

Final Report of The Task Force for Comprehensive Ethics Review

In early 2009, the AAA membership voted on revisions to the AAA's Code of Ethics, in response to a motion put forward at the business meeting of the AAA in 2007. Those revisions were specific to only a few sections of the code, and consisted of a very few sentences. In light of the specificity of those revisions, the Executive Board determined that a more comprehensive review of the entire Code of Ethics was warranted. Consequently, the EB convened a task force in late 2008 to undertake such a review over a three year period¹, with a final report to be submitted to the Executive Board in November, 2011. We respectfully submit this report along with our suggested revisions to the AAA Code of Ethics.

The Task Force's Approach

The Task Force began their work, a review of the Code of Ethics with the purpose of proposing revisions, in early 2009 by creating a survey which was disseminated to the entire membership. The survey was meant to be both a broad examination of perceptions of codes of ethics in general – what they should do, what they cannot do – and an assessment of opinions about the AAA code of ethics and its specific content. We wanted to know if and how the membership used the code in practice and in teaching, and if there were ways to make the code more relevant to our work. Several of the Task Force members entered into informal conversations with colleagues and with anthropologists who were not members of the AAA to examine their uses of the code and how they go about making ethical decisions.

At the same time, Task Force members began consulting with other sections of the AAA as well as organizations outside the AAA, and we also began a comprehensive review of the codes of ethics of these other organizations. We used all of this information, along with the results of the survey, to inform the agenda for our first face to face meeting in September of 2009, held in Washington DC.

From the survey results and our own conversations at this meeting, we first identified several purposes of a code of ethics: to state clearly that anthropologists are responsible for engaging in an on-going process of ethical thinking and practice that grapples with dilemmas that necessarily emerge in conducting research and other aspects of our professional lives; to assist faculty members and their students in teaching and learning about ethical dimensions and laying foundations on which anthropologists can continue to build throughout their careers; to be of real and immediate value to anthropologists in the actual contexts in which they make ethical decisions. Finally, we recognized that a code must be flexible enough to adapt to diverse circumstances and adjust to the wide range of contexts of anthropological practices, while providing core principles informing ethical practice in real-world situations.

In addition to discussions about the purposes of the code, we created several workgroups to focus on the major concepts or issues of practice which we saw as central to our code of ethics; the task of these workgroups was to make clear all the dimensions of these issues so that we would have a simultaneously clear and nuanced picture. Because of the breadth of anthropology as a discipline, it was crucial to deliberately and systematically explore a range of viewpoints and approaches. The workgroups examined relevant resources from a broad range of sources, as well as soliciting cases from anthropologists which helped contextualize the concepts with which we were

¹The initial charge: "*The Executive Board recommends the formation of a Task Force to review and propose revisions to the AAA Code of Ethics, which: (a) will consist of three (3) members of the Committee on Ethics and five (5) additional members to be chosen by the President in consultation with the Executive Board and the Task Force Chair; (b) be authorized to review the Code of Ethics for a period of no longer than 18 months, and (c) consult extensively over a period of no less than six months with relevant AAA committees and commissions, the Section Assembly, the membership at large and others through presentations and panel discussions at the 2009 annual meeting and articles and reports in Anthropology News. The new code is subject to approval by the Executive Board before being submitted for approval to the AAA membership by email ballot. This Task Force will issue its final report to the Executive Board by Nov. 15, 2010.*" While the Task Force was initially given a two-year period in which to conduct its review and suggest revisions, given the scope of the review process and plans for membership involvement in the revision process, the Task Force requested, and was given, a third year.

working. Throughout the process, we continuously connected our work back to the current code of ethics. We continued soliciting comments and feedback from the membership through an intentionally wide range of approaches, ranging from broadcast discussions, such as columns in *Anthropology News*, and a series of face-to-face events at the AAA annual meetings of 2008, 2009, and 2010 to allow members multiple opportunities to express views, concerns and criticisms. These included specific roundtables to address student concerns and specific invitations and roundtables for the AAA's section leadership and committee members to address their individual needs

Members of the Task Force met again in September of 2010 at Fort Burgwin on the SMU in Taos campus. Taking the workgroup documents, which had been informed by survey results, codes of other organizations, conversations with colleagues and students, and a wide array of resources – both anthropological and not – the Task Force members began the process of distilling all of the material into basic principles, which we thought would best represent the concerns of the code and of the members in a new way. We wanted to take what was latent in the current CoE and make it more evident/explicit and easier to remember in the form of principles, with preliminary explanatory text². Framing of these principles was informed by three additional goals:

- 1) To create easily remembered phrases which summarized key principles, and could inform the day to day decision making of anthropologists, increasing the immediacy and relevance of the code to all AAA members;
- 2) To revise the code in ways that reflected the breadth of sub-disciplines and contexts of practice, and thus addressing concern expressed by some respondents that the current code seemed to privilege certain kinds of approaches or contexts of practice; and
- 3) To employ a layered or nested approach in which broad principles were supported by framing discussions explaining and providing depth to the principles, and further supported by specific discussions or resources situating these principles within those different approaches or contexts of practice.

Our decision from the first meeting to reformulate the current code was not meant to imply that the current code is necessarily deficient. We did and still do think, however, that any effective and meaningful code needs to be periodically revised and restated to keep current with the ways in which ethical issues, however timeless, are encountered, discussed and debated in the field. Our intent has not been to suggest a completely new code that will stand without further revision, but to make the current code more immediately relevant. We hope and expect that it will be revisited and revised again on a regular basis, not just in the event of a disciplinary crisis, but as a living and evolving document with member input in the revision process. This is the precise process the Task Force began with this current revision, and we recommend that this process be returned to in the next instance of review.

Critical Questions for Review

During its three-year tenure, the Task Force examined a set of issues that have been salient in AAA member discussions over the past decade. We summarize these issues and our views on them below.

- **Primary Responsibility:** Past codes specifically stated that anthropologists owe their primary ethical obligation to the people they study. While the members of the Task Force were sympathetic to this view, it became increasingly clear that it reflected a cherished anthropological value rather than an actual principle of ethical practice. Anthropologists “studying up,” studying those in power, do not owe a greater ethical obligation to powerful individuals than to those vulnerable to that power. Nor is that value equally applicable to all kinds of anthropologists without either broad exclusions or special pleading (e.g., archaeologists, paleoanthropologists). While acknowledging the problematic nature of this previous principle, the Task Force nevertheless did discuss concerns that its removal weakens what had traditionally been perceived to be clear guidance for anthropologists caught in conflicting positions between the needs of

² We used the codes of ethics of the American Public Health Association (http://www.aspher.org/pliki/pdf/ethics_phls.pdf) and the International Society of Ethnobiology (<http://ethnobiology.net/code-of-ethics/code-in-english/>) as exemplars.

research participants, sponsors, and other populations. We wish to note that this was a difficult issue for the Task Force, and we were never able to reach unanimity.

The new code does place responsibility for one's actions squarely on the anthropologist, however. It requires her/him to consider the impacts of the work and its potential to cause harm. The Task Force is keenly aware that the Do No Harm principle is also complex and problematic, yet we feel this more directly and immediately addresses the ethical imperative informing the older "primary responsibility" statement, while recognizing that anthropologists study all kinds of individuals and institutions, some of whom do not necessarily command our primary allegiance or obligation. As was the case with the 1998 revisions to the Code, this topic demanded much energy and emotion. We think the intense investment in this discussion – as we witnessed it among ourselves and in the wider membership through comments left on the blog -- is a strength of our Association, and we assume attention to and investment in this topic will continue among our members for the foreseeable future.

- **Accessibility of Results:** Recent challenges to the existing Code of Ethics focused on the accessibility of results, and particularly whether there are cases where it is appropriate for results to be shared with some and not others, especially when those "others" are the subjects of the research. In addressing this topic the Task Force attempted a more complex approach, one which recognized that, in general, such sharing is expected, but that our research collaborators should also be accorded the right to make informed decisions on this topic for themselves. It has always been recognized that blanket requirements of accessibility do not apply (e.g., location of endangered study populations or archaeological sites), and the new principles provide greater guidance regarding how and why access should instead be limited and/or facilitated. We believe this provides more nuance than a broader statement that calls for sharing of research data and/or results, with implied exceptions.
- **Clandestine Research:** The problematic nature of clandestine research has long been recognized by the discipline. The Task Force draws a distinction between clandestine research in which *informed consent could not possibly, by design or context, be adequately and fairly given* and other kinds of research in which participants may not have full access to all information but are honestly and adequately informed regarding the nature, scope and sponsors of the research and have freely consented to their role. This more nuanced approach focuses on ethical considerations of anthropological practice instead of labels (e.g., "secret") whose meanings vary by context. We feel this approach more fully recognizes previous work by AAA task forces addressing these topics.³
- **Adjudication:** The Task Force discussed the issue of the AAA again having an adjudication process in cases of allegations of unethical conduct by anthropologists. When we gathered information from the membership at the start of our process, we learned that they have a range of opinions concerning the advisability of reinstating adjudication procedures. Like the AAA membership at large, the Task Force is composed of members representing the full range of views concerning the possible reinstatement of sanctions for ethical violations. While we discussed these issues, as a group we concluded that it should be considered separately from revising the ethics code. We recommend that if the Executive Board wishes to pursue an adjudicative code as a possibility, it should appoint a committee to consider this matter only after the EB has determined if it is in a position to make a financial and philosophical commitment to this process.

From our discussions of this matter, we believe that such a committee would need to answer at least the following questions in considering this possibility:

³ The Commission on the Engagement of Anthropology with the United States Intelligence and Security Communities (CEAUSSIC) dealt with this topic in both the 2007 report examining general issues related to the practice of anthropology in the context of "security," as well as the 2009 report discussing the Commission's findings on the Human Terrain Systems program. The revisions of the code in 2009 also addressed this issue somewhat tangentially.

1. What, exactly, would be the process for defining something to be an ethical violation, and from whom/what sources would those definitions arise? How would the Association reliably differentiate behavior that might more appropriately be considered unprofessional from that which is unethical?
2. Who hears complaints? How are those persons chosen? By what criteria and what credentials? Are those individuals indemnified by the Association?
3. What would the process be to change definitions of what constitutes an ethical violation – member vote? Committee? If the latter, would definitions / sanctions then be influenced by current committee membership, and how would the Association control for consistency?
4. Would you need to determine different levels of severity for violations, and then different sanctions for those different violations? And who would be making these decisions? What could the possible range of sanctions be, given that we aren't licensed or credentialed practitioners?
5. How would the code be a part of this process? Would it become a legal document then? How would the current code need to be re-written to be a part of a sanctioning process? Would new members have to make an attestation that they are legally bound to the code?
6. What about ethical violations committed by non-members? Can members being investigated for potential malfeasance simply withdraw their membership to avoid sanction?
7. From where would the funds come for the considerable expenditures necessary for ensuring due process and addressing issues of liability [personal/association]?
8. How would the Association reliably differentiate ethical concerns from political concerns, agendas, and interests which, however appropriate and laudable, should not be confused with what is or is not ethical?

The Task Force would like to point out that even though the AAA has no formal sanctioning process, there are nevertheless legitimate and viable means within the Association for addressing ethical issues of concern. In addition to the standing Committee on Ethics and the ad hoc advisory group Friends of the Committee on Ethics, there are such avenues as Association wide discussions of particular incidents, roundtable sessions at the AAA, case-based AAA sessions, special events at the AAA meetings, etc. The Task Force would encourage AAA leadership to institutionalize these means of purposefully addressing ongoing ethical education.

Communicating the Proposed Principles

Beginning just after that September 2010 meeting, the first of the principles was posted to a blog site on the AAA website, with principles being posted one at a time, through May of 2011. In addition to publicly posting these principles for comment, we also drew attention to these posts through communication with international anthropological organizations, section leaders and anthropology departments throughout the country. We chose this sequential method of dissemination for two reasons: first was to allow members to focus on each individual principle in turn, which we hoped would encourage deliberate and substantive discussion on the merits of each as a meaningful and relevant principle on its own, and second, and equally important, this was meant to be part of an *iterative process* in which ongoing discussion by the membership would determine both how each draft principle should be revised and how many additional principles might be needed to adequately address the concerns identified from discussion by the membership.

At the end of June 2011, all of the principles which had been drafted and re-drafted by the Task Force over the previous 9 months were posted on the blog, in one document; this draft document represented a series of carefully vetted and debated principles, each able to stand alone, which we then asked the membership one last time to review and discuss, and to provide suggestions and comments that would help ensure that the complete document adequately and coherently addressed key areas and concerns. Members of the Task Force then reviewed every comment, concern and posting, summarizing key viewpoints, concerns and opinions for discussion by all members of the Task Force to help revise both the individual principles and to identify any areas not adequately addressed in the existing principles.

In September of 2011, the Task Force met for a final time to review these summaries, all of the comments and suggestions left on the blog after posting of the complete set of principles, as well as additional comments solicited

by e-mail from committees and section leaders. Taking those comments and concerns into consideration, we did final editing of the principles, 7 in all; drafted a code preamble, and began the process of collecting the supporting documents and resources that would be linked from the specific principles. It was our plan from the outset to present the principles with other resources; those other resources include additional codes of ethics, articles, cases, and additional text and interpretation. It is our hope that the code of ethics of the AAA and supporting materials be seen as the primary resource, but among many, that the members can turn to for guidance in determining ethical practice and that it will be consulted by AAA members in those contexts in which they must make ethical decisions.

Recommendations

Along with this final report and our recommendation to the Executive Board to adopt the proposed changes to our Code of Ethics, we conclude with recommendations from the 1996 *Commission to Review the AAA Statement on Ethics*, recommendations which remain relevant and important, and which still require our attention as a discipline and a professional Association:

The AAA should produce and periodically update a publication of case studies of ethical dilemmas anthropological researchers, teachers and practitioners might face, suitable for use in graduate training, post-doctorate training, and continuing education.

The AAA should provide to departments technical assistance in establishing educational offerings in ethics.

The AAA should conduct ethics training workshops at annual meetings and during the year.

The AAA should seek a joint grant with one or more other social science organizations to develop a basic ethics teaching module, which could be used by all social sciences, calling on resources from across the campus, and which would be supplemented with department training specific to the discipline.

The AAA should seek a joint grant with one or more social science organizations to develop common basic statement of teaching ethics.

The AAA should develop broad guidelines to help departments determine the appropriate minimum of ethics training which should be offered to different levels of students.

Respectfully submitted –

The Task Force for Comprehensive Ethics Review

Dena Plemmons, Chair
Alec Barker
Charles Briggs
Laura McNamara
Katie Mackinnon
David Price
Niel Tashima