeed available to women. (p. 1)

Clayton raised concerns with the role of USAID in supporting model law reform in the region as well as the failure of international health organizations, including UNAIDS, to strongly and clearly oppose criminalization and advocate for alternatives grounded in human rights. The excerpt above also highlights the tension of evidence and legislative reform, which is a key issue in this project.

In another session related to model law, Richard Pearshouse called what was going on in West and Central Africa an issue of a “HIL virus” that has spread across the region—or a “Highly Inefficient Laws virus” (Pearshouse, Elliott, Csete, & Klein, 2008). This reference to a “HIL virus” echoes the words of Justice Michael Kirby, High Court of Australia, who said “We have a responsibility to guard against the proliferation of a new virus – HUL – highly useless laws!” (quoted in AIDS Legal Network, 2004, p. 11). In the course of interviews, I learned that I was not alone in having my interest in this field motivated, in part, by the powerful words and legislative analysis provided by Pearshouse. The “HIL virus” comment made by Pearshouse at IAC 2008 relates to other rhetorical strategies (or rhetoric work) I uncovered through this research process; similar rhetorical devices are used by both those who seek to promote and those who aim to problematize model laws. The use of metaphor and rhetorical strategies related to the creation, promotion, and reform of HIV-related model laws is but one example of a tension that I examine throughout my research.

Finally, it is also worth noting that when I was interviewing key stakeholders in Canada, Switzerland, South Africa, and Senegal, the work of both Clayton and Pearshouse, among others, was mentioned by informants. For example, one informant explained that “a lot of it [how I thought about my work] changed in Mexico ... it made me feel like I was doing something valuable” (Journalist, Berlin). Through explaining how he became an “accidental activist,” this informant commented upon the importance of IAC 2008 to make connections with key stakeholders, including Justice Edwin Cameron and Richard Pearshouse. I make this concluding connection in order to make explicit the ways in which conference gatherings and networks impact not only my work as an ethnographer but the diverse activities of differentially situated organizational actors.

Talking to People: From the Scheduled to the Serendipitous

With the research problematic explored, I may now say something about talking with informants in diverse organizational settings. In their article on interviewing for institutional ethnographers, DeVault & McCoy (2006) explained that interviews could be better conceived more generally as “talking to people” in that conversations range according in their degree of formality and planning—from the highly scheduled to more serendipitous occasions of discovery (p. 756; see also Campbell & Gregor, 2002, pp. 77–79). This research project is the result of talking to people across such a continuum. Figure 3 illustrates what I mean by a “continuum of conversations.” This schematic tool allows me to illustrate the varied kinds of formal and informal discussions I had with people during the course of this research.

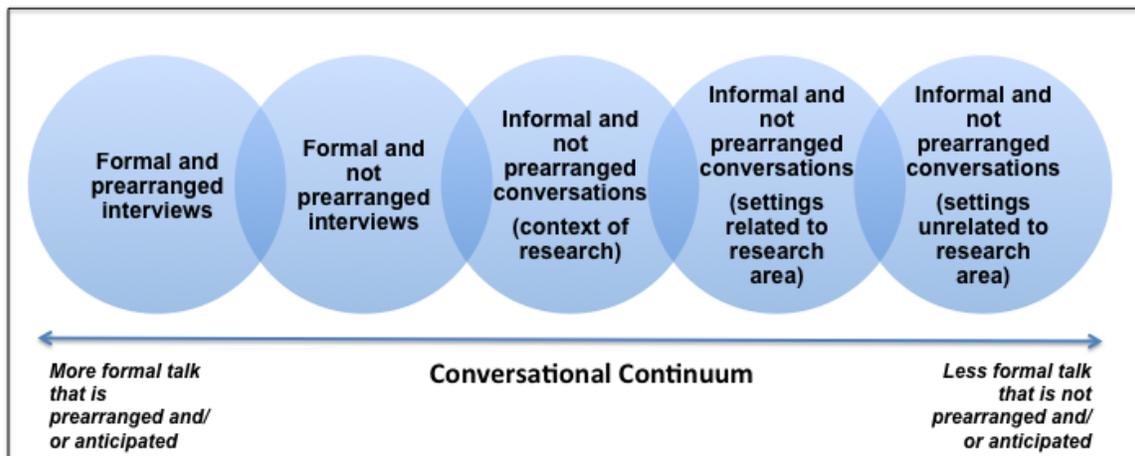


Figure 3. Conversational continuum.

The above model illustrates how formal interviews and more informal conversations that occurred in the context of this research can be placed on a conceptual continuum. In this project I talked with people in contexts ranging from formal, pre-arranged audio-recorded interviews to completely unexpected, serendipitous opportunities for conversation that also greatly aided the discovery process. This continuum also highlights the importance of both planning and interview preparation on one end to being open to unexpected opportunities for research-related conversations on the other. It is important to note that in addition to the forms of talk exemplified on this continuum above, I had many conversations with my dissertation committee and other academics in Canada and abroad, which ranged from formal, scheduled meetings to more informal discussions about my research.

All informants who were audio-recorded gave voluntary, informed consent prior to conducting an interview. Interviews were conducted in English. To ensure that consent was obtained, informants: (a) were introduced to the overall purpose and parameters of the research; (b) had clearly outlined what was required from their participation in the research (including, for example, the length of the interview and the nature of questions being asked); (c) were provided with a review of possible discomforts and risks they may experience; (d) had reiterated to them the voluntary nature of participation in the research; and (e) were told that they may withdraw from participation in the interview at any time, without explanation. Informants were asked to review and sign an interview consent form. This document reviewed the ethical considerations outlined by the approved HREB application. With the permission of the informants, in addition to audio-taping the interview, notes were taken to augment the recording. For example, in some cases the actions of informants—from the waving of hands for emphasis to leaving the interview table to obtain documents or look up the name of someone on their computer—were important to note during the course of the interview.

At one end of this conversational continuum, I conducted 32 in-depth qualitative interviews and 3 follow-up interviews (total of 35 interviews). Twenty-eight of these interviews were pre-arranged (via phone or email); seven of these interviews, while formal, happened as the result of meeting people at conferences, NGOs, or activist venues and setting up an interview on the spot. These interviews ranged from 32 minutes to 140 minutes (median interview time = 92 minutes). These ethnographic interviews were semi-structured, containing both general (semi-standard) questions about HIV/AIDS legal reform in addition to questions tailored to the specific knowledge and textual experiences of each informant. Approximately half of these informants were contacted for additional information via email or telephone after the interview. All but one of the informants who were contacted post-interview responded and assisted my research further by making necessary clarifications to the information they provided, sending supporting documents, and/or answering additional questions.

The other end of this continuum involved more informal conversations with people during my work and travel. Quantifying the number of these more informal conversations is difficult as they have ranged from talking with people in bars, universities, hospitals, NGOs, government offices, court rooms, conferences, libraries, and while sitting with people on the train and subway. Conversations during my work at UNAIDS/WHO, national and international conferences, and with friends and colleagues in the field of HIV and AIDS (including academics, activists, lawyers, and policy actors) are some of the most significant exchanges I have had during the course of research. For example, I talked about so-called “policy ballers” with an HIV-activist in the Global Village at IAC 2010 who was working to challenge problematic provisions to USAID/AWARE Model Law; this conversation led me to come to know the important work of two African-based HIV and AIDS NGOs in this research field. These are the kinds of conversations that cannot be planned; such conversations have furthered my discovery process and must not be discounted.

In some cases I was doing HIV-related research in particular settings (e.g., NGOs, government offices, court houses) and had the opportunity for more informal conversations. For example, I enjoyed having casual lunch-time chats about model law and human rights with staff at the Canadian HIV/AIDS Legal Network while waiting to conduct pre-arranged interviews with policy analysts at the organization. When I told the Network staff how much I enjoyed the highly layered and policy-oriented conversation, they assured me they frequently discussed “highly important matters of pop culture” and I just came on a good day! In other instances—such as sitting on the subway or in a restaurant—opportunities for such conversations were less expected but have led to important contacts, sources of information, and insights into my research. The

accessories I had with me (e.g., a laptop, books on HIV and the law, and copies of laws and policies) have served as visual cues to a number of would-be informants to approach me to discuss what I am working on. For example, while reading a World Bank text on HIV legal reform on the subway in Vienna (the host city of IAC 2010) I had a useful conversation with someone working in the field of global public health. He said, “I just had to introduce myself when I saw what you were reading.” In another case, an unexpected conversation occurred with a man who identified as a porn actor and producer in Cape Town—he was extremely knowledgeable of HIV programs and policies in the African context. In a final example, I had an instructive discussion with a journalist outside of the South African Constitutional Court when she explained that in covering the Court she learned “how to look” at the Court to understand both the explicit and implicit meanings of varied processes.

It is important to note that a number of challenges presented themselves specifically related to the work of setting up an interview date and time. Like all people, my informants are busy; they lead hectic professional and personal lives. The majority of informants had their interviews conducted during their paid work hours or during a lunch break (e.g., in an empty conference room, their office, or a coffee shop). Finding time during the workday where they had approximately 90-120 minutes for an interview proved difficult for many informants. In some cases, scheduling interviews took multiple, even dozens of emails over the course of several months. In other instances, interviews had to be rebooked or stopped and restarted due to other work activities informants had to prioritise. Fortunately, the patience of my informants to rebook interviews, respond to multiple emails as necessary, and make time for the interview led to the richness of this ethnographic account.

Matters of Geography and Interview Location

I wish to say something about the importance of travel and interview location to this project. By location I recognise not only the country and city context in which interviews occurred (e.g., Geneva, Switzerland; Dakar, Senegal) but the specific institutional location of the interview (e.g., office at an informant’s NGO or government agency; the back of an empty conference room at an international conference). While some interviews and follow-up questions/correspondence occurred via telephone and email, I was fortunate to be able to talk with the majority of my informants in-person and in their work contexts. There were many important advantages to the international travel I was able to conduct for this project: access to key texts, experience with the diverse transnational institutions and actors involved, and the ability to meet with informants in-person to discuss their everyday work activities. For example, travel to Cape Town, South Africa allowed me to follow up on interviews with legal NGOs I was previously exposed to in Vienna and Geneva, access key legal texts I had not seen, and gain a rich sense of social movement work activities protesting aspects of the USAID/AWARE Model Law in the African-context.

While some interviews were conducted in bars, cafes, and other public venues, I found that a key advantage of conducting interviews in the workplace—or in close proximity to some of the places in which informant’s HIV and AIDS related work occurred—was the ease at which they could access key model law related texts (in hard or electronic format) and the names and contact information for potential informants. For example, the mid-interview accessing of texts and potential informant names on the computer by one informant, discussed below, was beneficial on two fronts: it helped to create a richer, more detailed account of her work activities in the remaining portion of the interview and it provided me with access to valuable texts and new informants as the process of discovery continued. It is important to underscore the central importance of texts in the context of the interview process. This theme will be explored further in the next section.

The Work of Knowing Where to Look, What to Read, And Who to Talk With

A number of challenges presented themselves when I attempted to identify and contact potential key informants. Although a list of prospective informants was developed during the proposal phase of this project, as the research evolved so did the list of central players who could add to this cartographic work. The iterative nature of this project made known key actors and institutions during the process of discovery, which were previously unknown. In order to identify key players in this legislative field, three interrelated sources of information were used: (a) key texts, (b) contacts provided by (gatekeeper) informants, and (c) information learned by attending conference sessions, advocacy booths, and activist demonstrations. I have already noted the mutually-informing nature of these data sources over time (see Figure 1).

Key texts, such as *AWARE-HIV/AIDS Regional Workshop on AIDS Model Law N'Djamena, Chad, September 8–11, 2004* (USAID/AWARE-HIV/AIDS, 2004), provided important sources of information regarding potential key informants for this study. While these institutional texts vary in the detail provided regarding conference proceedings, they offered important early insight into some of the networks of actors and institutions involved in HIV-related model law. For example, texts of workshop sessions often include participant information with institutional affiliations and contact information in the appendices. Although I was able to access some of these key texts by searching organizational websites and libraries (e.g., UNAIDS, USAID, etc.), I faced a number of challenges in this area: texts that I was not able to access and additional key texts that I was not aware of (e.g., important conferences and key process documents). In fact, the early phases of research in this project were dizzying at times as I become aware of a growing number of texts I had to consult and knowledgeable persons with whom I should speak. In this respect, both informant interviews and attending conference sessions and activist demonstrations provided important ways to gain information about the people I needed to talk with for this study and how I should further focus my attention.

Through the course of interviews, I was frequently told about texts I should read and persons with whom I should speak. Often I was given texts in hard or electronic copy by informants and received “e-introductions” to other potential informants by people I had already interviewed. About two-thirds of informants provided me with some form of text related to HIV model laws and/or with the names, contact information, or an introductory email to other key stakeholders of interest. The importance of informants as gatekeepers to accessing texts and speaking with other informants is well exemplified in an interview with one UNAIDS staff member:

Well, here is what you may want to read [informant leaves interview table and goes to her computer desk] ... I will send it to you now. And from what you are asking where you really need to go to is Dakar. You can access the rest in Dakar. Do you know the key people you can talk with who were involved in [USAID/AWARE Model Law] there? ... I will introduce you now [informant forwards email to introduce me to field UNAIDS staff in Dakar and also emails me key model law texts including conference proceedings in 2007 and 2008]. (Senior Human Rights and Law Adviser, UNAIDS, Geneva, Switzerland)

As the above example highlights, it is important not to underplay the significance of key gatekeepers in facilitating access to texts and other potential informants. As one UNAIDS West African-based informant told me, there was someone I “needed to speak with” involved in USAID/AWARE Model Law from the beginning, but she would “never take my call” or answer an email from me. At the end of the interview, I sat in the office of this UNAIDS informant as she convinced the key would-be informant (a process that took about eight minutes over the phone) to

meet with me the following week at her office in Senegal. The meeting that resulted proved to be highly constructive.

Furthermore, in a particularly memorable interview with a Justice in his Johannesburg Court chambers, our conversation led me to discover a set of texts and research materials of which I was not previously aware, including a report by the South African Law Commission (2001) on the criminalization of HIV transmission. This participant also emailed a colleague during our interview so that these texts could be forwarded to me electronically. The Justice discussed how research and the work of nearly 100 African activists “had killed the issue in South Africa. The idea of a criminal intervention [HIV transmission cases] in South Africa.” The report, however, did not seem to have much impact beyond South African legal reform processes:

Interviewer: Right. Wow, that is so striking and wildly unfortunate.

Informant: It is. And it’s all in our report. The report existed but it was insulated from use elsewhere. The report has occasionally been quoted abroad but it’s a great pity. It was a very, very thorough and solid piece of scholarship which our Committee did, but, as you say, we were completely unaware of this [unaware the Model Law process had begun in West Africa in 2004]. It was daft. And, I think it’s important to see that it wasn’t purely malignly victimizatory – there was a silly beneficent impulse behind it – but, desperately and grievously wrong-minded.

Interviewer: And this report – I haven’t seen it – is it available electronically?

Informant: Mmm hmm. Yes.

Interviewer: Okay.

Informant: Yes, I can have it sent to you. Let me just write an email to the researcher who worked with me on the report, Ms. Havenga, I’ll write an email now so it’s done. [Justice leaves seating area and writes email at his desk]. You wrote to me on which email? My justice email?
(Constitutional Court Justice, Johannesburg, South Africa)

In another example of texts being made available by key informants, a policy consultant stopped in the middle of his answer to say:

What I would like to propose [to] you is to send you by email a presentation made by AWARE 1 [focusing on] policy environment – a global view of [our work]. Unfortunately, it’s in French, but I think that it is possible to translate in English ... Anyway, as soon as I finish I can send you via email and you see that in this presentation you have the status of the process of adoption of HIV law in Africa and you have ... Anyway, [I’ll send] all the process [documents] that [I] have. (Policy Advisor/Consultant, USAID/AWARE, West Africa)

It is important to note that providing these texts (e.g., PowerPoint slides, reports, and memos) was not viewed as a substitute for explaining work processes in the interview; these texts served as valuable additional sources of information.

I also must recognise that just as some informants asked to be “off the record” (to preserve anonymity) in regard to all or part of their interview answers, in a number of instances texts were given to me “for my eyes only” or with conditions on which aspects I could cite. For example, after providing me with a text one informant cautioned, “But, there is information that doesn’t need to be shared. For example [points to section of an internal strategic plan in West Africa]. It’s okay [to cite this in your research] ... but [points to two columns of information] this is really internal” (UNAIDS West Africa Staff, Dakar, Senegal). On a related point, determining authorship of various texts (e.g., model laws, policies, activist publications, public letters, etc.) is an important step to knowing some of the key people to talk with. After a key text was identified through the processes of discovery, three main authorship-related issues emerged: (a) cases where no author is listed, (b) cases where many authors and/or institutions are listed, and (c) cases where the author is listed but they are not the person who wrote the text and/or they did not have intimate knowledge of the work processes involved in drafting, revising, and activating the text.

I must underscore that beyond giving me access to key texts and other informants to interview, these interview encounters began to make visible how my informants were participating in various forms of electronically-mediated communication (internet and phone) with colleagues who were dispersed all over the world. It is precisely these kinds of communication technologies that enable my participants to work collectively, often in real time, on various activities such as the production and dissemination of texts which critique the USAID/AWARE Model Law and the criminalization of HIV transmission. In short, my interviews provided an important window into some of the ways in which the transnational work of my informants—for example, discussing issues over Skype, editing and forwarding documents, or reading blog posts, reports, and journal articles—is organised and mediated by technology.

In addition to informants being an important source of texts, they also were able to activate texts during the course of the interview. Many informants used texts (both those that I brought into the interview and those that they had available to them at the time) in a number of capacities during the interview. Texts, such as minutes from meetings and participant lists from workshops, reminded informants of key players, dates, and activities and served as a kind of memory aid to prompt further detailed information. Texts provided informants with a concrete way to discuss their detailed work processes related to model law creation and challenge. For example, in discussing the definition of “willful transmission” of HIV it was useful to have texts (e.g., reports and model laws) for informants to read, discuss, and talk through. Because of the importance of language in legislation—a topic explored in my related work (Grace, 2013b)—it is important that informants were able to provide detailed accounts of how and why specific articles were drafted and challenged.

Conclusion

In this article I have mapped the kinds of research activities that I undertook related to this transnational investigation. In doing so, I have explicated the ethnographic research strategy that has coordinated my analysis. I have provided an account of how this transnational institutional ethnography (TIE) has involved an iterative and multi-phased research process in which I was committed to understanding complex social relations and institutional processes. As described, this was an exciting process of discovery and expands upon the largely state-based applications of institutional ethnography to date. Throughout this account I have provided a description of the context in which my research problematic emerged and highlighted some of the key research obstacles I encountered.

While I have largely focused upon methods issues in this article, some key tensions and questions which will be explored in future work were also highlighted. As this work moves forward I will build upon current critical scholarship at the “medico-legal borderland”—a decidedly interdisciplinary form of investigation examining the complex intersections of health and criminal regimes of governance—which “suggests multiple possibilities for analysis including investigation of new forms of social control, the intersection of criminal law and health care governance and the emergence of hybrid health/crime subjects” (Mykhalovskiy, 2011, p. 674; see also Grace, 2013a, 2013b; Timmermans & Gabe, 2003). Such future work will allow me to contribute to critical linguistic scholarship reviewed in this project and explore how health-related matters, including instances of HIV exposure or transmission, are transformed through socially embedded processes. Rather than position all model law as equally problematic, forthcoming work also will examine HIV-related model laws in comparative perspective to consider other model guidance texts which are grounded in human rights principles and the meaningful engagement of civil society (Canadian HIV/AIDS Legal Network, 2009).

Finally, it is worth reiterating an overarching challenge of this project: understanding the complex, transnational social character of HIV model law creation and challenge. In some respects, this is a central challenge of my work. How as a researcher can I come to know and map the transnational terrain of HIV-related model law reform? This is, after all, a complex area of research involving many global institutions, actors, texts, and work processes. I have provided a review of how through my ethnographic research activities I have endeavoured to come to gain, albeit in limited ways, a rich understanding of this field. Insights offered regarding this specific research case study are offered in hopes that they may inform other investigations of cross-border organizational processes in diverse institutional settings.

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