

## Methodology, Data Sharing and Ethical Considerations

### Methodology

This dataset results from an anthropological project investigating how will-making and the formal processes of inheritance shape the passing on of property and the making of socio-economic class in Johannesburg, South Africa. The research focused on the ways urban South Africans' inheritance plans and experiences weave in and out of legal administrative processes.

The core of the research was participant observation within this system for the duration of the year 2017, shadowing and learning the professional work of officials and other expert practitioners; sitting in on legal advice consultations; and attending court hearings and discussing court matters with the lawyers and parties as appropriate.

I also conducted semi-structured interviews with state and civil-society employees, as well people encountering the system as members of the public. Both followed an interview template that had been submitted as part of the University of Birmingham's ethical review process.

Contemporary social research was complemented by archival research using deceased estates files across time – across Johannesburg's history and up to the present. All are a matter of public record, either fully publicly available (in the case of the South African National Archives) or with permission (in the case of the South Gauteng Master's Office and the Central Johannesburg Magistrate's Court). The files underpin an aggregated dataset currently of over 600 files, and enable detailed investigation in qualitative case studies. Their insights regarding property, kinship and the formal processes of inheritance resonate with those that come from the ethnographic research, illuminating how such files are actually made.

### Data Sharing and Ethical Considerations

In my original Data Management Plan, I noted the following:

*'This research will follow the guidelines of the Association of Social Anthropologists (ASA), UK anthropology's professional body. Uppermost will be ensuring the informed consent of research participants, and the protection their confidentiality. The project will be discussed with each new participant – legal experts/professionals and will-makers – to ensure that they know what I am investigating, why, and what I will do with any information (storage and writing). The topic of inheritance may mean that research is sometimes sensitive, and I will most probably anonymise participants to ensure their protection.... But it is worth noting here that anthropological data's usefulness depends on a high degree of local specificity, and a large amount of context. This means that archived ethnographic data may become less useful, and even problematic, when removed from such local embeddedness.'*

This requires revisiting in light of the project's progress. The broad parameters of the research remained stable, and the research questions were answered. But the following developments were significant:

**Fieldnotes constituted a larger proportion of data than anticipated:** The heavy reliance on interviews with experts/professionals and will-makers was based on the expectation that access to the internal workings of state institutions – the actual processing of deceased estates – would be limited. During fieldwork itself, I secured permission to conduct immersive fieldwork inside the Johannesburg Master's Office (the government department that administers deceased estates. This involved shadowing officials, including in hearing and mediating disputes among parties in deceased estates matters. It also involved accompanying the Master's Office on public outreach appearances. Data took the form of daily fieldnotes. I was also able secure access to clinics and mediations run by deceased estates lawyers, especially those coordinated by legal NGO ProBono.Org. Again, these were recorded in fieldnotes. Conversely, High Court hearings were harder to access than anticipated, because the High Court does not list matters by type, and because of the large number of postponements characterising deceased estates matters even when they have been found. But I attended deceased estates hearings in Johannesburg Central Magistrate's Court, which represented a halfway house between open and restricted access – they were technically in open court, but were not in public listings and I had to be invited to attend.

**The number of formal interviews was smaller than anticipated:** In inverse proportion to the increased emphasis on institutional ethnography, less time than originally conceived was devoted to interviews generating independent 'case studies'. Instead, a large number of examples came from my presence in mediations and hearings. These are being written up with careful attention to appropriate presentation, including continuing engagement with the Master's Office and the legal NGO ProBono.Org.

**The scope of fieldwork extended beyond will-making:** Few people have written wills in Johannesburg's black majority. Most people whom I encountered in the Master's Office and in legal consultations were navigating estates matters in the absence of a will. The interviews I did conduct, therefore, were not restricted to will-makers – some people had drafted wills, and others not. This is in line with the project plans, but the proportions were weighted towards intestate cases because of the reality on the ground.

**These points have the following implications for ethical data storage and sharing:**

- As noted in my Data Management Plan, **raw observational fieldwork data is inappropriate for sharing.** I was introduced to members of the public as a researcher. Where possible, and especially where the specifics of people's cases were noted in detail, I secured informed consent using an approved form. In cases where shadowing officials and practitioners made it inappropriate to seek written consent – where it would have meant intruding on formal process – those officials and practitioners, who had themselves provided written consent, explained my presence and sought verbal consent on my behalf. But, following my Data

Management Plan's caveat, the consent form did not mention archiving for wider usage – this also applies to the approximately 40 interviews I formally recorded and had transcribed. Below is the statement I made in the Data Management Plan:

*These two forms of recorded data [fieldnotes and interviews] together make up the core raw evidence of ethnographic research. They present clear difficulties when it comes to sharing, because of the ethical obligation to protect informants. This means that such data in its raw form cannot be shared while following ethical guidelines (see the code of the ASA). ... There will be an initial phase of processing data into summaries that elucidate themes through anonymised case studies. This first level of abstraction from the identifiable specifics of people's lives will be appropriate for archiving in an appropriate and ethical manner.*

- The major change here is that the majority of my research examples come from observations inside state institutions and legal consultations, and even abstracting from these to create anonymised case studies presents ethical difficulties. Instead, as noted above, these are being **written up with continuing input from the key stakeholders who enabled research access**.
- **Some case studies have been written up for policy reports, as originally envisaged, in consultation with key institutional stakeholders. Policy writing has been shared in impact events. These policy reports will be stored and shared.** This follows the original plans, as follows:

*The initial empirical summaries, described above, will be the basis of the policy report, and any further policy papers to emerge from the research. These will also be archived. Impact activities and workshops will be another way to share data. Again, what is most beneficial here will emerge through the collaboration itself, although the primary responsibility will remain never to bring harm.*

**I am therefore storing the following data for sharing:**

- **Two pieces of policy writing, including detailed description of the institutional processes** through which deceased estates are processed – important for making sense of shared data, including the historical material mentioned below.
- **The combined information sheet and informed consent form** that was used during research.
- **Anonymised example case studies** of people's interactions with these processes, which have appeared in policy and working papers and been shared and discussed with key institutional stakeholders. Where helpful, these include contextual description:
  - Master's Office: example of mediation and example of advice meeting with officials

- The High Court: example of a dispute that appealed to the court
  - ProBono.Org: example of advice in legal clinics
  - Interviews with members of the public: example summaries
- **One example of an anonymised interview transcript** with an expert practitioner, to illustrate the use of semi-structured interviews. For this, I explicitly secured additional permission to share the raw data, appropriately edited to protect the research participant.
  - **The template of questions used for the semi-structured interviews.**
  - **An example excerpt of fieldnotes: a description of open court hearings of deceased estates matters in the Magistrate's Court**, with the specifics of claimants removed.

**Archival material:** Alongside the fieldwork component of the research, over 600 deceased estates files from across Johannesburg's history were also collated and captured. These are a matter of public record. Quantitative data from these has been aggregated using Microsoft Access database, using the names of deceased so as to keep track and enable future connections to be made. But, while those in the South African National Archives are fully open access, those in the Johannesburg Central Magistrate's Court and the South Gauteng Master's Office require permission. Because of this, it is not appropriate to share the full dataset. I am submitting:

- **A restricted dataset of around 500 cases**, all from the archives that are fully public. This takes the form of a Microsoft Excel spreadsheet.
- **A document illustrating the fields through which data has been aggregated, and explaining the context.**
- **An example deceased estates file**, to contextualise the above and demonstrate the complexity of these records.

Researchers are welcome to contact me to discuss working with the dataset itself.