

# The Ethics-Review Process

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**T**he ethics-review process continues to produce shifts in what counts as anthropological knowledge, a process that is a part of the cultural context in which contemporary research occurs. In fact, the ethics-review process is already shaping, and will continue to shape, not only the nature of anthropological knowledge, but the very nature of ethnographic methods. It is influencing what kinds of information can be collected, how it can be collected and from whom.

## Attending to Research Ethics

In my research on the ethics-review process, participants, some of them anthropologists, emphasize in interviews and in their writings that attention to research ethics is important. On this point there is little argument. Although this concern for ethics is always there, calls for increased attention to research ethics occur at fairly predictable times. They are most likely to occur in situations of ambiguity and uncertainty triggered by "crisis cases" that fire up a "controversy machine" fueled, in part, by the media and moral panics that result from changing social values and expectations.

## COMMENTARY

In the aftermath of these trigger events, there is a period of intense personal and disciplinary introspection that results in a moral discourse about what constitutes good and ethically responsible research. Following this period, professional codes of conduct often are developed or refined. This can be seen in the recent reviews of the history of anthropology where there has been a particular emphasis on re-examining the ethics of our predecessors, and the recent revision of AAA's code of ethics in 1998 to serve as an educational tool rather than a tool for adjudication.

This classic scenario does not stop there. The next step in the process is that independent authorities, such as institutions and governments, step in and try to stall the controversy

machine by taking steps to formally and informally control or regulate research, and do so using a rhetoric of ethics. One of the results in the past was the institutionalization of the infamous research ethics-review process (conducted in the US through Institutional Review Boards). The "crisis" cases that resulted in the development and formal institution of the ethics-review process were primarily related to medical research, with a few commonly cited iconic cases from the behavioral sciences (for example, Milgram's experiment, Humphreys' "Tearoom Trade" and the Stanford prison study), cases that occurred in another historical and morally constituted era, one that occurred before many of today's researchers were born.

## Ethics-Review

In contrast to the trajectory that led to the requirement for the review of medical and experimental research, the ethics-review of anthropological and related research did not come from an attempt to control the controversy machine or research-related moral panics. Although anthropology's crises may influence the development of anthropologists' ethical consciousness and professional ethics codes, the review of anthropological research was not a focus of concern. Rather, the ethical review of anthropological research resulted from funding policies requiring that all research involving humans conducted in institutions that receive federal research funding must undergo research-ethics review.

For many anthropologists, however, the current ethics-review process does not address their ethical research concerns and may even create ethical dilemmas. For one thing, it falls at the wrong place in the research process and assumes that anthropological research and the development of anthropological knowledge always, rather than sometimes, follows the same course as that of the research paradigms common to medical research. It does not deal with the often emergent, life-long, experiential nature of anthropological research and the dynamic nature of its significant ethical moments. This creates a mismatch in ideas about the con-

struction of anthropological knowledge between anthropologists and ethics committee members that has the potential to change the very nature of that knowledge.

## Resulting Shifts in Knowledge

The ethics-review process is based on particular ideas about research and its nature, particular ideas about the production of knowledge. For example, research, including ethnography, is treated as a "bounded" entity, rather than a way of life. Research, as understood under the various guidelines for ethics-review, is understood as having a clear beginning and end. Ethnography, on the other hand, may be bound-

Gone are the days of using our own interactions in everyday life as the substance of anthropological knowledge production. Under the current review process, our experiences as citizens of the world, to use John Barnes' term, are being delegitimized as forms of data and knowledge. If anthropologists have not obtained informed consent and ethics approval, and done so before the event, if they can not be prescient and predict the pivotal ethnographic moment, the day may come when we cannot use such knowledge and information in our work. In order to do ethnography in its broadest sense, we may come to the day when anthropologists and other ethnographers must walk around wearing a sign around their necks that says: "I'm an

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less in time and space, where everything is potential data.

The concept of data is also treated by ethics-review committees as something discrete, bounded and material. Increasingly, emerging analyses that use data collected in one instance cannot be used in other ways without first gaining ethics approval. Most alarming is when ethics committees tell researchers they must destroy data after a particular period of time. The idea that anthropologists might believe it can be unethical to destroy data was a real revelation to members of one committee that reviewed research for which I was the supervisor. After I presented my case, they changed their rule to state that data must be stored for "at least" a certain number of years. Not only do "blanket" rules like this one developed for other kinds of research raise ethical dilemmas, including in this case issues related to the repatriation and ownership of data and the importance of being able to apply new form of analysis at a later date, but what will those who have decided to do research without direct contact with humans have to work with in the future?

ethnographer. Anything you say or do may one day become data."

There are, of course, other ways in which the ethics-review process is influencing the production of anthropological knowledge. Bright new researchers, particularly those who have been involved in a less than helpful ethics-review process, talk about abandoning their previously desired research careers, or at the very least changing their research area. Mature researchers well established in their careers talk about not engaging in new research as a way to avoid encounters with ethics committees. There is much talk about staying with "safe" research: research that does not involve direct interaction with living humans. Some people are choosing to do library-based or archival research rather than work with one of the most important sources of new understandings of humans and the human condition: humans themselves. This raises concerns about who will be left to influence not only what counts as anthropological knowledge, but how it will be shaped.

## The Anthropology of Ethics

The potential impact of the ethics-review process to change anthropological research makes it necessary

## The Shelf Life of Ethnographic Materials

Should ethnographic data with identifications be destroyed or locked up? Are there ways to ethically preserve this data? A dilemma posed last spring to the AAA Committee on Ethics and to a listserv of chairs of anthropology departments engaged these questions.

### The Dilemma—Policies on the Destruction of Data

A university's IRB instituted a policy whereby investigators must either destroy data with identifications (including photographs), or destroy or lock up the identifications. If these actions were not undertaken by investigators then they could face not being in compliance with the IRB, with repercussions for publishing the data in the future.

### Responses—Ethical Preservation of Data Is Necessary

There is nothing in federal policies regarding the protection of human subjects that would even remotely require, or even suggest, that ethnographers should destroy data, photographs or any other documents. If this were so it would be illegal for the National Anthropological Archives of the Smithsonian Institution to receive gifts of such materials and to spend federal funds in archiving them. Nor could the Library of Congress have received Margaret Mead's huge donation of her life's work. Indeed, the vast holdings of museums throughout the nation would be at risk of confiscation and destruction.

Far from destroying data, anthropologists are charged with preserving our data for later re-analysis by other scholars. Currently, I am working through a huge project of digitizing the slides, photographs and fieldnotes gathered by George M Foster in Tzintzuntzan during more than 50 years of fieldwork in that community. These materials include genealogies and ethnographic censuses with real names of people in the community. What Foster and others have collected is not just ethnographic data, but is the cultural patrimony and history of these people. As ethnographers, we are stewards of their heritage, not arbiters of what should be destroyed.

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While I am in general agreement with the importance and necessity of preserving ethnographic data, noting its potential special importance as cultural patrimony, several issues raise flags for me. The first issue: What about participant observation notes which often include commentary on matters of a personal nature and privileged communications that the informants gave under conditions of non-publication or dissemination? The second issue: What about ethnographic data collected under false pretenses or not under standards of informed consent that have been in practice over the last 30 years since the promulgation of the AAA Code of Ethics? These seem to me to be serious issues for discussion within the discipline.

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As I understand it, your first issue involves asking "To what extent are our sensitive or privileged ethnographic materials part of cultural patrimony?" To this question, I would respond that such sensitive or privileged materials might be a very important component of a group's cultural patrimony. Some good examples: the tape recordings made during the Nixon administration; the documents related to the Manhattan project and Truman's decision to use the atomic bomb against Japan. Historians wait patiently for 25 or 50 or more years to gain access to such documents in order to get the "real" story behind events.

Is there any reason that our ethnographic materials should receive different treatment? In my view, preserving materials, with appropriate restrictions as to access, is a better option than destroying materials.

It certainly is true that our notes—whether based on participant observation or some other methodology—often contain personal and privileged materials. Perhaps we also might compare our ethnographic data with those gathered by the US census. They preserve the original data sheets, insofar as this is possible, and eventually release copies 72 years after the census was carried out. They assume that 72 years is enough time so that the benefits of making the data sheets available will outweigh any costs to the few persons still alive who might be affected by the data released. Certainly, the millions of people who do genealogical or family research benefit from this census bureau policy. For our ethnographic data, the length of time appropriate for restricting access to data—with or without personal identifiers—would depend on the specific circumstances of the project.

On the second issue, we all are aware of changing "standards" for data gathering and analysis. NAGPRA is a clear lesson in this regard. So far, there is no equivalent for ethnographic data, although one could imagine a scenario in which a group might try to repatriate ethnographic materials that deal with sensitive or privileged materials (for instance, ethnographic data on Kiva ceremonies come to mind). I share your concern about information gathered under false pretenses or under circumstances in which informed consent was not mutually understood. In such cases, we would need to make an assessment of the circumstances in which the data were gathered, the understandings that existed in that time and place, and then consider how to interpret the data in an appropriate manner. Even in the most extreme cases, the decision might not be to destroy the data, but to write new interpretations that clarify the prior reports. In the more famous cases of ethnographic dispute (such as Redfield-Lewis, Mead-Freeman), the data at issue could be consulted by third parties; indeed, the data still are available for a future generation to read and judge their value.

A final point: we need to be careful that we not assume that the current AAA Code of Ethics is the final word on appropriate professional conduct. In fact, this code has evolved over the decades and it is likely to continue to be modified as anthropologists do research in new domains. We already sense some new issues emerging among our colleagues who work for private companies. They daily face questions about who "the people" are to whom they have responsibilities.

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For more information about this ethical dilemma and a compilation of resources on human research protections and Institutional Review Boards, see [www.aaanet.org/ar/irb/index.htm](http://www.aaanet.org/ar/irb/index.htm).

to focus on the review process itself. Among other things, we need to understand better this process as part of a specialized area of study that we might call the "anthropology of ethics."

Anthropologists are well placed to study and guide ethical debates about research and they can help shape the local and global research ethics of the future. We need to view the ethics-review process as a complex cultural artifact worthy of

study and then apply our knowledge and methods towards gaining a better understanding of this phenomenon and its potential impact on society and the production of all kinds of knowledge. We need to do this if we are to have some control over how it will influence what counts as anthropological knowledge and how this knowledge can be used or applied.

We need to not only issue position statements on the ethics review

of human research, like those recently produced by AAA, but as practicing anthropologists we need to use our anthropological knowledge and skills to influence the development of policies related to the ethics-review process and educate members of committees so that we promote ethically and culturally sound research. Given that anthropological research has long crossed national and cultural borders, it is well placed to be a guiding influ-

ence in shaping the national and international ethics-review processes of the future so that, at the very least, it does not unduly constrain the production of knowledge. ▣

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