11

Using Qualitative Data in EU Legal Research

Writing about or with Expert Interviews?

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11.1 INTRODUCTION

Are there (un)written rules about how to use interviews when writing a book chapter or an article? Is there a recommended style or format for presenting findings from qualitative research? Are expert interviews with lawyers the same as any other expert interviews and can they be used in the same way? In the roughly ten years that I have been conducting and discussing interviews, these questions have seldom been raised, and I believe many colleagues who focus on qualitative research would share a similar experience. In every research process, there comes a point when we turn to our data we have collected to begin writing about it, and yet this writing phase is hardly reflected upon in any meaningful way.[1] There are usually one or two chapters on the 'academic writing of qualitative research',[2] but these often feel like an afterthought rather than part of the main plot.

* I have discussed this chapter with several colleagues and friends, including the editors of the collection, and I am grateful to all of them, especially Lola Avril and Panu Minkkinen. I would also like to thank Markus Sairanen for his help in gathering the literature.

[1] An exception is ethnographic research, where the 'style of writing' has been the subject of extensive discussion, particularly regarding the use of 'I' and the feelings it evokes in academic writing. Neumann, for example, has highlighted the tension between adhering to academic conventions and 'letting the data decide the form of presentation', see Iver B. Neumann, *At Home with the Diplomats: Inside a European Foreign Ministry* (Cornell University Press 2012) 187. See also Paul Atkinson, *Writing Ethnographically* (Sage 2020) and Salla Mikkonen, *EU Lobbying through Everyday Practices. An Ethnographic Study on Relational Power in Transnational In-House EU Lobbying in Helsinki and Brussels 2017–2022* (Tampere University Dissertations 2024) 982.

[2] See, e.g., chapter 13, 'Academic Writing of Qualitative Research' in Monique Hennink, Inge Hutter, and Ajay Bailey, *Qualitative Research Methods* 2nd edn. (Sage 2020); chapter 39, 'Strategizing Fit and Legibility', Shantel Buggs and Jennifer Sims, and chapter 40 'Publishing Qualitative Research' in Jennifer Cyr and Sara Wallace Goodman (eds.), *Doing Good Qualitative Research* (Oxford University Press 2024); or chapter 7, 'Pulling It All

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For me, however, the writing process continually generates inquiries for which there are no clear answers or existing manuals. If one looks at the literature on interviews, it becomes clear that much of it focuses on the practices employed before or during the interviews. Authors share their experiences on various aspects such as how to approach interviewees, choosing between email or phone for the initial contact, note-taking techniques, crafting non-manipulative questions, and the strategic decision of whether to appear knowledgeable or take a naive stance. While these insights are undoubtedly valuable, particularly for newcomers to the field, they also offer points for reflection for seasoned qualitative researchers. However, one encounters only silence when it comes to presenting the findings (often referred to in academic jargon as the 'write-up').[3] This silence may stem from the assumption that writing is a skill that academics inherently possess. We are, or at least should be, familiar with how to write an article or other forms of academic text, and it is assumed that we can apply this skill to interpret and use interviews without much further consideration.

Nevertheless, we must also think and write about the writing process. This chapter represents my attempt to break the silence surrounding the writing-up stage and to articulate the complex mix of confusion, uncertainty, but also discovery and joy that accompany the process of turning to interviews to write *about* them and *with* them. This dual approach informs my thinking in this chapter. I do not view interviews solely as a source of raw data for analysis to support my argument (writing about interviews). I also see interviews as an ongoing dialogue that extends from the interviews to the writing-up stage (writing with interviews), requiring me to constantly reflect on how I construct my argument and communicate it. Moreover, I believe it is crucial to consider how we report on interviews, as it is the final written research that will be read and will have impact, not the meticulously conducted interviews themselves, which will often be archived or, in the case of expert interviews, disposed of after the research project concludes. As Vrasti notes, 'no matter how we go about collecting our data, the most powerful methodological tool in all social research remains writing'.[4] Finally, I hope that this chapter advances discussions around writing in doctrinal research, because there is little debate about doctrinal writing. What is the purpose and style of doctrinal writing? Is it merely about identifying inconsistencies and patching them, or about recognising and navigating legal hierarchies? What I write here about using interviews can hopefully

Together: Telling Your Story and Making Your Case' in Kathleen Gerson and Sarah Damaske, *The Science and Art of Interviewing* (Oxford University Press 2020).

[3] For an exception, see Erik Bleich and Robert Pekkanen, 'How to Report Interview Data' in Layna Mosley (ed.), *Interview Research in Political Science* (Cornell University Press 2013), 84 as well as four chapters in part 3 'Putting It All Together: Varied Uses of Interview Data' in the same volume.

[4] Wanda Vrasti, 'Dr Strangelove, or How I Learned to Stop Worrying about Methodology and Love Writing' (2010) 39(1) *Millennium* 79.

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be applied and reflected upon by doctrinal researchers when working for instance with court judgments.[5]

The chapter offers some thoughts on the use of interviews in EU legal research. I first discuss expert interviews, which are especially important for EU legal scholars. In EU legal research, these interviews usually deal with intricate and deeply rooted issues involving key political and legal figures who are highly sensitive to breaches of anonymity. Such interviews are often conducted within research projects that have substantial policy relevance and far-reaching impacts beyond the academic sphere.[6] I then discuss how such expert interviews can be used. I provisionally explore three guiding principles: situatedness, transparency, and integrity, for qualitative legal researchers writing both about and with interviews. It is fair to warn, however, that none of these concepts offers quick fixes or guarantees of academic recognition or accolades.

I illustrate my arguments with my research project because the choices the researcher makes when using interviews are rarely made visible and cannot be inferred from someone else's published and polished work. These choices are often fraught with difficulties and lose-lose situations that typically remain hidden and are only shared among close colleagues. My concrete examples relate to the ongoing research project REVOLVE, funded by the Research Council of Finland, which examines the phenomenon of revolving doors – movement of people in and out of government positions and its regulation. As of the time of writing (October 2024), I have conducted 38 interviews with former ministerial aides of former Finnish Prime Minister Sanna Marin's government.[7]

11.2 SITUATING THE RESEARCH

This contribution focuses on *writing*, specifically on *writing about interviews in law*, and even more specifically, *in EU law*. This objective immediately requires three clarifications. First, the way I have framed my objective in this chapter presents an overly stylised and simplistic view of the research process. Often, writing begins before all interviews have even been conducted, transcribed, and analysed, so the phases of data collection, analysis, and writing up inevitably intertwine. However, for the sake of clarity, I conceptualise the write-up as the final stage in conducting qualitative research. Before this stage, the researcher would have typically

[5] Thanks to Johan Lindholm for pointing this out.

[6] These are adapted from Rebecca Willis' account on presenting interview findings with politicians in the UK setting, see Rebecca Willis, 'The Use of Composite Narratives to Present Interview Findings' (2018) 19(4) *Qualitative Research* 471.

[7] Within REVOLVE, I have also conducted, together with my colleague Lola Avril, interviews with civil servants at EU institutions. For the use of these interviews, see Lola Avril and Emilia Korkea-aho, 'Administration as Usual? Revolving Doors and the Quiet Regulation of Political Ethics' (2024) *Journal of European Public Policy* 1, online first. Below I make occasional references to other completed projects where I have used interviews.

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conducted and transcribed the interviews ('raw data') as well as analysed the data, either manually or using software such as ATLAS.ti. The final stage is to 'pull it all together' and 'tell a story', both of which misleadingly imply how easy this process is.[8]

Second, my articulation may imply that interviews conducted in the legal field by legal researchers differ from those conducted by non-lawyer social scientists, thereby justifying a chapter specifically on the use of interviews in legal research.[9] However, this is not my intention. There are two issues here. Regarding *lawyers as qualitative researchers*, I do not believe that the interviews conducted by lawyers differ significantly from those conducted by non-lawyer social scientists. For instance, access to professionals is often a challenging phase for researchers across all disciplines, and legal researchers are no exception. Elsewhere, I have argued that a shared identity as lawyers may facilitate access, but this is not always the case.[10] I do not deny that, in some cases, having a legal background can be helpful when reaching out to legal experts for interviews. But what about lawyers as interviewees? Legal research often involves interviews with legal professionals, such as civil servants, practicing lawyers, policy-makers, politicians, judges, and others. Should we assume that they differ from non-legal professionals in other fields of social science? Lawyers, especially practicing ones, may be difficult to approach, and, in some cases, more challenging to interview than non-lawyers. Furthermore, lawyers often lack methodological skills, as these are typically not part of legal education. This may have implications not only for their roles as qualitative scholars but also for their roles as interviewees. However, I do not believe that interviewing legal professionals is a specialised art form or that it requires a legal education.

This is, of course, a lawyer's narrow (and possibly privileged) view. Sociologist Lola Avril interestingly writes how lawyers hold a 'position of disciplinary domination over political scientists and sociologists'.[11] She describes how the law's universal force and its social capacity places 'the sociologist in a position of inferiority, or

[8] There is something telling about the fact that two chapters in two separate edited collections on qualitative research use the expression to 'pull it together' or 'put it together' when describing the use of interviews.

[9] I will only discuss expert interviews here and do not address other forms of qualitative research. See, however, Magnus Esmark, who writes how archival research can be compared to interview-based research: 'my approach to construction by means of this archive has been similar to how one can use interview data qualitatively to construct a picture of the different perceptions of the world that exists on a field', see Magnus Esmark, 'The Triangular Relationship between Danish, Nordic, and European Law' (2024) *European Law Open* 1.

[10] Emilia Korkea-aho and Päivi Leino-Sandberg, 'Interviewing Lawyers: A Reflection on Interviews as a Legal Research Method in European Law', Network of Legal Empirical Scholars: Special Issue (2019) 11 *European Journal of Legal Studies* 17.

[11] Lola Avril, 'Le costume sous la Robe: Les Avocats en Professionnels Multi-cartes de l'Etat Régulateur Européen: Genèse, Consolidation, Contestations (1957–2019)' (PhD thesis, University of Sorbonne 2019). The translation from French to English was provided by Lola Avril.

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even subordination'.[12] Her concrete experiences in fancy offices of Brussels-based law firms are not very far from my own (more limited) encounters with law-firm lawyers, which suggests that even an academic lawyer, as a qualitative researcher, may find herself in a position of inferiority or subordination, regardless of a law degree as a marker of shared identity.

Third, expert interviews are common in law and social sciences, raising the question of whether there is something particular about interviewing *EU* legal experts compared to national or international legal experts. I suggest that when writing about interviews conducted with EU legal experts, there may be specific considerations to bear in mind during the writing-up stage. I do not mean to suggest that these characteristics are exclusive to EU legal research, but rather that they appear more prominent there than, so far, in predominantly national contexts. Before describing the three distinctive characteristics of interviews conducted in EU legal research, I will discuss the trend of expert interviews in empirical legal research.

11.3 EMPIRICAL LEGAL RESEARCH: EXPERT INTERVIEWS AS A TREND

Empirical research has, for some time, enjoyed increasing popularity within legal scholarship. There is growing data to support the claim that empirical legal articles are on the rise, particularly in specific fields such as environmental law or EU law.[13] For example, Steven Vaughan, based on an analysis of articles published in the *Journal of Environmental Law*, notes an increase in the number of empirical legal articles.[14] Further insights come from Linda Mulcahy and Rachel Cahill-O'Callaghan, who examined 427 such articles published over a 15-year period in eight socio-legal and generalist journals. Their findings show that qualitative research overwhelmingly dominates, with 87 per cent of empirical legal scholarship classified as either qualitative (75 per cent) or mixed methods (12 per cent).[15] This trend likely holds true for EU law as well.[16]

[12] Ibid. citing Liora Israel, 'Conseils de Sociologues. Bruno Latour et Dominique Schnapper face au Droit' (2012) 2(87) *Genèses* 136.

[13] See Epstein, Chapter 5 in this volume.

[14] Steven Vaughan, 'We Need to Talk about Method: A Call for More and Better Empirical Environmental Law Scholarship' (2024) 36(1) *Journal of Environmental Law* 13; see also Christian Boulanger, Naomi Creutzfeldt, and Jen Hendry, 'The Journal of Law and Society in Context: A Bibliometric Analysis' (2024) 51(1) *Journal of Law and Society* 3.

[15] Rachel Cahill-O'Callaghan and Linda Mulcahy, 'Where Are the Numbers? Challenging the Barriers to Qualitative Socio-Legal Scholarship in the United Kingdom' (2022) 49 *Journal of Law and Society* 105.

[16] In political science, quantitative analyses dominate, and major journals have launched campaigns to invite more qualitative submissions and ensure a balanced and fair peer review process, see Sarah Wallace Goodman and Jennifer Cyr, 'Publishing Qualitative Research' in Jennifer Cyr and Sara Wallace Goodman (eds.), *Doing Good Qualitative Research* (Oxford University Press 2024).

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In qualitative empirical legal research, interviews stand out as the most common method, particularly in studies about institutions, processes, and decisions – typically the focus of legal scholarship. Although other methods, such as participatory observation or focus groups are less commonly used in legal research, they are gaining traction. Given their growing popularity in political science,[17] legal researchers are also catching up, albeit typically one or two 'seasons' behind.

Interviews serve a broadly similar purpose in legal research and other social sciences research, functioning as a common method for collecting qualitative data about specific groups or places to contribute to broader knowledge of the social world. They can take various forms – structured, semi-structured, or open – and fulfil different functions, such as exploring the field, collecting data, understanding social realities, or testing hypotheses. Depending on their aim, interviews may involve a range of subjects from ordinary citizens to experts. My own interviews have primarily focused on experts, aligning with a broader trend in legal scholarship. An expert interview is a qualitative method used to gather in-depth insights from individuals with specialised knowledge, which is in most cases combined with the expert's 'vastly disproportionate control over or access to a resource'.[18] Experts often represent an elite group, and sometimes elite and expert interviews are used interchangeably.[19] Expert interviews with lawyers are usually also elite interviews, because in most contexts, lawyers or people with a legal education belong to administrative, legal, or political elites in the societies in which they operate. In this chapter, I use the term 'expert interview'.

Expert interviews are essential in research aimed at understanding the 'causes of social problems or the origins of public policies',[20] highlighting the critical role experts play in the societies under study. This rationale, with some variations, applies to many research projects that rely on expert interviews. The popularity of this method is evident in the substantial body of methodological literature dedicated to it. Much of this literature addresses issues such as defining an expert for a specific project, gaining access, navigating power imbalances between the researcher and participant, and selecting the appropriate experts.[21] One recent aspect of this methodological debate concerns the role of status. Von Soest argues that 'for most

[17] Jostein Berkhout, Michele Crepaz, Marcel Hanegraaff, and Wiebke Maria Junk, 'Online Focus Groups as a Tool to Study Policy Professionals' (2023) 10(4) *Research & Politics* 1.

[18] Shamus Rahman Khan, 'The Sociology of Elites' (2012) 38(1) *Annual Review of Sociology* 361; see also Alexander Bogner, Beate Littig, and Wolfgang Menz (eds.), *Interviewing Experts* (Palgrave Macmillan 2009).

[19] Esther Nir, 'Approaching the Bench: Accessing Elites on the Judiciary for Qualitative Interviews' (2018) 21(1) *International Journal of Social Research Methodology* 77.

[20] Lantian Li, 'Interviewing Elites' in Jennifer Cyr and Sara Wallace Goodman (eds.), *Doing Good Qualitative Research* (Oxford University Press 2024) 183.

[21] Léger Félix Ntienjom Mbohou and Sule Tomkinson, 'Rethinking Elite Interviews through Moments of Discomfort: The Role of Information and Power' (2022) 21 *International Journal of Qualitative Methods* 1.

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research objectives, the selection of expert interview partners should . . . be problem- and expertise-centered rather than status-oriented'.[22] Li adopts a more fine-grained distinction. For her, elite interviews are either 'problem/policy-oriented research' or 'experience-oriented research'.[23] However, there is no real choice because the selection of experts for interviews is always status *and* expertise-oriented. For instance, when interviewing 'revolvers' – individuals who have moved from the public sector to the private sector – I selected them because of their expertise (or experience) and the status of (former) ministerial aides.

While it is safe to say that expert interviews are now an established part of legal scholarship, this was not always the case. Historically, legal research tended to focus less on those we now consider experts. I have argued elsewhere that early empirical legal research, which focused on the 'users' of the legal system,[24] conducted interviews primarily to extract their experiences. When discussing the experiences of crime victims, consumers, children, or immigrant workers, interviews typically involved vulnerable individuals or individuals in other sensitive positions. Interviewing such groups imposes a range of ethical expectations and obligations on the researcher, and for good reasons.[25] While interviewing people in vulnerable situations has not become obsolete in EU legal research,[26] nor have their experiences become irrelevant, there has been a shift towards interviewing experts in EU legal research.

This shift has important implications for researchers, because civil servants, practicing lawyers, policy-makers, politicians, judges, and similar professionals are not in vulnerable positions. One could argue that, in researching them, it is the researchers who may find themselves in vulnerable or inferior positions. This practice of 'studying up' – interviewing individuals in higher hierarchical positions in society – can disrupt the traditional power dynamics where the researcher is thought to call the shots. As Li notes, 'interviewees are often the powerholders, rather than the researchers'.[27] Research ethics is another area where this 'bias' for interviewees as vulnerable people is evident. Ethics clearance and relevant

[22] Christian von Soest, 'Why Do We Speak to Experts? Reviving the Strength of the Expert Interview Method' (2023) 21(1) *Perspectives on Politics* 277.

[23] Li (n 20), 185.

[24] See Korkea-aho and Leino-Sandberg (n 10).

[25] See Wendy Pearlman, 'Interviewing Vulnerable Populations' in Jennifer Cyr and Sara Wallace Goodman (eds.), *Doing Good Qualitative Research* (Oxford University Press 2024).

[26] Maria Gaglia and others, 'The Unintended Consequences of the EU's Common Agricultural Policy for Local Communities' in Paul James Cardwell and Marie-Pierre Grangers (eds.), *Research Handbook on the Politics of EU Law* (Edward Elgar 2020); Berfin Nur Osso, 'Narratives of Agency: Understanding the Refugee Experience through Paintings at the EU's External Borders' (2024) 5(2) *Borders in Globalization Review* 11; Catherine Barnard and Fiona Costello, '(Facilitated) Conversations from the Frontline: Qualitative Multilingual Research with EU Migrant Workers' in Alysia Blackham and Sean Cooney (eds.), *Research Methods in Labour Law: A Handbook* (Edward Elgar 2024) 313.

[27] Li (n 20), 191.

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guidelines typically concentrate on projects where the interviewees need protection, while paying little or no attention to projects where interviewees are experts or otherwise in privileged positions, and where researchers may be those in vulnerable positions.[28]

Yet the status of experts as public figures confers a different type of risk or vulnerability. In her discussion of elite interviewing, Morris suggests that while elite interviewing is often seen as problematic for a researcher because the interviewees are powerful figures, she argues that researchers 'have power over the respondent through the process of research … control of what is published and control of meaning'.[29] In other words, the researcher retains a form of authority, regardless of the interviewee's status, because they control the interpretation and meaning of the data as well as the writing process. This focus on sense-making highlights that power can shift throughout the research process and is not constant. While the interviewee might hold power during the interview, the researcher assumes power during the writing-up stage. Expert interviewees are also vulnerable to breaches of anonymity, an issue revisited below.

11.4 UNPACKING THE QUESTION OF WRITING: QUALITY AND REPRESENTATION

In a sense, writing about the use of interviews is challenging, because it is widely recognised that presenting data is an uncontrolled and dynamic process. Researchers must exercise their judgement in presenting 'unwieldy amounts of "raw" data in the form of interview data or ethnographic fieldnotes',[30] and turning a creative chaos into order. There is no singular style for reporting findings from qualitative research to help us begin. Indeed, 'there is no format or template there when we start writing'.[31] Qualitative scholars often emphasise that not only does the researcher choose which story to tell, but also *how* to tell it.[32]

One way to begin unpacking the question of 'how' is by considering the quality of empirical work.[33] While the quality of qualitative empirical work is shaped by many factors, it is often during the writing and publishing stage that the assessment of

[28] See also Ntienjom Mbohou and Tomkinson (n 21).

[29] Zoë Slote Morris, 'The Truth about Interviewing Elites' (2009) 29(3) *Politics* 209.

[30] Willis (n 6), 474.

[31] Margarete Sandelowski, 'Writing a Good Read: Strategies for Re-Presenting Qualitative Data' (1998) 21(4) *Research in Nursing & Health* 375. See, however, Buggs and Sims, who describe the 'normative social scientific format' that consists of introduction, literature review and theory, methods, findings, discussion and conclusion', see Shantel Gabrieal Buggs and Jennifer Patrice Sims, 'Strategizing Fit and Legibility' in Jennifer Cyr and Sara Wallace Goodman (eds.), *Doing Good Qualitative Research* (Oxford University Press 2024) 457.

[32] Harry F. Wolcott, *Writing up Qualitative Research* (Sage 1990) 18.

[33] Stacy Carter and Miles Little, 'Justifying Knowledge, Justifying Method, Taking Action: Epistemologies, Methodologies, and Methods in Qualitative Research' (2007) 17(1) *Qualitative Health Research* 1316.

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quality – specifically the choices made during the conduct of interviews – becomes possible.[34] Steven Vaughan, reflecting on the empirical legal articles published in *JEL*, argues that authors often fail to provide insights into their methodological choices. He explains that rigorous qualitative legal scholarship should at least inform the reader about the following: 'research question(s), epistemological and theoretical stances, method, sampling techniques (random, purposive, systemic, snowball, convenience), sample size, approach to saturation; modes and mechanisms of data collection and data analysis (including approaches to coding, issues of triangulation, and what to do with outlier or deviant case data, and researcher positionality and bias (including research ethics))'.[35] In his analysis, many published articles surprisingly lack this critical information.[36] Some of the responsibility here also falls on editors and publishers, as legal journals either do not require such baseline information or dismiss it as superfluous during peer review to save space.[37]

When considering the quality of qualitative research and how to present interview data, transparency is often regarded as the most important virtue. Without transparency, it is impossible to assess the quality and rigour of qualitative work.[38] The reader 'requires sufficient detail to be able to follow the [empirical] process and judge how "fair", "reasonable" or "regular" the process or steps taken were'.[39] In this context, the issue of writing up is part of the broader debate on quality and transparency, aimed at convincing the reader that the research has followed a 'standard' process and provides all the necessary information. While transparency is undoubtedly crucial, it should not monopolise our attention entirely. The goal of writing up expert interviews is not to create a 'city of glass' where outsiders can see everything, as argued below.

Another way to approach the 'how' question comes from ethnography, particularly from its focus on representation. It is a fundamental issue in ethnographic

[34] I am not interested in the quality of interviewees, although this clearly impacts the quality of qualitative empirical work: 'quality of expert judgments . . . depends, first of all, on the quality of experts', see Andreas Schedler, 'Judgment and Measurement in Political Science' (2012) 10(1) *Perspective on Politics* 21.

[35] Vaughan (n 14), citations omitted.

[36] Ibid., 5.

[37] Branda Nowell and Kate Albrecht, 'A Reviewer's Guide to Qualitative Rigor' (2019) 29(2) *Journal of Public Administration Research and Theory* 348; Wallace Goodman and Cyr (n 16). There is US debate about whether qualitative researchers should opt for books instead, see Buggs and Sims (n 31), 457.

[38] Victoria Reyes, 'Three Models of Transparency in Ethnographic Research: Naming Places, Naming People, and Sharing Data' (2018) 19(2) *Ethnography* 204; see also Jennifer Cyr and Sara Wallace Goodman (eds.), *Good Qualitative Research* (Oxford University Press 2024) where two out of four chapters in part 5: 'Publishing Qualitative Research' deal with transparency.

[39] Jane Meyrick, 'What Is Good Qualitative Research? A First Step Towards a Comprehensive Approach to Judging Rigour/Quality' (2006) 11(5) *Journal of Health Psychology* 805.

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research, especially when writing is involved, as it touches on the assumed right to tell stories about others.[40] This issue becomes especially relevant when researchers spend time in the field and develop relationships with their subjects. While legal scholars using expert interviews rarely spend extended periods of time in the field with their subjects, even brief interactions can raise questions about representation and how to truthfully incorporate interviews into their writing.[41] To address the 'paralysing' effect of representation,[42] ethnographers are encouraged to engage in self-reflexivity, acknowledging their role in both conducting and writing up the research. Self-reflexivity, however, offers little concrete guidance in the writing-up stage.

Take, for instance, the power dynamics between the researcher and subject in the context of expert interviews. Czarniawska notes while a 'dialogue' between researcher and subject is important, it should not turn into a 'duet'.[43] The researcher should avoid the trap of thinking that their writing, while aiming to accurately represent the subjects, must also be agreeable to them. While I endorse this in principle, applying it to research, which has the potential to upset interviewees higher up the hierarchy, is less straightforward. For instance, on one occasion, a peer-reviewer strongly suggested that I use more assertive language to describe a phenomenon they considered 'a sham'. After much deliberation, I decided against using that word or any other word such as 'mockery' implying any deliberate intent. This highlights that power dynamics can intensify during the writing-up phase, often more so than during the interviews themselves. Despite the time elapsed since the interviews and the absence of direct temporal or physical proximity between the researcher and influential interviewees, these dynamics can remain complex and challenging.

11.5 ZOOMING IN: WRITING ABOUT EXPERT INTERVIEWS IN EU LAW

Should we then simply throw in the towel, concluding that nothing meaningful can be said about writing about interviews? I do not think so. To discuss writing, we must first look more closely at the types of interviews conducted by EU legal scholars.

Expert interviews in EU legal research have three distinctive characteristics. I have adapted these three features from Rebecca Willis, who discusses the use of

[40] Ruth Behar, 'Ethnography and the Book That Was Lost' (2003) 4(1) *Ethnography* 15.

[41] This also relates to how we understand the concept of 'field'. Often, to non-ethnographers, the field is both a spatial place (often outside Europe or at least outside one's home country) and a temporal experience requiring at least weeks of engagement. Can the field be constituted by conducting interviews in your hometown and staying in touch with your interviewees? To what extent can the field resemble a network of contacts that is nurtured sporadically?

[42] Jason P. Rancatore, 'It Is Strange: A Reply to Vrasti' (2010) 39(1) *Millennium* 65.

[43] Barbara Czarniawska, *Shadowing: And Other Techniques for Doing Fieldwork in Modern Societies* (Liber 2007).

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interviews that she has conducted with UK politicians. In her article, she introduces the use of 'composite narratives' to report interviews with politicians. By composite narratives, she refers to the practice of combining multiple interviews and presenting them as the story of a single individual. Although this approach is rarely used, she notes that it is an effective response in situations where the researcher must present 'an authentic yet anonymous story'. She explains that when writing interviews her aim was not to distinguish between politicians through comparisons and categorisations. Instead, it was to investigate how politicians, as (a group of) people, navigate their life and work. She notes that the only modification is to present data obtained from several interviewees as if it were from a single individual.[44] I do not further discuss her take on composite narratives but, rather, I discuss the reasons she gives for adopting the practice of composite narratives. These three reasons characterise well the environment in which the EU legal scholar conducts interviews.[45]

First, expert interviews in EU legal scholarship often involve *complex, embedded situations*, and the accounts provided by research subjects blend descriptions of intricate policy environments with personal reflections on their role within them. The discussions frequently delve into context-specific narratives and technical details. This is not to suggest that interviews with non-experts are less complex, but in expert interviews, the presence of technical details, policy implications, or legal facts is particularly pronounced. Additionally, such facts are often known and understood by only a small group of individuals, which highlights the sensitive nature of these interviews.

Second, these interviews frequently involve influential figures in politics and law, whose identities are sensitive and require protection. As a result, maintaining anonymity is crucial, leading to the general practice of not naming interviewees, disclosing minimal information about their organisations, and not making interview transcripts public. However, it is not only the general public that the interviewees are concerned about. Expert interviewees often worry that their identities could be recognised by other research participants, who are more likely than the general reader to identify or plausibly guess who was interviewed. These individuals are also 'powerholders', requiring the researcher to reflect on their own position relative to the participant during writing up.

[44] Willis (n 6), 472, see also especially at 473 and 475.

[45] I do not aim for an exhaustive listing of research using expert interviews in EU law, but I have given some examples here, see Päivi Leino-Sandberg, 'Enchantment and Critical Distance in EU Legal Scholarship: What Role for Institutional Lawyers?' (2022) 1(2) *European Law Open* 231; Sofia Heikkonen, 'Transparency Materialised: How Registers Can Regulate Access to Documents?' (2024) (3)1 *European Law Open* 111; Virginia Passalacqua, 'Legal Mobilization via Preliminary Reference: Insights from the Case of Migrant Rights' (2021) 58(3) *Common Market Law Review* 751; Panu Minkkinen, 'Judicial Media Power? Transparency and Communication at the Court of Justice of the European Union (CJEU)', unpublished manuscript on file with author.

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Third, expert interviews often contribute to research that is 'future-forming',[46] meaning that it has significant policy relevance and the potential to influence future policies. This raises ethical questions about the role of the researcher when using material that could have a substantial impact on future policy-making. What is the ethical responsibility of the researcher in such situations?

While these considerations are important during the interview process, they are equally, if not more, crucial when reporting on these interviews. All three of these characteristics present distinct challenges for qualitative researchers. These challenges exist during the interview process – particularly in gaining access – but my focus is on how the researcher, having overcome access issues and completed the interviews, then uses them while giving due respect to the characteristics described above. In the following, I will discuss each of these features to encourage reflection. I tentatively examine three key notions – situatedness, transparency, and integrity – for qualitative legal researchers when writing about and with interviews in their work.

11.5.1 *Situatedness as a Response to Writing up in Complex Policy Environments*

When dealing with complex policy environments, researchers often assume that the best way to manage this complexity is through detailed description. This approach, influenced by Geertz's concept of 'thick description' in ethnographic research,[47] aims to convey the intricacies of the field. However, excessive description is not always the best solution. Excessive description can be overwhelming, and a key updated principle for qualitative researchers becomes clear: 'After getting the data, the major task in qualitative research is to "get rid of it"'.[48] Data should be used selectively to exemplify, illustrate, or illuminate the story the researcher wants to tell. Second, excessive description can compromise the anonymity of research subjects.

Instead, I advocate for an approach I call 'situatedness'. I prefer the term situatedness because, unlike self-reflexivity, it is more concretely tied to the act of writing.[49] Situatedness can take several forms. Iver B. Neuman, a Norwegian anthropologist,

[46] Willis (n 6).

[47] Clifford Geertz, *The Interpretation of Cultures: Selected Essays* (Basic Books 1973).

[48] Wolcott (n 32), 18.

[49] Reflexivity is a critical practice that seeks to consider the researcher's role in constituting evidence. Donna Haraway has criticised the methodology of reflexivity for being caught up in 'geometries of sameness' and suggesting instead the notion of diffractions. Taking Haraway's criticism and developing diffraction as a critical methodology further, Karen Barad notes that 'diffractions are attuned to differences – differences that our knowledge-making practices make and the effects they have on the world', see Karen Barad, *Meeting the Universe Halfway: Quantum Physics and the Entanglement of Matter and Meaning* (Duke University Press 2007) all citations at 72. The point, as Barad explains, is not 'simply to put the observer or knower back in the world (as if the world were a contained and we needed merely to acknowledge our situatedness in it) but to understand and take account of the fact that we too are part of the world's differential becoming', see Barad, at 91.

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describes 'textual situatedness' as considering how to write up findings in a way that situates them within the academic field while also reflecting the ethical aspects of fieldwork and the trust established during it.[50] Textual situatedness requires researchers to understand and explain how their findings relate to existing research. Identifying 'markers' in the literature can help the researcher in writing up expert interviews. For instance, when interviewing 'revolvers', I knew that the existing literature emphasises the contacts these individuals acquire during their time in government service. However, the interviewees' frequent mentions of civil servants' phone numbers led me to realise that the research should focus on just contacts broadly, but specifically on bureaucratic contacts, which unlike political ones, remain 'valid' for years, if not decades.

Textual situatedness also involves linking interview data with other sources. In legal research, as well as in the social sciences more generally, interview data is rarely the only source. Legislation, policy documents, archival data, and academic literature can also be used to triangulate findings from interviews. Research subjects often promise to provide additional documents during interviews that could help verify their statements, but these documents rarely arrive post-interview. In my experience, they usually surface during the interview itself, if at all. The promise of additional documents can also affect the power dynamic between researcher and interviewee.[51] If the researcher is promised more data, they may 'censor' their writing in the hope of eventually receiving the information, particularly when more research is to be conducted in the same field or with the same participants.

Self-censorship is a form of textual situatedness, shaped by how researchers position their findings in relation to their subjects and other academics in the field. It is a practice that researchers seldom acknowledge in their publications. Self-censorship can take many forms, but perhaps most commonly we omit passages we feel might be excessive, or we adjust our tone and style to avoid seeming too critical. We might do it out of fear of creating bad blood or facing repercussions that we are not even sure what they could be, or because we feel a 'debt' to interviewees for agreeing to speak with us. Whatever the reason, it feels like a failure, something shared only with close colleagues or in the intimate setting of an academic workshop. Self-censorship can also be a tool of shame among peers. At a recent workshop I attended, a senior academic presented her research that involved expert interviews in an organisation where the entry is strictly controlled. She noted that the research participants (to whom she had previously presented her provisional findings) had not liked all of her findings. After her presentation, another senior academic in the audience argued that she should soften her critical findings not to upset the

[50] Cecilie Basberg Neumann and Iver B. Neumann (Springer International Publishing AG 2018), 12–15.

[51] For the alternative explanations a researcher entertains when promised materials fail to arrive, see Minkkinen (n 45).

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participants. The goal was not to please the participants as such, but to ensure that future scholars would still be granted access to this institution and others known for strictly regulating research entry. This would be a clear example of the dangers of 'duet' writing, but it also highlights how writing is influenced by considerations of access, and how power dynamics exist not only between the researcher and the subject, but also between researchers.

Another form of situatedness is 'role situatedness', which some equate with self-reflexivity. For instance, Ntienjom Mbohou and Tomkinson describe it as a process of 'turning of the researcher lens back onto oneself to recognise and take responsibility for one's own situatedness within the research and the effect that it may have on the setting and people being studied, questions being asked, data being collected and its interpretation'.[52] What they do not discuss is the extent to which the results of this self-reflexivity must be made part of the writing. Obvious biases and conflicts of interest with research participants must be disclosed, but other situations where the researcher's own role may influence the research subjects abound. For instance, in my interviews with 'revolvers', participants were aware of my previous research on lobbying transparency. They then frequently differentiated themselves from others who took jobs in public affairs consultancy firms, signalling that they would never accept private sector jobs and seeking my 'approval' for their choices.

Acknowledging and reflecting on these forms of situatedness helps to make sense of the complexity that interviews aim to capture. But what if considerable time has passed between the interviews and the writing? And what if the interviews have blurred into a haze? Field notes, often used by ethnographers, can be helpful here. This practice is also common among qualitative researchers who take notes during interviews, especially if the interview is recorded, allowing them to document feelings and observations about the interviewee's demeanour. For researchers writing up their findings, field notes 'can be useful in describing the setting, contextualising the research, and in *situating* the researcher in a particular place and time since the researcher is the social scientific instrument in qualitative research'.[53] If field notes (or excerpts from them) are made public, they can also benefit readers. Reyes notes that knowing researchers' thoughts and real-time analyses aids readers in gaining a clearer understanding of the data and arguments presented, while sharing field notes allows readers to identify potential flaws in the researchers' reasoning and perspectives.[54] However, this raises the question: can

[52] Ntienjom Mbohou and Tomkinson (n 21).

[53] Reyes (n 38), 218, emphasis added.

[54] Ibid. Digital fieldwork is increasing among qualitative researchers, and I, for instance, use Zoom and Teams to conduct interviews. This allows a researcher to record both the voice and video. However, I personally only record voice and keep manually a diary of reactions to use when analysing data. For digital interviewing, see Diana Kapiszewski, Lauren MacLean, and Lahra Smith, 'Digital Fieldwork: Opportunities and Challenges' in Jennifer Cyr and Sara Wallace Goodman (eds.), *Doing Good Qualitative Research* (Oxford University Press 2024).

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there be too much transparency? Are we, as scholars, absolving ourselves of the responsibility to make hard choices by putting everything out there and expect the reader to make informed choices and judgments on our behalf?

11.5.2 *Can There Be Transparency about Expert Interviews?*

It is common to advocate for making the production of knowledge more transparent and visible to other researchers,[55] particularly when it comes to the presentation of interview data. But what does transparency mean in this context? Kapiszewski defines transparency as being precise about how the information and evidence supporting the study's claims and conclusions were collected; detailing the processes of interpretation and analysis used to develop those claims and conclusions; and ensuring that this information and evidence are accessible to others.[56] No simple answer to how qualitative inquiries should be made transparent has been put forward.[57] Kapiszewski also notes that there is no single method of 'making qualitative social inquiry transparent',[58] and illustrates this through four possible approaches: preregistration, research appendices, ATI (annotation for transparent inquiry), and data sharing.[59] Majic also argues that research transparency is not 'a coherent and normatively agreed-upon practices. Instead … a variety of factors, including but not limited to, the research project's epistemological orientation, the context and vulnerability of participants, and labour demands must shape how one understands and operationalises them'.[60]

Reyes identifies three models of transparency: naming places, naming people, and sharing data. These refer to whether researchers should name a region, city, or specific neighbourhood; whether primary participants or public officials should be named; and whether interview guides, transcripts, or various field notes should be shared.[61] In expert interviews conducted in EU legal research, naming places is usually unnecessary, and if places names are included, they are usually not particularly relevant. A variation on naming places is mentioning an institutional

[55] Colin Elman, John Gerring, and James Mahoney (eds.), *The Production of Knowledge: Enhancing Progress in Social Science* (Cambridge University Press 2020).

[56] Diana Kapiszewski, 'Research Transparency in Qualitative Inquiry' in Jennifer Cyr and Sara Wallace Goodman (eds.), *Doing Good Qualitative Research* (Oxford University Press 2024) 435; see also Reyes (n 38), 205.

[57] This is one of the reasons why there is a lot written about research transparency.

[58] Kapiszewski (n 56), 436.

[59] Appendices offer 'details on data sources or research processes or include material that is too unwieldy to be placed in the body of the text', see Kapiszewski (n 56), 437.

[60] Samantha Majic, 'Ethics of Transparency and Data Sharing' in Jennifer Cyr and Sara Wallace Goodman (eds.), *Doing Good Qualitative Research* (Oxford University Press 2024) 447. For the epistemological dimension see also Kapiszewski noting 'How scholars pursue transparency is significantly impacted by how they believe knowledge is generated and how they generate knowledge', Kapiszewski (n 56), 438.

[61] Reyes (n 38).

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background or nationality. For example, if all participants come from the same sector, such as NGOs,[62] disclosing this may be relatively risk-free. However, if the sample is small, it may be necessary to obscure institutional affiliations to protect anonymity. Naming people is rare, as most experts agree to participate in interviews on the condition of anonymity.[63] A similarly cautious approach applies to sharing raw data, such as transcripts, which are typically kept confidential.[64] This is often because interviewees agree to participate only on the condition that their transcripts will not be made publicly available, linking issues of access with those of transparency. Full data transparency may also reduce the quality of responses if interviewees are reluctant to speak freely, knowing their words could be made public. Furthermore, researchers invest considerable effort in conducting interviews, referred to as 'sweat equity', which may also influence the decision not to share raw data.[65]

In EU legal scholarship, there is an emphasis on anonymity across these three areas – naming places, naming people, and sharing data, which then underscores the need for transparency in reporting findings. Transparency in reporting anonymous interviews is essential, but it does not mean we should violate the promises made to participants by naming them or sharing transcripts. Majic argues that researchers' ethical responsibility to safeguard human participants and their communities should take precedence over sharing information with the audience of their research.[66] So, how can we be transparent about interviews we cannot share? Majic suggests that researchers can be explicit about their research project and process. This involves being precise about the research goals, clearly stating one's positionality and subjectivity, and detailing any risks and conflicts in the research – returning to the idea of situatedness discussed earlier. Additionally, transparency in the process of generating and analysing evidence involves, for example, indicating how representative a specific quote is compared to all interview statements, and noting the level of consensus among experts.[67]

This is neither simple nor straightforward – something a qualitative researcher can summarise in half a page and move on from. Data from a research project 'are

[62] Emilia Korkea-aho, 'Rock'n' Roll Stars or Guitar Technicians? Legal Advisors as Legal Experts in NGO Lobbying' in Emilia Korkea-aho and Päivi Leino-Sandberg (eds.), *Law, Legal Expertise and EU Policy-Making* (Cambridge University Press 2022) 218.

[63] Technically this means that the interview participants are given pseudonyms, usually a running number. Although some participants may request to be named, I have always opted to report interviews anonymously.

[64] In EU legal scholarship, interview data is often limited in scope, and although this is not always stated, it seems that most researchers manually analyse the data without using specific coding tools or protocols. If sections of the transcripts are used to explain the coding process, the coding protocols cannot be shared unless the transcripts themselves are shared.

[65] Majic (n 60), 448. Some may share their interview data only with researchers with clearly specified research plans, not sharing them with just anyone.

[66] Ibid., 449.

[67] Von Soest (n 22).

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often analyzed individually or in small groups, with references to them laced throughout the text of the associated manuscript. Making qualitative inquiry with these characteristics transparent thus requires introducing evidence and discussing its generation and analysis at multiple points in a manuscript'.[68] Moreover, the analytical processes present additional challenges. For scholars whose information is 'co-created' through interactions with participants,[69] involving the creation of meaning, and therefore partially reflects the researchers' unique experiences, frameworks, and interpretations, sharing data may be pointless and misguided, while sharing their analytical process can be practically difficult.

The level of transparency must always be determined in relation to the specific project.[70] Transparency is a decision that must consider the research subjects, and qualitative researchers often frame this in terms of participants who are at risk or marginalised.[71] Yet confidentiality protection is also crucial for members of various elites and experts,[72] who may have much to lose if they can be identified, especially by their peers or line managers.[73] This is not to argue that anonymity is less important for non-elite research subjects. Reyes emphasises that researchers do not always foresee or understand unintended consequences, both when 'studying down' – working with participants who have less education or lower socio-economic status – or 'studying up' – engaging with those who are equally or more educated and affluent.[74]

Sometimes both types of considerations are present in the same research, or as is often the case for me, 'studying up' and 'studying even higher up'. Using homelessness as an example, Reyes explains that while participants (those experiencing homelessness) should remain anonymous, policy officials can be named, because engaging with someone in a position of power acting in an official capacity is fundamentally different from interacting with individuals who have little or no power and may be among the most vulnerable.[75] This distinction between those who speak in an official capacity and primary participants who may be vulnerable is also relevant for expert interviews. For instance, in my case, 'revolvers' – most of them facing the pressures of family, career, and mortgages in their mid-thirties –

[68] Majic (n 60), 452.
[69] Kapiszewski (n 56), 438.
[70] Reyes argues that one should switch 'attention on transparency from a "one size fits most" approach to highlighting how these decisions are part of an ethnographer's methodological toolkit, and should be made on a case-by-case basis depending on the who, what, where, when and why of our research', see Reyes (n 38), 206.
[71] Majic (n 60), 448.
[72] Li (n 20), 189.
[73] For this reason, retired respondents are often favoured by researchers. That they are retired allows them to speak more candidly than they could have done during their careers, see, e.g., Calvin Thrall, 'Informational Lobbying and Commercial Diplomacy' (2025) 69 *American Journal of Political Science* 1147.
[74] Reyes (n 38), 211.
[75] Ibid.

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remain anonymous, while interviews with their employers, who are acting in an official capacity, can be disclosed.

One final consideration is whether transparency can help prevent corruption or abuse of power, just as we like to think when we address the integrity of decision-makers and those with power. Is transparency important to avoid the misuse of an academic's power?[76] Could researchers hide behind anonymity to construct narratives not fully supported by data? Like all humans, academics are susceptible to the misuse of power. However, it is difficult to see how researchers could misuse anonymity in qualitative interviews. Most researchers send either the interview transcript or the final version of the manuscript to participants for review. I, for example, do the latter. This practice ensures transparency and prevents abuses of anonymity, but it also exposes researchers to the risk of self-censorship, particularly when working with influential participants.

11.5.3 *Integrity as a Means to Counterbalance the Research's High Impact*

The 'future-forming' aspect of research often leads to a high policy impact. This does not imply that such research has 'political', or interventionist aims.[77] Rather, it means that this kind of research can inform how laws and policies should be changed, influence the opinions of parliamentarians and policy-makers or be used by advocacy networks to promote certain policies. Researchers must be aware of this responsibility when presenting their findings. While both legal and non-legal research can shape the future, I believe legal research frequently plays a key role in this regard.[78]

What does this 'awareness' mean in concrete terms? Some strategies of awareness are familiar. Researchers should use interview transcripts cautiously, avoiding selective quoting (cherry-picking) and providing context for quotes. Quotes should not be used decoratively, merely to convince the reader that the researcher's descriptions have a basis in 'real life'. Researchers often use extracts from interviews to capture aspects of empirical reality in a concise and vivid manner. While conducting interviews, a clever phrase might stand out, tempting the researcher to include it in their text. However, it is important to relate these extracts to the broader empirical

[76] Nancy Hirschmann, 'Data, Transparency, and Political Theory' (2018) 16(2) *Qualitative and Multi-Method Research*: Newsletter of the American Political Science Association Organized Section for Qualitative and Multi-Method Research, 27.

[77] Gergen, who originally came up with the term, sees however future-forming research as part of 'reflexive pragmatism', see Kenneth J Gergen, 'From Mirroring to World-Making: Research as Future Forming' (2015) 45(3) *Journal for the Theory of Social Behaviour* 287. This approach 'sees research as situated within the social world, with an explicit ethical stance and aim for intervention, rather than just description or analysis', see Willis (n 6), 477.

[78] One could argue that legal argumentation has a particular power in today's societies, which increases the future-forming aspect of legal research. However, the development of this argument would necessitate taking up the debate on legalisation, which is not my intention here.

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data, countering the common accusation that expert interview quotes are 'cherry-picked'.[79] Cherry-picking is often accompanied by an excessive use of interview quotations. The cautious approach that sparsely uses quotations helps protect the confidentiality of expert interviewees and the integrity of research, especially in areas with high political stakes.

This is particularly important because, due to ethical and methodological constraints, expert interview transcripts cannot usually be made public, making it impossible for other researchers or participants to verify how quotes were selected or whether they represent the 'typical' interviewee. Tripp has called for transparency, emphasising that 'To overcome the power of the good quote and avoid biases in using references, scholars should clearly catalogue the procedures guiding the aggregation and interpretation of information.'[80] For legal scholars, selecting quotes from interviews parallels the choices made when using court judgments. There is a similar temptation to select a particularly striking quote without placing it in the full context of the judgment or within the context of several judgments. However, since court judgments are public, readers can always contextualise them. This is not the case with expert interview data, where quotes may lack the necessary context.

Integrity in writing requires resisting the temptation to use striking quotes and, at times, deciding not to include references from certain interviews. It also involves the obligation to provide proper context for the quotes used and to clearly indicate if any quotes represent outliers. The decisions a researcher makes in the name of integrity are not always transparent. For example, while researchers may incorporate decisions about complexity or situating themselves and their subjects into the text, integrity as a guiding principle may lead to choices that cannot be fully explained. A researcher is unlikely to receive praise for avoiding cherry-picking or for providing thorough context, and peer-reviewers may even criticise the use of empirical material as bland or overly detailed. Tripp's suggestion of establishing clear procedures, while valuable, is often insufficient in practice.

When writing about interviews, the researcher must also consider the role of the research participant. As noted earlier, expert interviews serve to gather expert knowledge and subjective perceptions. Both types of data can be collected within the same research project,[81] but this dual purpose must be considered when writing and using quotations. Subjective perceptions and attitudes can and should be used, but it would lack integrity to conclude that a system is ineffective simply by citing a participant's personal frustration with it.

[79] Colin Elman, John Gerring, and James Mahoney, 'Case Study Research: Putting the Quant into the Qual' (2016) 45(3) *Sociological Methods & Research* 375.

[80] Aili Marie Tripp, 'Transparency and Integrity in Conducting Field Research on Politics in Challenging Contexts' (2018) 16(3) *Perspectives on Politics* 728, 735; see also Von Soest (n 22).

[81] See Avril and Korkea-aho (n 7).

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11.6 DISCUSSION

I began this chapter by posing two questions: are there unwritten rules about how to use interviews when writing a book chapter or article? And how should findings from expert interviews in EU legal research be presented?

There are no formal or informal rules about using interviews. This chapter has attempted to show that there are many personal and sometimes painful recollections, shared in footnotes or at workshop dinners, about the challenges of writing academic work. Qualitative scholars take their responsibility seriously. If I were to offer one guiding principle, it would be: do not view interviews solely as a source of raw data for analysis to support an argument (writing *about* interviews). Instead, see interviews as something that demands continuous engagement (writing *with* interviews), requiring constant reflection on how they shape the argument you formulate by writing.

What about interviews in EU legal scholarship? As noted above, qualitative interviews in this field are often expert interviews, frequently with lawyers working as professionals in various contexts. These interviews typically concern complex policy environments, involve influential individuals, and carry high stakes. While these characteristics affect how researchers secure access and conduct interviews, they become even more relevant when the researcher is sitting at her laptop with the analysed data. How should these interviews be used most effectively and responsibly? There are no simple answers.

I first discussed the concept of situatedness, which means that the researcher must situate herself both in terms of the text and her role. This involves multiple layers of reflection such as how participants perceive themselves in relation to the researcher (Do they try to present themselves favourably? Do I try to present their statements favourably?), and how their statements might not align neatly with the research findings. The writing process, then, becomes a way to build bridges between these complexities. In this regard, expert interviews involve risks, as researchers may self-censor to gain further information, defer to influential individuals, or keep opportunities open for junior researchers.

The issue of transparency in qualitative research has been widely discussed, often overshadowing other considerations. Transparency has many advantages – it helps build synergies, dispel suspicions of unethical conduct, and clarify what remains to be discovered. While the level of transparency is always determined by the need to protect participants (how much can be disclosed without compromising the promises made to them), it is offered primarily to the academic community. Just think about tools to improve transparency: preregistration, research appendices, ATI (annotation for transparent inquiry), and data sharing. They are all designed with another academic in mind. As academics, we tend to focus on transparency within our own circles. But what about transparency for participants or the broader policy community? Research funders also play a significant role, with national and EU

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funders increasingly directing research towards open and accessible data. A key aspect of this shift is the requirement for open-access publishing, which is now a common condition for funding. While funders do not mandate to make qualitative data public, they expect it to be accessible. Consequently, qualitative researchers must frequently justify why their data remains confidential. This emphasis on open data is at odds with the typical confidentiality of qualitative (expert) interview data, presenting a tension that may ultimately favour one priority over the other. Time will tell which considerations prove more enduring.

Conducting expert interviews can sometimes place the researcher in a unique position, where they hold data relevant to debates dominating the front pages of newspapers they browse over breakfast. This is where the issue of integrity arises. By the time the researcher submits their final proof, the public controversy may have shifted, but this does not diminish the future-forming potential of their research. In these situations, the researcher typically reflects carefully on their own role and that of their participants. Choices are made to exclude certain quotations or to provide additional context – often more than editors or peer-reviewers deem necessary. This is where transparency offers no guidance, as these choices rarely make it into published text. Is integrity worth it without a good qualitative scholar prize?

11.7 CONCLUSION

Writing up research often escapes scholarly scrutiny, despite its significant consequences for research participants, the environments in which they live, and the policy recommendations that stem from research findings. This stage represents a critical moment for scholars to become accountable to themselves, to their research subjects, and the broader communities affected by their work. While transparency is a vital aspect of this accountability, it is not the only element to consider. Transparency often takes on an outsised role, as it is a goal and a tool for demonstrating compliance and to validate our research against the set standards.

However, writing does not create a 'glass house' that provides access to other researchers, research participants, and the public. Full transparency is not only impractical, but it can also contradict our aims for accountability. It risks shifting the responsibility for understanding coding protocols and raw data and for making difficult and unrewarding decisions away from the scholar to those interested in our research. In contrast, concepts like situatedness and integrity offer a more balanced approach to accountability without being as extreme. Finally, interviews involve human beings, and we should treat them with respect, curiosity, and care. Interviews are not material extensions of individuals, yet we must resist the temptation to view them as sources of extraction when we 'mine' for useful material. Instead, we should respectfully engage with them as part of the shared world in which we all participate and make sense of things that interest us.

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