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## Q&A

# The Ethics of a Code for Anthropologists

In the next few weeks, members of the American Anthropological Association are expected to vote on new ethical guidelines on secrecy in research. The proposed changes in the organization's ethics code are driven by concerns over the roles of social scientists in several military and intelligence programs, like the Human Terrain System. That program, which the association has formally criticized, sends social scientists to work alongside U.S. military forces in Afghanistan and Iraq.

David H. Price, an associate professor of anthropology at Saint Martin's University, in Washington, was involved in discussions on the ethics changes and has written about the history of interactions between American anthropologists and military and intelligence agencies. The proposed new language says that anthropologists must be honest and open with all stakeholders about the nature and intent of their research, and it would ban anthropologists from conducting clandestine research. — Josh Keller

## **Q. Why is talking about ethics in the context of anthropologists' engagement with the military so important?**

A. Ethics and research have always come out of interactions with the military in the social sciences. That's where all of our ethics codes come from. There were no professional ethics codes codified until after World War II, and it was really the Nuremberg trials that produced the first human-research ethics codes. Those came up with very basic standards about meeting voluntary informed consent, and things like that. I find it interesting that the American Anthropological Association — while in the 60s they made a draft code that was never approved or official or anything like that — it wasn't really until the early 70s, and it was the Vietnam context that codified this report. It's always been warfare that brings these issues to the fore.

## **Q. How do the ethical issues that social scientists face now differ from, say, during the Vietnam War?**

A. Well, I don't see the ethical issues as differing, though there are different manifestations of it. Even World War II, there are the same issues and the issues are: Is deceit being used? Do people have the opportunity without consequence to talk to social scientists doing work? Is there really voluntary informed consent without any sort of consequence? And while I see World War II as a vastly different war politically than the Vietnam War or the current war, the ethical issues raised by

it remain fundamentally the same.

**Q. So if the ethical issues are constant, why can these conversations be so difficult?**

A. There's another layer. And that is, frankly, much of the concern that is being raised about changes involving secrecy don't involve uses in the military, they involve uses in industry. There are practicing and applied anthropologists who work with proprietary data sometimes, and they have concerns that if this is added to the ethics code, it could limit the way that they do their work. Now I've done applied anthropological work, and I've been able to work things out so that any report that I make is accessible to anyone who I study. There are ways to do this.

In fact, if someone's working in an agency where there are guidelines that prohibit this, frankly, fixing the ethics code can be a way for people to renegotiate these things in the workplace. It's happened with lots of ethics-code changes in other professions and within our profession.

**Q. So you see that as a reason for actually making a code like this?**

A. What ethics codes are is they're statements about the right way to think about and approach doing research. The thing about research involving human beings is ... usually, methodologically, the best way to find something out about another person is probably unethical. It might be illegal, too, but that's a separate question. If you want to find out what I'm really thinking, tap my phone. Read my e-mail. Pretend to be my friend and come into my life and my world and all this, that, and the other. It's a far better way than asking me in a formal interview, and methodologically — not worrying about ethics — that's far superior. We need real thoughtful ethics codes because we're always tempted. Good people are trying to conceive of research, and there's always a really good way to get information that has ethical problems. This is the purpose of an ethics code.

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## Vote on Changes to the AAA Code of Ethics

Dear AAA Member:

You are being asked to vote on adoption of **changes** [pdf] to the AAA Code of Ethics. These changes come forward to you as a result of a year-long process wherein a number of stakeholders, including the Committee on Ethics (CoE), NAPA, CoPAPIA, NCA, the Executive Board (EB) and others provided significant input. We write to provide background information about the proposed changes, and to provide perspective on next steps.

At the Business Meeting conducted during the 2007 Annual Meeting, a resolution introduced by Terry Turner was passed by the membership.[1] This resolution directed the EB to restore sections 1.g, 2.a, 3.a and 6 of the 1971 version of the code of ethics. A related motion was introduced by John Kelly,[2] directing the EB to report to the membership if a decision was not made to restore, in total, the language proposed in the Turner motion. Both motions appear below.

The EB requested that the AAA Committee on Ethics draft, pursuant to the Kelly motion, a revised version of the ethics code that incorporated the principles of the Turner motion. The Committee on Ethics, supplemented with six invited guests, submitted a "Report to the AAA Executive Board on the Revision of the AAA Ethics Code" on June 16, 2008. This report contained majority and minority opinions about the changes in the code of ethics needed to comply with the Turner Motion.

The CoE report offered several reasons for rejecting incorporation of the Turner motion into the Code of ethics, namely:

"The majority of the working group express[es] concern that the 1971 language does not allow exceptions that both the working group and the framers of the resolution have acknowledged as valid, such as confidentiality regarding the location of archaeological resources or threatened populations of plants and animals. Further, they feel that if the purpose of the resolution is to prohibit anthropologists from abusing the trust placed in them by the people with whom they work and whom they study, then the language needs to be clarified to unambiguously allow confidentiality or restricted distribution of results in those cases where such restrictions are based on an anthropologist's primary ethical obligations to the people, species, and materials they study and to the people with whom they work."

An ad hoc subcommittee of the AAA Executive Board was constituted to consider the Committee on Ethics report, and prepared this document for consideration of the entire EB. This subcommittee consisted of T. J. Ferguson, Monica Heller, Tom Leatherman, Gwendolyn Mikell, and Deborah Nichols.

The AAA EB subcommittee, among its findings, agreed with the Committee on Ethics that the 1971 ethics language could not be reinserted verbatim into the AAA Code of Ethics, as proposed by Turner for the reasons outlined above. Furthermore the subcommittee also found that certain elements of the 1971 language fail to recognize valid but crosscutting ethical obligations and agreed that a new section of the ethics code be drafted regarding dissemination of research findings.

In sum, the AAA EB subcommittee recommended six changes to the Code of Ethics, and it is these changes we will be asking you to vote on shortly.

As a part of next steps, the EB has passed a motion to establish a Task Force to revise the entire Code of Ethics over a two year period to be completed by November 2010. Shortly, you will be asked for your direct input in updating and revising the entire Code of Ethics. For more information on this effort, please see

<http://www.aaanet.org/issues/policy-advocacy/Task-Force-Members-Named-for-Comprehensive-Ethics-Review.cfm>.

We, the Executive Board, are committed to establishing the most responsible code of ethics for our discipline, and we ask that you join us in this effort by registering your vote and committing yourself to participation in this process.

Best,

The Executive Board of the American Anthropological Association

[1] While the resolution was passed by the membership, the action was considered "advisory" to the Executive Board because the resolution was not submitted at least 30 days prior to the start of the Business Meeting, as required by AAA

# Executive Board Proposal to Amend the Code of Ethics

*New language appears in underlined text; removed language appears in ~~strikeout text~~.*

## **Code of Ethics of the American Anthropological Association** *Approved June 1998*

### **I. Preamble**

Anthropological researchers, teachers and practitioners are members of many different communities, each with its own moral rules or codes of ethics. Anthropologists have moral obligations as members of other groups, such as the family, religion, and community, as well as the profession. They also have obligations to the scholarly discipline, to the wider society and culture, and to the human species, other species, and the environment. Furthermore, fieldworkers may develop close relationships with persons or animals with whom they work, generating an additional level of ethical considerations

In a field of such complex involvements and obligations, it is inevitable that misunderstandings, conflicts, and the need to make choices among apparently incompatible values will arise. Anthropologists are responsible for grappling with such difficulties and struggling to resolve them in ways compatible with the principles stated here. The purpose of this Code is to foster discussion and education. The American Anthropological Association (AAA) does not adjudicate claims for unethical behavior.

The principles and guidelines in this Code provide the anthropologist with tools to engage in developing and maintaining an ethical framework for all anthropological work.

### **II. Introduction**

Anthropology is a multidisciplinary field of science and scholarship, which includes the study of all aspects of humankind--archaeological, biological, linguistic and sociocultural. Anthropology has roots in the natural and social sciences and in the humanities, ranging in approach from basic to applied research and to scholarly interpretation.

As the principal organization representing the breadth of anthropology, the American Anthropological Association (AAA) starts from the position that generating and appropriately utilizing knowledge (i.e., publishing, teaching, developing programs, and informing policy) of the peoples of the world, past and present, is a worthy goal; that the generation of anthropological knowledge is a dynamic process using many different and ever-evolving approaches; and that for moral and practical reasons, the generation and utilization of knowledge should be achieved in an ethical manner.

The mission of American Anthropological Association is to advance all aspects of anthropological research and to foster dissemination of anthropological knowledge through publications, teaching, public education, and application. An important part of that mission is to help educate AAA members about ethical obligations and challenges involved in the generation, dissemination, and utilization of anthropological knowledge.

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The purpose of this Code is to provide AAA members and other interested persons with guidelines for making ethical choices in the conduct of their anthropological work. Because anthropologists can find themselves in complex situations and subject to more than one code of ethics, the AAA Code of Ethics provides a framework, not an ironclad formula, for making decisions. Persons using the Code as a guideline for making ethical choices or for teaching are encouraged to seek out illustrative examples and appropriate case studies to enrich their knowledge base.

Anthropologists have a duty to be informed about ethical codes relating to their work, and ought periodically to receive training on current research activities and ethical issues. In addition, departments offering anthropology degrees should include and require ethical training in their curriculums.

No code or set of guidelines can anticipate unique circumstances or direct actions in specific situations. The individual anthropologist must be willing to make carefully considered ethical choices and be prepared to make clear the assumptions, facts and issues on which those choices are based. These guidelines therefore address *general* contexts, priorities and relationships which should be considered in ethical decision making in anthropological work.

### III. Research

In both proposing and carrying out research, anthropological researchers must be open about the purpose(s), potential impacts, and source(s) of support for research projects with funders, colleagues, persons studied or providing information, and with relevant parties affected by the research. Researchers must expect to utilize the results of their work in an appropriate fashion and disseminate the results through appropriate and timely activities. Research fulfilling these expectations is ethical, regardless of the source of funding (public or private) or purpose (i.e., "applied," "basic," "pure," or "proprietary").

Anthropological researchers should be alert to the danger of compromising anthropological ethics as a condition to engage in research, yet also be alert to proper demands of good citizenship or host-guest relations. Active contribution and leadership in seeking to shape public or private sector actions and policies may be as ethically justifiable as inaction, detachment, or noncooperation, depending on circumstances. Similar principles hold for anthropological researchers employed or otherwise affiliated with nonanthropological institutions, public institutions, or private enterprises.

#### **A. Responsibility to people and animals with whom anthropological researchers work and whose lives and cultures they study.**

1. Anthropological researchers have primary ethical obligations to the people, species, and materials they study and to the people with whom they work. These obligations can supersede the goal of seeking new knowledge, and can lead to decisions not to undertake or to discontinue a research project when the primary obligation conflicts with other responsibilities, such as those owed to sponsors or clients. These ethical obligations include:

- To avoid harm or wrong, understanding that the development of knowledge can lead to change which may be positive or negative for the people or animals worked with or studied
- To respect the well-being of humans and nonhuman primates
- To work for the long-term conservation of the archaeological, fossil, and historical records
- To consult actively with the affected individuals or group(s), with the goal of establishing a working relationship that can be beneficial to all parties involved

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2. ~~[In conducting and publishing their research, or otherwise disseminating their research results],~~ anthropological researchers must ~~do everything in their power to ensure that~~ [ensure that they do not] harm the safety, dignity, or privacy of the people with whom they work, conduct research, or perform other professional activities, ~~[or who might reasonably be thought to be affected by their research]~~. Anthropological researchers working with animals must do everything in their power to ensure that the research does not harm the safety, psychological well-being or survival of the animals or species with which they work.
3. Anthropological researchers must determine in advance whether their hosts/providers of information wish to remain anonymous or receive recognition, and make every effort to comply with those wishes. Researchers must present to their research participants the possible impacts of the choices, and make clear that despite their best efforts, anonymity may be compromised or recognition fail to materialize.
4. Anthropological researchers should obtain in advance the informed consent of persons being studied, providing information, owning or controlling access to material being studied, or otherwise identified as having interests which might be impacted by the research. It is understood that the degree and breadth of informed consent required will depend on the nature of the project and may be affected by requirements of other codes, laws, and ethics of the country or community in which the research is pursued. Further, it is understood that the informed consent process is dynamic and continuous; the process should be initiated in the project design and continue through implementation by way of dialogue and negotiation with those studied. Researchers are responsible for identifying and complying with the various informed consent codes, laws and regulations affecting their projects. Informed consent, for the purposes of this code, does not necessarily imply or require a particular written or signed form. It is the quality of the consent, not the format, that is relevant.
5. Anthropological researchers who have developed close and enduring relationships (i.e., covenantal relationships) with either individual persons providing information or with hosts must adhere to the obligations of openness and informed consent, while carefully and respectfully negotiating the limits of the relationship.
6. While anthropologists may gain personally from their work, they must not exploit individuals, groups, animals, or cultural or biological materials. They should recognize their debt to the societies in which they work and their obligation to reciprocate with people studied in appropriate ways.

### **B. Responsibility to scholarship and science**

1. Anthropological researchers must expect to encounter ethical dilemmas at every stage of their work, and must make good-faith efforts to identify potential ethical claims and conflicts in advance when preparing proposals and as projects proceed. A section raising and responding to potential ethical issues should be part of every research proposal.
2. Anthropological researchers bear responsibility for the integrity and reputation of their discipline, of scholarship, and of science. Thus, anthropological researchers are subject to the general moral rules of scientific and scholarly conduct: they should not deceive or knowingly misrepresent (i.e., fabricate evidence, falsify, and plagiarize), or attempt to prevent reporting of misconduct, or obstruct the scientific/scholarly research of others.
3. Anthropological researchers should do all they can to preserve opportunities for future fieldworkers to follow them to the field.

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4. [Anthropologists have a responsibility to be both honest and transparent with all stakeholders about the nature and intent of their research. They must not misrepresent their research goals, funding sources, activities, or findings. Anthropologists should never deceive the people they are studying regarding the sponsorship, goals, methods, products, or expected impacts of their work. Deliberately misrepresenting one's research goals and impact to research subjects is a clear violation of research ethics, as is conducting clandestine research.]

5. Anthropological researchers should utilize the results of their work in an appropriate fashion, and whenever possible disseminate their findings to the scientific and scholarly community.

6. Anthropological researchers should seriously consider all reasonable requests for access to their data and other research materials for purposes of research. They should also make every effort to insure preservation of their fieldwork data for use by posterity.

### **C. Responsibility to the public**

1. Anthropological researchers should make the results of their research appropriately available to sponsors, students, decision makers, and other nonanthropologists. In so doing, they must be truthful; they are not only responsible for the factual content of their statements but also must consider carefully the social and political implications of the information they disseminate. They must do everything in their power to insure that such information is well understood, properly contextualized, and responsibly utilized. They should make clear the empirical bases upon which their reports stand, be candid about their qualifications and philosophical or political biases, and recognize and make clear the limits of anthropological expertise. At the same time, they must be alert to possible harm their information may cause people with whom they work or colleagues.

2. [In relation with his or her own government, host governments, or sponsors of research, an anthropologist should be honest and candid. Anthropologists must not compromise their professional responsibilities and ethics and should not agree to conditions which inappropriately change the purpose, focus or intended outcomes of their research.]

3. Anthropologists may choose to move beyond disseminating research results to a position of advocacy. This is an individual decision, but not an ethical responsibility.

## **IV. Teaching**

### **Responsibility to students and trainees**

While adhering to ethical and legal codes governing relations between teachers/mentors and students/trainees at their educational institutions or as members of wider organizations, anthropological teachers should be particularly sensitive to the ways such codes apply in their discipline (for example, when teaching involves close contact with students/trainees in field situations). Among the widely recognized precepts which anthropological teachers, like other teachers/mentors, should follow are:

1. Teachers/mentors should conduct their programs in ways that preclude discrimination on the basis of sex, marital status, "race," social class, political convictions, disability, religion, ethnic background, national origin, sexual orientation, age, or other criteria irrelevant to academic performance.

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2. Teachers'/mentors' duties include continually striving to improve their teaching/training techniques; being available and responsive to student/trainee interests; counseling students/ trainees realistically regarding career opportunities; conscientiously supervising, encouraging, and supporting students'/trainees' studies; being fair, prompt, and reliable in communicating evaluations; assisting students/trainees in securing research support; and helping students/trainees when they seek professional placement.
3. Teachers/mentors should impress upon students/trainees the ethical challenges involved in every phase of anthropological work; encourage them to reflect upon this and other codes; encourage dialogue with colleagues on ethical issues; and discourage participation in ethically questionable projects.
4. Teachers/mentors should publicly acknowledge student/trainee assistance in research and preparation of their work; give appropriate credit for coauthorship to students/trainees; encourage publication of worthy student/trainee papers; and compensate students/trainees justly for their participation in all professional activities.
5. Teachers/mentors should beware of the exploitation and serious conflicts of interest which may result if they engage in sexual relations with students/trainees. They must avoid sexual liaisons with students/trainees for whose education and professional training they are in any way responsible.

### **V. Application**

1. The same ethical guidelines apply to all anthropological work. That is, in both proposing and carrying out research, anthropologists must be open with funders, colleagues, persons studied or providing information, and relevant parties affected by the work about the purpose(s), potential impacts, and source(s) of support for the work. Applied anthropologists must intend and expect to utilize the results of their work appropriately (i.e., publication, teaching, program and policy development) within a reasonable time. In situations in which anthropological knowledge is applied, anthropologists bear the same responsibility to be open and candid about their skills and intentions, and monitor the effects of their work on all persons affected. Anthropologists may be involved in many types of work, frequently affecting individuals and groups with diverse and sometimes conflicting interests. The individual anthropologist must make carefully considered ethical choices and be prepared to make clear the assumptions, facts and issues on which those choices are based.
2. In all dealings with employers, persons hired to pursue anthropological research or apply anthropological knowledge should be honest about their qualifications, capabilities, and aims. Prior to making any professional commitments, they must review the purposes of prospective employers, taking into consideration the employer's past activities and future goals. In working for governmental agencies or private businesses, they should be especially careful not to promise or imply acceptance of conditions contrary to professional ethics or competing commitments.
3. Applied anthropologists, as any anthropologist, should be alert to the danger of compromising anthropological ethics as a condition for engaging in research or practice. They should also be alert to proper demands of hospitality, good citizenship and guest status. Proactive contribution and leadership in shaping public or private sector actions and policies may be as ethically justifiable as inaction, detachment, or noncooperation, depending on circumstances.

### **VI. Dissemination of Results**

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1. The results of anthropological research are complex, subject to multiple interpretations and susceptible to differing and unintended uses. Anthropologists have an ethical obligation to consider the potential impact of both their research and the communication or dissemination of the results of their research on all directly or indirectly involved.

2. Anthropologists should not withhold research results from research participants when those results are shared with others. There are specific and limited circumstances however, where disclosure restrictions are appropriate and ethical, particularly where those restrictions serve to protect the safety, dignity or privacy of participants, protect cultural heritage or tangible or intangible cultural or intellectual property.

3. Anthropologists must weigh the intended and potential uses of their work and the impact of its distribution in determining whether limited availability of results is warranted and ethical in any given instance.]

### VII. Epilogue

Anthropological research, teaching, and application, like any human actions, pose choices for which anthropologists individually and collectively bear ethical responsibility. Since anthropologists are members of a variety of groups and subject to a variety of ethical codes, choices must sometimes be made not only between the varied obligations presented in this code but also between those of this code and those incurred in other statuses or roles. This statement does not dictate choice or propose sanctions. Rather, it is designed to promote discussion and provide general guidelines for ethically responsible decisions.

### VIII. Acknowledgments

This Code was drafted by the Commission to Review the AAA Statements on Ethics during the period January 1995-March 1997. The Commission members were James Peacock (Chair), Carolyn Fluehr-Lobban, Barbara Frankel, Kathleen Gibson, Janet Levy, and Murray Wax. In addition, the following individuals participated in the Commission meetings: philosopher Bernard Gert, anthropologists Cathleen Crain, Shirley Fiske, David Freyer, Felix Moos, Yolanda Moses, and Niel Tashima; and members of the American Sociological Association Committee on Ethics. Open hearings on the Code were held at the 1995 and 1996 annual meetings of the American Anthropological Association. The Commission solicited comments from all AAA Sections. The first draft of the AAA Code of Ethics was discussed at the May 1995 AAA Section Assembly meeting; the second draft was briefly discussed at the November 1996 meeting of the AAA Section Assembly.

The Final Report of the Commission was published in the September 1995 edition of the *Anthropology Newsletter* and on the AAA web site (<http://www.aaanet.org>). Drafts of the Code were published in the April 1996 and 1996 annual meeting edition of the *Anthropology Newsletter* and the AAA web site, and comments were solicited from the membership. The Commission considered all comments from the membership in formulating the final draft in February 1997. The Commission gratefully acknowledges the use of some language from the codes of ethics of the National Association for the Practice of Anthropology and the Society for American Archaeology.

[Subsequent revisions to this Code were initiated by the passing of a resolution, offered by Terry Turner at the AAA Business Meeting held in November of 2007, directing the AAA Executive Board to restore certain sections of the 1971 version of the Code of Ethics. A related motion, introduced by John Kelly, directed the Executive Board to report to the membership a justification of its reasoning if a decision was made to not restore, in total, the language proposed in the Turner motion.

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On January 20, 2008, the Executive Board tasked the Committee on Ethics, whose membership included Dena Plemmons (acting chair), Alec Barker, Katherine MacKinnon, Dhooleka Raj, K. Sivaramakrishnan and Steve Striffler, with drafting a revised ethics code that “incorporates the principles of the Turner motion while stipulating principles that identify when the ethical conduct of anthropology does and does not require specific forms of the circulation of knowledge.” Six individuals (Jeffrey Altshul, Agustin Fuentes, Merrill Singer, David Price, Inga Treitler and Niel Tashima) were invited to advise the Committee in its deliberations.

On June 16, 2008, the Committee on Ethics issued its report to a newly formed subcommittee of the Executive Board created to deal with potential code revisions. The subcommittee (consisting of T] Ferguson, Monica Heller, Tom Leatherman, Setha Low, Deborah Nichols, Gwen Mikell and Ed Liebow) examined the Committee on Ethics report and solicited the input of the Committee on Ethics; the Commission of the Engagement of Anthropology with the US Security and Intelligence Communities; the Committee on Practicing, Applied and Public Interest Anthropology; and the Network of Concerned Anthropologists, asking these groups to advise before making its own recommendations to the larger Executive Board. After examining the input of these groups, the EB subcommittee forwarded its recommendations to the entire Executive Board August 8.

Subsequent to these activities, AAA President Setha Low reached out to a number of stakeholders to solicit their input. On September 19, 2008, the Executive Board approved a final version of the Code of the Ethics.]

### **IX. Other Relevant Codes of Ethics**

The following list of other Codes of Ethics may be useful to anthropological researchers, teachers and practitioners:

#### **Animal Behavior Society**

1991 Guidelines for the Use of Animals in Research. *Animal Behavior* 41:183-186.

#### **American Board of Forensic Examiners**

n.d. *Code of Ethical Conduct*. (American Board of Forensic Examiners, 300 South Jefferson Avenue, Suite 411, Springfield, MO 65806).

#### **Archaeological Institute of America**

1991 Code of Ethics. *American Journal of Archaeology* 95:285.

1994 *Code of Professional Standards*. (Archaeological Institute of America, 675 Commonwealth Ave, Boston, MA 02215-1401. Supplements and expands but does not replace the earlier Code of Ethics).

#### **National Academy of Sciences**

1995 *On Being a Scientist: Responsible Conduct in Research*. 2nd edition. Washington, D.C.: National Academy Press (2121 Constitution Avenue, NW, Washington, D.C. 20418).

#### **National Association for the Practice of Anthropology**

1988 *Ethical Guidelines for Practitioners*.

#### **Sigma Xi**

1992 Sigma Xi Statement on the Use of Animals in Research. *American Scientist* 80:73-76.

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### **Society for American Archaeology**

1996 *Principles of Archaeological Ethics*. (Society for American Archaeology, 900 Second Street, NE, Suite 12, Washington, D.C. 20002-3557).

### **Society for Applied Anthropology**

1983 *Professional and Ethical Responsibilities*. (Revised 1983).

### **Society of Professional Archaeologists**

1976 *Code of Ethics, Standards of Research Performance and Institutional Standards*. (Society of Professional Archaeologists, PO Box 60911, Oklahoma City, OK 73146-0911).

### **United Nations**

1948 *Universal Declaration of Human Rights*.

1983 *United Nations Convention on the Elimination of All Forms of Discrimination Against Women*.

1987 *United Nations Convention on the Rights of the Child*.

Forthcoming *United Nations Declaration on Rights of Indigenous Peoples*.