


## NOTES FROM THE FIELD

# Research Ethics and Methods in Shifting Policy Climates: The Case of Abortion Rights in the United States and Latin America

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We have spent the last two years conducting fieldwork on abortion rights movements in the United States and Latin America, building from our previous work on abortion policies, movements, organizations, and activists across the Americas (Beisel and Kay 2004; Calasanti 2015; Calasanti, Kay, and Ostermann 2023; Fernández Anderson 2017, 2020, 2022; Ruibal and Fernández Anderson 2018). In the wake of the 2022 US Supreme Court decision *Dobbs v. Jackson Women's Health Organization*, we have noted a palpable shift in the dynamics between organizations, new challenges in establishing contacts, and a heightened need to safeguard participants' identity. While the ramifications of *Dobbs* have been felt most keenly in the US, there have been reverberations through the connections between movements across the Americas. We find organizations in the US to be inextricably linked with and informed by networks originating in Latin America. Indeed, much of our present approach to research in the US has been informed by our knowledge and experience researching abortion rights movements outside of the US.

Recently, we have found the non-negotiable mandate to prioritize the safety and well-being of research participants to be increasingly in tension with academic research standards, and it is not always obvious how to best adjust. Academia has a well-documented history of exploitative and extractive research practices (Ogunbure 2011; Schroeder et al. 2019; Smith 2013; Wolf 1989), which have sowed distrust and embedded protective skepticism in marginalized communities (Rosa-Aquino 2018; VanNoy 2020). This legacy is particularly salient in understanding the reluctance of abortion rights activists to interact with academics, especially in reproductive justice movements in the US.

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There is a wealth of scholarship on which to draw that reflects on how to conduct research in challenging circumstances in a way that is both ethical and methodologically rigorous. Scholars transparently discuss ethical dilemmas, including issues arising from identity and positionality, interactions with respondents and communities, and the risks and benefits involved in building social bonds (Allen 1997; Clark 2012; Fine 1993; Malejacq and Mukhopadhyay 2016; Meadow 2013; Smith 2013; Smyth 2005; Stark 2011; Young 2004; Zepeda Millán 2017). Others have presented the results from symposia and colloquia organized across institutions (Ortbals and Rincker 2009; Hsueh, Jensenius, and Newsome 2014) and created practical fieldwork guides which devote considerable space to the risks and challenges encountered in the field, although many are discipline-specific (Kapiszewski, MacLean, and Read 2015). As Lee Ann Fujii (2016, 1149) reminds us, however, interdisciplinary insights are incredibly valuable, as “issues of power, access and ethics in the field do not vary by discipline.”

It is in this spirit that we examine some of the methodological and ethical challenges we have encountered conducting interdisciplinary research on abortion rights movements. Using key examples, we highlight how a policy shift has changed the circumstances in the field, leading to insights that may be useful to others conducting research on abortion rights and activism in the post-*Dobbs* era, as well as other contentious issues that are similarly vulnerable to changing political and policy environments.

### **The Shifting Policy Climate and Doing Abortion Research in the United States**

Over the years, we have witnessed moments in which there have been substantial shifts in the field, as court cases, elections, and policy implementation have influenced local or national contexts of reproductive rights. In our recent collaborative work (Calasanti, Fernández Anderson, and Kay 2023), we found establishing connections by “cold calling” activists far more difficult than in the past, and interactions with activists with whom we have established connections more restrained. Many activists are afraid of sharing any identifying information and are willing to speak only with complete anonymity, including both new and previous contacts. For example, a participant that previously consented to being identified as “an activist from California” now only wants to be identified as “an activist.”

Calasanti encountered multiple instances in which organizers were overwhelmed with interview requests (especially from media), especially activists from organizations or states that were particularly salient in the national news immediately after *Dobbs*. Fernández Anderson faced an enhanced challenge in engaging activists who provide self-managed abortions; most did not respond to her requests for interviews. When she was able to secure interviews, activists were careful to only discuss their activism within the boundaries of the law, such as participating in protests or providing information on abortion medication in states where abortion is legal. Consistent with these direct interactions, we have also documented numerous social media posts from activists expressing concern about researchers and journalists asking for interviews and thereby putting

them at risk. It has been clear that activists are afraid not only for themselves, but also for those they help.

Of course, these concerns are justified. Threats come from both state and local governments that have passed restrictive anti-abortion legislation, as well as from anti-abortion individuals and organizations. The legal landscape is volatile and severe: keeping up with the latest developments in a rapidly changing and hotly contested policy environment is a full-time job, and flashy headlines about the latest woman to face criminal charges collide with murky, untested legislation to produce an atmosphere of fear and uncertainty. Many US organizations have initiated trainings for activists to learn secure measures of communication, who are advised not to discuss their activities by phone, Zoom, or WhatsApp.

While we have always been careful about deidentifying participants' information and keeping interview data secure, we have strengthened and expanded many of our practices in response to this shift. This includes communicating with participants via secure, non-institutional email addresses; using non-Meta-owned end-to-end encrypted forms of communication for remote interviews; taking only paper notes and forgoing all digital recordings; declining to document an individual's legal name anywhere in our notes; and referring only to the abortion rights policy environment of the participant's state, not the state itself, in our analysis. We have remained open to additional requests and always respect participant requests to strike something from the record. In our recent collaborative project (Calasanti, Fernández Anderson, and Kay 2023), we did not share the names or other identifying information of participants even with other. While we recognize that some scholars may criticize these practices from a transparency perspective, we strongly believe that this is the only way to conduct this research ethically — even when the information we receive is the participant's professional expertise, an indicator often used by Institutional Review Boards (IRBs) to signal less-risky interviews.

We have found additional challenges in navigating dynamics between and across groups. For example, Calasanti notes the tension she has seen emerge as information about what is happening on the national level has become critically important to local activists in a way that it had not been previously. Activists compare what is happening in their location to other locations, sharing information about their interactions with national organizations and media outlets. This has made recruitment approaches such as “snowball sampling” both logistically and ethically tricky. As tensions between local and national organizations over concerns such as resource sharing and decision-making strategies have heightened, knowing how to respond to pointed questions from participants — or navigate participant referrals — becomes increasingly complex.

Information is valuable: while many research participants have been understandably concerned with maintaining anonymity, the desire to share information about challenges, strategies, and discourses has been equally strong. Even when an activity or strategy is criminalized (or may be, depending on the interpretation of legislation), many participants also want their stories heard. That the primary concern of many has been preserving individual anonymity rather than refraining from revealing strategy may be a testament to the current political environment in the US: participants fear prosecution, but they are

angry about abortion restrictions and bans and passionate about developing strategies to restore rights. Many want the sacrifices that they are making recognized, even when they remain anonymous as individuals. By responsibly documenting and aggregating data about activist and advocate experiences, academics can amplify their struggles and contribute to possible policy solutions.

## Challenges and Opportunities in Doing Abortion Research in Latin America

While reproductive rights have recently weakened in the US, in Latin America they have expanded. In 2020, pressure from the *Marea Verde* (Green Wave) movement led to the decriminalization of abortion in Argentina. This movement spread, with Colombia legalizing abortion in 2022, followed by Mexico in 2023. Fernández Anderson began conducting research in Latin America's Southern Cone in 2007, when Argentina, Uruguay, and Chile all had strict laws prohibiting abortion. Unlike in the US, she found that activists were open to discussing their activities — even those that bordered on illegality, such as distributing information about self-managed abortions and providing abortion doula services.

The feminist collective *Socorristas en Red*, *Feministas que Abortamos* (Network of Feminist Providers of Aid and Abortion Support) not only granted Fernández Anderson interviews, they also organized press conferences and released reports with data on the number of people they had helped to secure a safe abortion (Socorristas 2018). When asked whether they feared prosecution, activists stated they were engaged in constitutionally-protected free speech, and they were in close contact with feminist lawyers should a legal challenge from anti-abortion groups arise. Activists also felt protected by the broader, growing feminist movement. Calasanti had similar experiences in 2016 when interviewing doctors who provided abortions in Argentina. She found them to be open and willing to share details of engaging in illegal activities, including providing patients with detailed information on how to safely self-induce a medication abortion. They also openly detailed ways to skirt the existing abortion laws, such as by using the “therapeutic abortion” legal loophole.

Our experiences conducting research in Latin America under similarly restrictive legal contexts have forced us to reflect on the implications of the extreme criminalization of abortion in the US. It indicates that the US has high surveillance capabilities, a willingness to prosecute those who seek abortion alongside those who provide them, an ability to criminalize protest and dissidence vis-à-vis a weaker feminist movement, and a stronger, better-organized anti-abortion movement that enjoys strong ties to local, state, and national legislators and jurists. This creates an environment which places activists who participate in abortion-related research at increased risk, especially activists from historically marginalized communities.

## Tension Between Research Ethics and Research Standards

To conduct research on abortion rights is to contend with an ever-present tension between protecting research participants and producing high quality,

rigorous research; it is neither realistic nor ethical to expect to be able to engage in best-practice methods as they are conventionally understood. In addition to not identifying participants, researchers often cannot (or should not) provide any information that could identify the organizations in which they participate or the state in which they work or live. This can make for a difficult and often vague writing process, as researchers must carefully examine interview data for even the slightest revealing detail, while maintaining enough analytical rigor to sustain an argument. Researchers must be particularly attentive to the potential risks to those who are (multiply) marginalized because the risk and cost of their being targeted and criminalized for their work and activism is higher. When researchers are (multiply) privileged, this must be *the* primary consideration. And yet, the practice of protecting the confidentiality of research participants by using pseudonyms and masking strains against a contemporary, interdisciplinary push for greater research transparency (Yim and Schwartz-Shea 2022).

Our research methods often must stray from the ideal in other ways: recorded interviews are likely unwise in most instances, and in some cases only non-identifying notes should be taken in case the research becomes the subject of a lawsuit or legal investigation. In 1998, for example, Cornell University Professor Kate Bronfenbrenner, who was studying a labor struggle at a chain of nursing homes, was sued for defamation by the company after she spoke out about their alleged labor law violations (Mangan 1999). The company demanded her research materials, which included the names of workers. She refused to turn them over and said she would go to jail rather than give up names of union activists. Although the company dropped the lawsuit in 1999, it created a chilling effect among labor scholars. It is not hard to imagine a similar lawsuit aimed at abortion rights researchers in the current climate.

We have also encountered moments where we have chosen not to use all of the data we have gathered because it could potentially endanger participants, even when it confirms hypotheses, supports arguments, or validates findings. For example, when conducting an ethnography on abortion advocacy organizations in 2016, Calasanti observed a significant shift in the field. Initially, building rapport with activists had been a relatively smooth process, and interactions with both local-level and national-level activists were relaxed and optimistic. Following the 2016 US presidential election, however, conversations between and across groups became more guarded. While this “tightening” of the space was not articulated by all groups and organizations, it was clear that the uncertainty of the moment and what it might mean for the future made many activists wary. Ultimately, this led to Calasanti’s decision to not use most of the data collected during this period, as it became clear that not publishing was the ethical response. This experience has served as a touchstone for conducting research in the current climate and has helped to guide our interactions and drive decision-making during a time when undertaking this type of research is inherently — and increasingly — risky.

## Conclusion

Despite the challenges outlined above, it is critical that scholars continue to research and examine abortion rights, the activists and movements that propel

them forward, and the effects of abortion bans and restrictive abortion legislation. Yet it is imperative that this work is conducted in ways that are both ethical and responsive to the current climate. Researchers must adapt their methodological design to the changing policy environment while reflecting on how these shifts may alter the risks for research participants. Research that balances these considerations can provide valuable insights into the local impacts of this shift, from policies and practices to health care infrastructure and changes in the availability of care. We also need to know what challenges activists, organizations, and movements face, and how they are creatively and effectively responding to them. Understanding the policy outcomes of abortion bans is critical. We also believe research can help diffuse knowledge across movements, and aid legislators, policymakers, and activists. Collecting data and experiences allows us to weave a national picture of abortion politics at this critical time which can be also used by activists to advance their own demands and learn about each other's struggles and strategies.

And finally, research can also play an important role in highlighting how these policies impact marginalized communities. Evidence shows the enforcement of abortion restrictions has disproportionately negative consequences for poor individuals and communities of color (Sherman 2019). The *Dobbs* decision will likely exacerbate the ongoing, inadequately-addressed Black maternal health crisis in the US, where Black women are significantly more likely to die from preventable complications during pregnancy than white women (Winn and Bervell 2023). Responsibly-conducted research could lay bare the connections between policy and outcomes for such tragically underserved communities. And in an environment where far right discourse has been weaponized to target, harass, and silence pregnant people, activists, and scholars, academic research has the potential to contribute to the dynamism, strategic repertoires, discursive innovations, and strength of feminist movements.

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