

AUSTRALIAN ANTHROPOLOGICAL SOCIETY

Code of Ethics

1. Introduction

1.1 This Code for ethical practice recognises that anthropological work is broad in scope and includes academic research, teaching, consultancies and public commentary. 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 Code aims to exemplify the best standards of ethical practice and human rights. For biological anthropologists it additionally aims to embody the best standards of practice in humane dealings with non-human animals involved in research. The Code also sets out practical recommendations for anthropologists undertaking research and aims to foster discussion and education within the profession about ethical obligations and challenges involved in the generation, dissemination, and utilization of anthropological knowledge. The objectives of the Code are to provide the consensus view of ethical practice among members of the Australian Anthropological Society, to elaborate on the standards we share, to aid members in making informed decisions about their own practices, and to help them communicate their professional positions more clearly to other parties. The Australian Anthropological Society cannot investigate or adjudicate allegations about unethical behaviour.

1.2 All members of the Society are assumed to share this Code of Ethics. In applying for new membership or renewal of membership, applicants are also assumed to share this Code of Ethics.

1.3 In this document, 'anthropologist' refers to anyone eligible for membership of the Society; 'sponsor' refers to an employer, granting body or client which engages the services of an anthropologist; 'research participants' are the persons (or non human-animals) who in some aspect or other, are the subject of anthropological investigation; and 'representatives' are those persons and organizations which play a role in representing research participants. Anthropologists have the responsibility for ethical dealing in each of these sets of relationships.

2. Agreeing to work

2.1 Anthropological work should optimally be carried out only where there is informed consent by research participants, or those providing information, owning or controlling access to material being studied, or otherwise identified as having interests which might be impacted on by the research. At the same time, it is understood that in some circumstances such as in conflict situations or where researchers or participants may be endangered by such a process, it may not be possible to obtain informed consent. In most situations, however, anthropological work should be carried out only where all participating parties are informed and agree upon the terms of work.

3. Relations with research participants

3.1 Where a conflict of views or interests arises among the parties to research, anthropologists should endeavour to ascertain the views of the various research participants, as independently and impartially as possible.

3.2 Where live non-human animals are studied by a biological anthropologist, the anthropologist 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.

3.2 An anthropologist should not reveal personal identities or confidential information except by agreement with those whose identities or knowledge have been recorded by the anthropologist. In the case of deceased persons, anthropologists should have due regard to the interests and feelings of their surviving kin and fellow community members.

3.3 An anthropologist should explain to the research participants that, despite every effort anthropologists may make to preserve the anonymity or privacy of individuals or the confidential status of information, there may arise legal contexts where those efforts fail.

3.4 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 these guidelines, 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.

The principle of informed consent expresses the belief in the need for truthful and respectful exchanges between social researchers and the research participants.

- (a) Negotiating consent entails communicating information likely to be material to a person's willingness to participate, such as: - the purpose(s) of the study, and the anticipated consequences of the research; the identity of funding bodies and sponsors; the anticipated uses of the data; possible benefits of the study and possible harm or discomfort that might affect participants; issues relating to data storage and security; and the degree of anonymity and confidentiality which may be afforded to informants and subjects.
- (b) Conditions which constitute an absence of consent: consent made after the research is completed is not meaningful consent at all. Further, the research participants must have the legal capacity to give consent. Where subjects are unwilling to participate in a piece of research but are legally compelled to do so (eg. by their employer or government), consent cannot be said to have been meaningfully given by subjects, and anthropologists are advised not to pursue that piece of work.
- (c) Consent in research is a process, not a one-off event, and may require renegotiation over time; it is an issue to which the anthropologist should return periodically.
- (d) When technical data-gathering devices such as audio/visual-recorders and photographic records are being used research participants should be made aware of the capacities of such devices and be free to reject their use.

- (e) When information is being collected from proxies, care should be taken not to infringe the 'private space' of the subject or the relationship between subject and proxy; and if there are indications that the person concerned would object to certain information being disclosed, such information should not be sought by proxy;
- (f) The long period over which anthropologists make use of their data and the possibility that unforeseen uses or theoretical interests may arise in the future may need to be conveyed to participants, as should any likelihood that the data may be shared (in some form) with other colleagues or be made available to sponsors, funding bodies or other interested parties, or deposited in archives.

3.5 Results of research should be communicated back to the research participants, their next of kin or someone in their close social network. Anticipated practical consequences of the research should be properly considered and explained to research participants. Where necessary, interpreters should be used in such consultations to ensure adequate understanding on both sides.

3.6 Anthropologists should be aware of the intrusive potential of some of their enquiries and methods. They should scrutinise their research proposals and activities so as to minimise any intrusion:

- (a) Like other social researchers, they have no special entitlement to study all phenomena; and the advancement of knowledge and the pursuit of information are not in themselves sufficient justifications for overriding the values and ignoring the interests of research participants;
- (b) Anthropologists should be aware that while it can be a welcome experience for research participants to become the subject of anthropological description and interpretations, it can also be a disturbing one. In many of the social scientific enquiries that have caused controversy this has not arisen because participants have suffered directly or indirectly any actual harm. Rather, the concern has resulted from participants' feelings of having suffered an intrusion into private and personal domains, or of having been wronged, (for example, by having been caused to acquire self-knowledge which they did not seek or want).

3.7 Due acknowledgement of the role of research participants should be made in any reports of research.

It should be recognised that research participants may have contractual and/or legal, interests and rights in data, recordings and publications, although rights will vary according to agreements and legal jurisdiction.

- (a) It is the obligation of the interviewer to inform the interviewee of any uses to which the interview is likely to be put (e.g., research, educational use, publication, broadcasting etc).
- (b) Under the Australian Copyright Act, researchers making audio or video recordings must obtain 'copyright clearance' from interviewees if recordings are to be publicly broadcast or deposited in public archives. Any restrictions on use (e.g., time period) or other conditions (e.g., preservation of anonymity) which the interviewee requires should be recorded in writing. This is best done at the time of the interview, using a standard form. Retrospective clearance is often time-consuming or impossible where the interviewee is deceased or has moved away.

- (c) Interviewers should clarify before interviewing the extent to which the research participants are allowed to see transcripts of interviews and fieldnotes and to alter the content, withdraw statements, to provide additional information or to add glosses on interpretations.
- (d) Clarification must also be given to the research participants regarding the degree to which they will be consulted prior to publication.

3.8 The research participants should receive a fair return for services rendered, or for objects acquired from them by request. Anthropologists should not engage in exploitative relations with the research participants.

3.9 Anthropologists should seek joint status for researcher and the research participants in planning and executing research as far as feasible; notwithstanding 3.8 above, research should involve an essentially collaborative relationship between anthropologist and the research participants.

3.10 Anthropologists should not knowingly or avoidably allow information gained on a basis of the trust and cooperation of the research participants to be used against their legitimate interests by hostile third parties.

3.11 Anthropologists should inform the research participants of the nature of the anthropologist's relations with representatives, representative organisations and sponsors and of their obligations under any contractual arrangement with them.

4. Relations with the profession

4.1 Anthropologists should keep informed of developments in the field of their own anthropological expertise, and be willing to share such knowledge as a means of improving the general standard of anthropological knowledge, theory and practice.

4.2 Anthropologists should maintain integrity in the recording and presentation of anthropological data, and should not discredit the profession of anthropology by knowingly colouring or falsifying observations or interpretations, or making exaggerated or ill-founded assertions, in their professional writings, as expert witnesses, or as authors of any other form of reportage related to their work.

4.3 Anthropologists should not knowingly behave so as to offend research participants in ways which would make future work by other anthropologists unacceptable, unless such action is an unavoidable consequence of a commitment to truthfulness and good conscience.

4.4 Anthropologists should not compete with other anthropologists for employment in a way which may be detrimental to professional standards.

4.5 In agreeing to participate in a research project anthropologists should have regard to whether any aspect of the project is deemed unethical, not simply the part that the anthropologist is directly responsible for.

4.6 Anthropologists should not enter into agreements with sponsors, representatives, representative organizations, research participants or other entities which entail essentially partisan direction of anthropological research, or which confer on those entities powers of partisan censorship over results as distinct from reasonable protection of privacy and confidentiality.

4.7 Members of the Society should not make statements to the media purporting to represent the views of the Society without authorization from the Executive of the Society.

4.8 Anthropologists should support the long-term conservation of the archaeological, fossil, and historical records they deal with in their work.

4.9 Anthropologists should give due consideration to the disposal of their personal effects gained in the course of anthropological work (e.g. field records, ethnological objects) in the event of their incapacitation or death.

4.10 Anthropologists have a duty to be informed about ethical codes relating to their work, and ought periodically to inform themselves of contemporary thought on the relation between research activities and ethical issues.

5. Relations with sponsors, employers and representatives

5.1 Anthropologists should apply professional skill, care and expertise in the conduct of anthropological work and should endeavour to carry it out with due promptness and efficiency.

5.2 Anthropologists should not accept anthropological work which they are insufficiently qualified to do, whether by way of training or experience.

5.3 Anthropologists should state clearly the degree of confidentiality of reports and identify restricted material within them so that sponsors are protected from inadvertent misuse or publication of such material.

5.4 Anthropologists should respect the confidence of sponsors.

5.5 Anthropologists should not agree to clandestine employment by sponsors.

5.6 Anthropologists should come to explicitly contractual arrangements with sponsors before commencing work, specifying the tasks to be done, rights and responsibilities,

nature of reportage, agreement with research participants, representatives and representative organisations, copyright and access conditions, and rates of remuneration and costs.

5.7 It is the anthropologist's responsibility to clarify the extent to which his or her role as employee or consultant is essentially fact-finding, or acting as negotiator, or playing an advocacy role etc., and therefore to clarify the extent to which their work can be characterised as anthropological and covered by these ethics, or by other ethical considerations.

5.8 Anthropologists should not enter into agreements with sponsors which do not allow them to withdraw their services on ethical grounds.

5.9 Anthropologists should respect the role of corporate bodies operating on behalf of research participants and should include them where relevant in the negotiation of field research agreements.

5.10 Anthropologists should keep representative organisations informed of their activities in the field and, where there is no breach of confidentiality or agreements with research participants, supply them with copies of research results. Establishing a relationship with a representative body does not do away with the need to get informed consent directly from the subjects of study.

5.11 Anthropologists should respect the confidences of corporate bodies.

6. Relations with students

While it is understood that most universities and educational institutions have their own enforceable codes of conduct regarding relations with students, the statements here refer to anthropologists working either inside or outside these institutional settings.

6.1 Anthropologists should conscientiously strive to give students, trainees and interns or junior colleagues in joint projects an excellent anthropological education.

6.2 Anthropologists should select students without regard to sex, race, ethnic group, age, social class or other factors extraneous to their intellectual potential and suitability as scholars of anthropology.

6.3 Anthropologists should be fair and impartial in assessing student performance.

6.4 Anthropologists should properly inform their students of the ethical, scholarly and practical requirements of taking employment in the field of anthropology.

6.5 Anthropologists should do their best to assist their students in securing professional employment in a field relevant and appropriate to their qualifications.

6.6 Anthropologists should not engage in exploitative relationships with their students.

6.7 Anthropologists should not be involved in sexual liaisons with students, trainees or interns for whose education and professional training they are responsible.

6.8 Anthropologists should be receptive and responsive to the needs, problems and aims of students in relation to their education or career in the field of anthropology.

6.9 Anthropologists should encourage the educational departments in which they work to include and require ethical training in their curriculums.

7. Responsibility to the law

7.1 Anthropologists should take care to know of and generally understand the requirements of laws affecting their professional activity.

7.2 Research conducted outside one's own country raises special ethical and political issues, relating to personal and national disparities in wealth, power, the legal status of the researcher, political interest and national political systems:

- (a) Anthropologists should make allowances in their research methodologies for the differences between their own and the civil, legal and financial position of national and foreign researchers and scholars where appropriate;
- (b) They should be aware that irresponsible actions by a researcher or research team may jeopardise access to a research setting or even to a whole country for other researchers, both anthropologists and non-anthropologists.

7.3 Anthropologists should be aware of national laws or administrative regulations concerning data dissemination and storage, publication, rights of research subjects, of sponsors and employers. They should also remember that, save in a very few exceptional circumstances, social research data are not privileged under law and may be subject to legal subpoena. Such laws vary by jurisdiction. Some which may have consequences for research and publication in Australia. are, for example, anti-discrimination laws, defamation laws, copyright law, law of contract, and the Official Secrets Act.

8. Responsibility to the wider public

Anthropologists also have responsibilities towards other members of the public and wider society. They depend upon the confidence of the public and they should in their work attempt to promote and preserve such confidence without exaggerating the accuracy or explanatory power of their findings.

8.1 Anthropologists should use the possibilities open to them to extend the scope of social inquiry, and to communicate their findings, for the benefit of the widest possible community. Anthropologists are most likely to avoid restrictions being placed on their work when they are able to stipulate in advance the issues over which they should maintain control; the greatest problems seem to emerge when such issues remain unresolved until the data are collected or the findings emerge.

8.2 Social inquiry is predicated on the belief that greater access to well-founded information will serve rather than threaten the interests of society:

- (a) Nonetheless, in planning all phases of an inquiry, from design to presentation of findings, anthropologists should consider the likely consequences of their research practice for the wider society, groups within it, and possible future research, as well as for members of the research population not directly involved in the study and the immediate research participants;
- (b) That information can be misconstrued or misused is not in itself a convincing argument against its collection and dissemination. All information is subject to misuse; and no information is devoid of possible harm to one interest or another. Individuals may be harmed by their participation in social inquiries, or group interests may be harmed by certain findings. Researchers are usually not in a position to prevent action based on their findings. They should, however, attempt to pre-empt likely misinterpretations and to counteract them when they occur.

8.3 Research can never be entirely objective - the selection of topics may reflect a bias in favour of certain cultural or personal values; the employment base of the researcher, the source of funding and various other factors may impose certain priorities, obligations and prohibitions - but anthropologists should strive for objectivity and be open about known barriers to its achievement:

- (a) Anthropologists should not engage or collude in selecting methods designed to produce misleading results, or in misrepresenting findings by commission or omission;
- (b) When it is likely that research findings will bear upon public policy and opinion anthropologists should be careful to state the significant limitations on their findings and interpretations.

8.4 Anthropological researchers should make the results of their research appropriately available to sponsors, students, decision makers, and other non-anthropologists. In so doing, they must be truthful; and must consider carefully the social and political implications of the information they disseminate. They must attempt to ensure 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.

Acknowledgments

The first AAS Ethics Committee was formed in 1981 to draw up a Code of Ethics. Over the following four years of debate and discussion Peter Sutton drafted a Code of Ethics which was revised and finally adopted at the 1985 AGM. Since that first Code of Ethics was written, the AVCC and the ARC all require that academic anthropologists seek ethics approval for all research proposals, using forms that satisfy the NHMRC medical model. Each University has set up an Ethics Committee with checklists for research proposals along with new rules and procedures. During the 1990s some dissatisfaction with the Code was mentioned by AAS members and a Sub-Committee to revise the Code was established in 2002. Extensive comments were presented to the AAS Executive by Brian Fegan and John Morton who compared the AAS Code with the AAA and the ASA Codes. The Sub-Committee aimed to revise the Code to better fit the practices of anthropologists working in both the academy and beyond, and in both Australia and overseas.

This revised Code of Ethics was drafted by an AAS Ethics Sub-Committee during the period March 2003-June 2003. The Committee members were Mandy Thomas (Chair), Bob Tonkinson, John Morton, Wendy Asche and Patrick Sullivan. The revised guidelines were sent to the AASNet list in June 2003 for comments, after which a final set of revisions were undertaken. Open hearings on the revised guidelines were held during the 2003 AGM of the Australian Anthropological Society which approved the amended Code.

The Ethics Committee gratefully acknowledge the use of some language from the codes of ethics of the American Anthropological Association and the Association of Social Anthropologists of UK and the Commonwealth.

Other Relevant Codes of Ethics

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

Australian Institute of Aboriginal and Torres Strait Islander Studies
http://www.aiatsis.gov.au/rsrch/rsrch_grnts/rg_abt.htm

Association of Social Anthropologists of UK and the Commonwealth.
<http://les1.man.ac.uk/asa/Ethics/ethics.htm>

American Anthropological Association
<http://www.aaanet.org/committees/ethics/ethcode.htm>

Animal Behavior Society

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

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*.

1993 *Draft Declaration, United Nations Declaration on Rights of Indigenous Peoples*

<http://www.cwis.org/draft9329.html>

Research Council. National Board of Employment, Education and Training, Canberra (Commissioned Report 59) (especially: 'Chapter 4. The Ethics of Research') [On line:] http://www.arc.gov.au/publications/arc_pubs/99_05.pdf

Janke, Terri. 1999. *Our Culture: Our Future. Report on Australian Indigenous cultural and intellectual property rights*. Prepared for AIATSIS and ATSIC. Michael Frankel & Company, Sydney [On line:] <http://www.icip.lawnet.com.au/>

Langfield, Michele (ed.). 1999. *A Question of Ethics: Personal Perspectives*. The History Institute, Victoria.

National Health and Medical Research Council. 1999. *National Statement on Ethical Conduct in Research Involving Humans*. Commonwealth of Australia, Canberra <http://www.health.gov.au/nhmrc/publications/pdf/e35.pdf>

Ngalia Heritage Research Council. n.d. *Ethical Research Guidelines for Researchers and Consultants*. Typescript.