

Minority Commentary on the Turner Resolution of the 2007 AAA Business Meeting

We, the Committee's minority, concur with the Committee's majority in accepting the below three proposed common supplemental changes, relevant to the Turner Resolution, proposed to the AAA's Code of Ethics:

- **III.A.2** (so that it reads: "Anthropological researchers must do everything in their power to ensure that their research does 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.").
- **III.B.4** (so that it reads: "Anthropologists should not work clandestinely or otherwise misrepresent the nature, purpose, intended outcome, distribution or sponsorship of their research.").
- **III.C.2** (so that it reads: "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 as a condition of permission to conduct research. Anthropologists should not agree to conditions which inappropriately change the purpose, focus or intended outcomes of their research."

We agree with the majority on the above submitted language.

The minority's dissent focuses on section VI, "Dissemination of Results," of the proposed changes to the Code of Ethics relevant to the Turner Resolution. Below is the minority's recommended text for the revised Code of Ethics section VI on "Dissemination of Results." We have marked the language that must be struck from the majority's version, and marked our additional sentence to be added to VI.2 in *italics*:

VI. Dissemination of Results

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. ~~It is generally expected that~~ Researchers will not withhold research results from the persons or communities studied when those results are shared with others. There are, ~~however,~~ specific instances in which confidentiality or restricted distribution of results is appropriate and ethical, particularly where these restrictions serve to protect the safety, dignity or privacy of participants, protect cultural heritage, tangible or intangible cultural property, or otherwise reflect valid but crosscutting ethical obligations. *The ethical responsibility of archaeologists and others to assist the preservation of cultural materials allows, and at times mandates, the production of reports that will have very restricted distribution.*
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.
4. ~~If the results of studies will not be made available to the persons or communities being studied, this should be clearly disclosed at the outset to all concerned.~~

Our dissent rejects the majority's proposed language for Section VI because their language exceeds the Ad Hoc Ethics Committee's charge. The majority did not adhere to the first portion (i) of the Executive Board's two-part charge, wherein it instructed the committee to:

draft, for the consideration of the EB, a revised version of the Ethics Code that (i) incorporates the principle of the Turner Resolution while (ii) stipulating principles--themselves compatible with and/or following from the principles in Sections II and III in the existing Code of Ethics--that identify when the ethical conduct of anthropology does and does not require specific forms of the public circulation of knowledge.

In straying from the committee's charge of incorporating "the principle of the Turner Resolution" the majority language is so at odds with the original Resolution's principle that Professor Terry Turner and his co-drafter Professor Hugh Gusterson do not support it. As a point of procedure and for reasons of fundamental fairness, the majority's proposed language should be rejected.

During our first conference-call of March 7th, the committee discussed our charge, and after one initial interpretation was presented suggesting that the committee should seek to alter core features of the Turner Resolution, the group

agreed that our charge was to not undertake such a task, but to instead add the specified language cited by Professor Turner to the current Code of Ethics, to discuss how this related to the larger code, and to identify impacts of these changes by April 1, 2008 (see Appendix B). The committee undertook this task and in keeping with our charge, our chair eventually submitted different drafts of the Code that attempted to carry out these tasks. In April, the Executive Board asked the Ad Hoc Committee to continue working on integrating and analyzing the impact of Turner, but at no point did the committee's charge change to that of altering Turner's intent.

During our final two weeks of deliberations, some committee members made arguments that there were great difficulties in knowing Professor Turner's intent. These members argued against producing language that was starkly prescriptive, instead favoring a softened resolution stating general recommendations or expectations. The minority argued that Professor Turner meant to produce a prescriptive resolution and cited the prescriptive language used in the 1971 Code that is the basis of the Turner Resolution. Other arguments were made that Professor Turner intended to prohibit all forms of secrecy, including common practices used by archaeologists to protect cultural materials, the use pseudonyms, or reports shared only with research participants. The minority countered these claims citing Turner's comments at the business meeting and his reliance on the AAA's Commission on the Engagement of Anthropology with the US Security and Intelligence Communities' 2007 report to frame and introduce his Resolution at the business meeting. On the advice of President Setha Low, David Price contacted Professor Hugh Gusterson (a co-drafter of Professor Turner's Resolution) and inquired whether the majority's proposed modifying-clause ("It is generally expected that") in the sentence at the heart of the division between the majority and minority nullified the intent of Professor Turner's resolution, and Professor Gusterson replied that it did. As a result of the query to Professor Gusterson, Price received a call from Professor Turner. Professor Turner was not thrilled that *any* changes are being made to his motion, but after some discussion he stated that he can live with the changes advocated by the minority, but he rejects those of the majority.

The majority's insistence on adding the clause, "it is generally expected that" to our statement that "researchers will not withhold research results from the persons or communities studied when those results are shared with others," fundamentally breaks with Professor Turner's intent. The majority's clause alters this sentence's intended meaning in the same way as would a translation of the Ten Commandments reading "It is generally expected that thou shalt not kill." Professor Turner's principle intent was to issue a strong injunction against such research, and the majority errs in replacing their intent for Turner's. As such, it does not incorporate the principle of the Turner Resolution as we are charged by the Executive Board under the charge's first stipulation to "*incorporate the principle of the Turner Resolution.*"

The minority acknowledges that some inconveniences are created by reinstating language clarifying that it is unethical to produce secretive reports, but our first charge was to wordsmith the Turner Resolution so that its intention was intact, not to so reshape his intent so that it aligned with members who voted against the Turner Resolution at the business meeting. But this is the outcome that the majority achieved.

During deliberations, the majority advanced arguments claiming that many routine elements of anthropological research would be impinged by the minority's language. Arguments were made that our proposed language mandates that findings, published articles, books and other reports be somehow directly delivered to research participants; specific problems of getting results to poor, remote, off-line, or illiterate populations were frequently mentioned. The minority's language makes no such demand and such arguments distort what we have written and our intent. Our language does not insist that all research reports must be given to research participants. We simply argue that reports provided to anyone other than research participants must not be sequestered under policies of secrecy, classification, or propriety policies designed to make it impossible for research participants to access. The minority's language will strengthen anthropologists' collective ability to negotiate improved conditions of the reporting of findings that will not exclude research participants.

The basic philosophy of Turner's resolution derives from the arguments made in sections of the 2007 final report of the AAA Commission on the Engagement of Anthropology with the US Security and Intelligence Communities in evaluating anthropological engagements with military and intelligence communities. Essentially, the commission decided

that rather than focusing on specific agencies (e.g., CIA, NSA, DoD, etc.) as possibly presenting inherent problems for anthropologists' engagements, instead, the commission decided to focus on potentially ethically problematic practices that anthropologists working in any setting might face. This approach advanced from a starting point that focused on ethical problems associated with specific practices rather than producing a list of agencies where anthropologists should not work. Issues surrounding secrecy and non-disclosure of research results were among the fundamental practices potentially raising ethical problems discussed by the commission (see section on "The role and interpretation of the AAA Code of Ethics," pp 15-17). Of particular relevance to Turner's resolution is a paragraph stating:

Anthropological ethics may be compromised by national security mandates that conflict with standards of full informed consent of participants in research. Pre-1986 versions of the [AAA Code of Ethics] offered more clarity on such interactions with the proviso that, "classified, or limited dissemination restrictions that necessarily and perhaps understandably are placed upon researchers do conflict with openness, disclosure, and the intent and spirit of informed consent in research and practice. Adherence to acknowledged standards of informed consent that conflict with conditions for engagement with national security agencies may result in a decision not to undertake or to discontinue a research project" (CoE 1971-1986). As discussed in the "Recommendations" section, the AAA Ethics Committee may wish to examine the possibility of reincorporating such language into the current [Code of Ethics]. (final report of the AAA Commission on the Engagement of Anthropology with the US Security and Intelligence Communities 2007:16)

As Professor Turner clarified from the floor of the 2007 AAA business meeting, his resolution was linked to the commission report's discussion of issues relating to secrecy, and he specifically cited the report's concluding recommendation that some AAA body should consider reinstituting 1971 ethics language on secrecy (p. 25).

During our committee deliberations, the majority argued that the minority's proposed prescriptive language was out of keeping with the current Code of Ethics. This is not true. We find over a dozen instances of the code stating that anthropologists *must* do things like disclose funding sources and the potential impacts of work, strive to protect, gain informed consent, tell about possible impacts, not engage in clandestine research, be truthful, etc. Our proposed language simply clarifies that providing reports to external groups, while not making these reports accessible is but another of these ethical obligations that anthropologists must fulfill. This relates to the second charge that the Executive Board issued the Ad Hoc Ethics Committee stipulating that we should identify "*principles--themselves compatible with and/or following from the principles in Sections II and III in the existing Code of Ethics--that identify when the ethical conduct of anthropology does and does not require specific forms of the public circulation of knowledge.*" To meet this charge, below we list prominent elements of the Code of Ethics that pertain to the minority's incorporation of Professor Turner's resolution:

- The Code of Ethics advocates that "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" (CoE III). Our proposed language in a natural extension of the code's commitment to sharing knowledge with research participants who are themselves the most "relevant parties affected by research." Our language strengthens and clarifies the duties of this core value and repairs inconsistencies created by the 1986 modifications of the Code.
- The Code of Ethics demands that anthropologists' primary duty be to those they study, yet the intentional generation of reports that these same people cannot access is counter to the spirit of the Code of Ethics' mandate that: "Anthropological researchers have primary ethical obligations to the people, species, and materials they study and to the people with whom they work" (CoE III A.1). As Turner Resolution collaborator, Hugh Gusterson, wrote to the committee in reply to a query from Price, "the purpose of the motion was not a crudely indiscriminate ban on any confidentiality, but a re-emphasis on anthropologists' primary obligation to those they study. Because anthropologists have a unique methodology that (unlike archival or survey work) generates information from relationships of trust with living people, we have a unique

obligation of transparency and openness with the people who open their lives to us and, thus, make our work possible” (Gusterson to Price 6/12/08).

- The Code of Ethics states that anthropologists are *obliged* “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” (CoE III A.1). Our position is that active consultation is an ongoing process, and openness of reports and results is in accordance with this point, while intentionally inaccessible reports are in conflict with these core principles.
- Sharing research results has been traditionally accepted as a minimal means of reciprocating with people studied. The Code of Ethics states that anthropologists “should recognize their debt to the societies in which they work and their obligation to reciprocate with people studied in appropriate ways” (CoE III A.6). Our view is that not sharing reports with these “people studied” while sharing such information with others who have the power to keep these results secret risks the betrayal of this obligation of reciprocity.
- The code’s directive that “anthropologists should not work clandestinely” (CoE III B.4) addresses the spirit of a directive declaring that anthropologists will not selectively make information available to powerful sponsors, while withholding this information from those who generated this knowledge, and to whose lives it pertains.

These elements of the Code support the minority’s argument that our proposed language is in keeping with the fundamental philosophy of the Code of Ethics. Our proposed changes clarify how the circulation of knowledge is tied to anthropologists’ commitments to research participants, and it restores and clarifies the Code’s historic (1971-1986) statements on the ethically problematic nature of secrecy with greater clarity than the original code’s statements.

The AAA membership needs to be allowed to vote on language that meets the principle intent of the Turner Resolution. When the Executive Board accepted and acknowledged Professor Turner’s approved 2007 business meeting floor resolution by forming our Ad Hoc Committee, it committed the Association to a path that would advance Turner’s resolution to the membership in a form properly articulated with the existing Code of Ethics. The minority’s proposed language accomplishes this task. This Ad Hoc Ethics Committee’s charge was not to negate Turner’s intent. The majority’s proposed language accomplishes this task. Our charge was not to decide the wisdom or folly of the Turner Resolution, that decision must lie with the Association’s membership. Obviously both the majority and minority maintain strong feelings on these issues, and it is exactly because such strong feelings are present that the Executive Board must maintain the rule of order by following established procedures and not allowing the committee to exceed its charge. We ask the Executive Board to hold this committee to its charge, and in so doing we believe it will find with the minority.

Respectfully submitted,

Agustin Fuentes, working group member
David Price, working group member
June 16, 2008