

# ETHICAL CODES AND ETHICAL CONTROL IN THE SOCIAL SCIENCES

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## ABSTRACT

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This report discusses the colonial heritage and changes in the social position of anthropologists as reflected in the code of ethics of the American Anthropological Association (AAA). It describes changes in the Association's ethical guidelines since 1948 and interprets them as reflections of changes in the social position of anthropologists. It is the opinion of the author that the early statements and codes describe the ethical anthropologist as an independent champion of truth. Later codes describe the ethical anthropologist as one who complies with legal regulations and fulfilling his or her contractual obligations towards the employer, sponsor, or client. The author suggests that these changes should also be seen against the background of the position of American anthropologists in the labour market. In the 1960s, the great majority of anthropologists were academics. From 1986 onwards, the majority were working outside of academia.

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## *Introduction*

The codification of modern research ethics began in medicine as a reaction to the atrocities committed by German doctors during World War II as well as to later blatant transgressions in the United States and elsewhere. One important aspect in the development of medical ethics has been the increasing attention to the integrity and particularly to the autonomy of the research subject. Over the years, many of the key principles of medical ethics have spread to other branches of research. It is therefore tempting to discuss consecutive ethical codes of learned societies as a story of moral progress.<sup>1</sup>

But the codes should not only be read as milestones of the moral progress of mankind. The codes are products of particular historical circumstances. They recommend or stipulate solutions to ethical dilemmas, but they also present inventories of the dilemmas that have been most salient in each historical situation. In discussing the ethical problems researchers have to face, the codes of conduct of learned societies also shed light on the social position and mission of their members. This is particularly striking in the case of anthropologists, who have been working in an ever-changing, complex network of relationships with colonial or imperial states, sponsors or employers, and non-Western traditional cultures or domestic ethnic minorities.

In this report, ethical statements of the American Anthropological Association are used to cast light on changes in the social position and mission of anthropologists.

In 1948, the council of the American Anthropological Association adopted a resolution on freedom of publication. In 1967, the council issued a statement on research ethics focusing on clandestine activities. The first regular code of research ethics was adopted in

1971. Major revisions of the code were undertaken in 1990 and again in 1998. The focus of this report is on the three consecutive codes of 1971, 1990 and 1998. The version of the code of 1990 used in this report includes minor amendments made through November 1986. An additional point of reference is provided by the ethical code of the Society for Applied Anthropology adopted in 1949.

The code of the American Anthropological Association has not grown in length as much as those of many other learned societies. The number of words in the main text was 1,700 in 1971 and 2,330 in 1998, an increase of 37 per cent. During a roughly corresponding time period, the length of the ethical guidelines of the American Sociological Association and the British Educational Research Association more than doubled (American Sociological Association 1989, 1997; British Educational Research Association 1992, 2004).

In 1998, the overall structure of the code underwent a major change. In 1971 and 1990, the sub-sections corresponded to different interest groups (research subjects, the public, colleagues, students, sponsors, governments). The 1998 section headings refer to main functions of anthropologists (research, teaching, application). However, the code of 1998 identifies the same interest groups as before, although there are interesting changes in terminology.

The terminology gives increasing emphasis to the active role of research subjects, from “those they study” in 1971 to “those whose lives and cultures they study” in 1990 and to the “people and animals with whom anthropological researchers work” in 1998.

Another important change is that the “sponsors” of 1971 become “employers, clients and sponsors” in 1990. Between the two codes, the position of anthropologists on the labor market changed pervasively. In the 1960s, the great majority of anthropologists were academics. From 1986 onwards, the majority of anthropological professionals were working outside of academia, and the practicing anthropologists were highly critical of what they felt was the one-sidedly academic perspective of the code of 1971 (Frankel and Trend 1991).

In discussing relations to those studied, the codes twine together issues of voluntary participation, confidentiality, anonymity and data protection and issues related to the protection of the interests of research subjects. For purposes of analysis, however, these issues are dealt with separately in the following account.

#### *i. Voluntary participation and informed consent*

The relationships of an anthropological field worker to project participants are quite different from those between an experimenter and the subjects of a clinical trial. Margaret Mead, for example, argued that anthropological fieldwork should be based on voluntary participation rather than on informed consent, because anthropological research is collaborative in nature and based on mutual trust (Mead 1969).

Following this tradition, the codes of 1971 and 1990 do not use informed consent terminology. They also do not specify that participation in research has to be voluntary, but this seems to be taken for granted (“information transferred on the assumption of trust between persons” [1971, 1.a]). The codes also require that anthropologists communicate the aims of their work to those among whom they work and inform them of any anticipated consequences of their activities.

As a response to the United States federal system of administrative ethical control of human research, the code of 1998 adopted informed consent terminology: “anthropological researchers should obtain in advance the informed consent of persons being studied”. Formal regulations receive emphasis: “Researchers are responsible for identifying and complying with the various informed consent codes, laws and regulations affecting their projects.” However, this “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.” (III.A.4)

*ii. Confidentiality, anonymity and data protection*

The statement of 1967 does not mention anonymity as an issue, and the norm of confidentiality is formulated against possible pressures from United States agencies: “it is necessary that scholars have full opportunity (...) to continue their responsibility of protecting the personal privacy of those being studied and assisting in their research”.

In the code of 1971, confidentiality is dealt with more as a matter of trust and dignity than as an issue of technical data protection, or—to use present-day terminology (Hartlev 2004)—in terms of respect for personal integrity rather than as an issue of informational autonomy. According to the code, “anthropologists must do everything in their power to protect the physical, social, and psychological welfare and to honor the dignity and privacy of those studied” (1). “Informants have a right to remain anonymous” (1.c) but “it should be made clear to informants that such anonymity may be compromised unintentionally” (1.c.1). Those being studied “should be free to reject the use of” “cameras, tape recorders, and other data-gathering devices” (1.c), “and if they accept them, the results obtained should be consonant with the informant’s right to welfare, dignity and privacy” (1.c).

The code of 1990 offers an explicit choice between anonymity and recognition: “The right of those providing information to anthropologists either to remain anonymous or to receive recognition is to be respected and defended” (I.A.1). Both codes require that it should be made clear to informants that anonymity can be compromised unintentionally. The code of 1998 uses different phrasing but the content remains the same as in the code of 1990. None of the codes discusses technical aspects of anonymization and data protection.

*iii. Protection of the interests of those studied*

According to the code of 1971, anthropologists should do no damage “to those whom they study” (Preamble) and they “must do everything in their power to protect the physical, social and psychological welfare and to honor the dignity and privacy of those studied” (1).

The code of 1990 repeats the same principles in slightly different words: “Anthropologists’ first responsibility is to those whose lives and cultures they study”, and “the interests of these people take precedence over other considerations”. Furthermore, “anthropologists must do everything in their power to protect the dignity and privacy of the people with whom they work, conduct research or perform other professional activities” (I).

In the code of 1998, the definition of research subjects has been broadened. The code requires the researcher “to avoid harm or wrong” to “the people or animals worked with or studied” and “to respect the well-being of humans and non-human primates” (III.A.1). The code goes so far as to say that the anthropologist’s “obligations to the people, species,

and materials they study” “can supersede the goal of seeking new knowledge” (III.A.1).

The code of 1998 contains a new recommendation that can be interpreted as a step from the principle of doing no harm towards a requirement of doing good: anthropologists should aim at “establishing a working relationship that can be beneficial to all parties involved” (III.A.1). This formulation is still quite circumspect compared to the report of the task force appointed in 2001 to study alleged professional misconduct of anthropologists during fieldwork among the Yanomami Indians in South America (discussed in detail below).

All three codes leave open the issue of who is entitled to articulate the interests of the study community or population. J. A. Barnes points out (1977: 47) that before World War II, social anthropologists were “more sensitive to the interests of the people they studied when these interests were derived from traditional codes of values, as for example in maintaining the secrecy of ritual and symbols, and less responsive towards newly-found native interests such as a greater opportunity to grow cash crops, to receive higher wages and to achieve radical political change”.<sup>2</sup>

The ambivalent attitude to social change is visible in the 1949 report of the ethics committee of the Society for Applied Anthropology: “the applied anthropologist is concerned either with maintaining a system of human relationships in a state of dynamic equilibrium or in aiding the resolution of a system into such a new state as to achieve a greater degree of well-being for the constituent individuals.” It may be worth pointing out that this formulation is from the final version of the report, rewritten because the previous version “was still couched in professional jargon”. (Society for Applied Anthropology 1949)

#### *iv. Participation in public debate*

The code of 1971 puts anthropologists under “a positive responsibility to speak out publicly (...) on what they know and what they believe” and “to contribute to an ‘adequate definition of reality’ upon which public opinion and public policy may be based” (2.d). In the code of 1990, the corresponding passage has been slightly reformulated, but the content remains the same (II.B). The code of 1998 approaches the issue from a different angle. Left out is the obligation to contribute to public debate, but “anthropologists may choose to move beyond disseminating research results to a position of advocacy. This is an individual decision, but not an ethical responsibility” (C.2).

#### *v. Freedom of publication and access to data*

The resolution of 1948 focuses on freedom of publication and urges “all sponsoring institutions to guarantee their research scientists complete freedom to interpret and publish their findings without censorship or interference”, “provided that the interests of the persons and communities or other social groups studied are protected”. The sponsoring institution has, however, the right to withdraw its name from the publication. The statement of 1967 reaffirms the resolution of 1948 and repudiates clandestine activities and restrictive classification of research reports.

The code of 1971 similarly requires that “no reports should be provided to sponsors that are not also available to the general public and, where practicable, to the population

studied” (1.g). The later codes are not nearly as emphatic. The code of 1990 has nothing to say on freedom of publication. The code of 1998 is extremely vague on the freedom of publication: “Researchers must expect to (...) disseminate the results through appropriate and timely activities” (III) and “whenever possible disseminate their findings to the scientific and scholarly community” (B.4). On the other hand, the code of 1998 takes up a new theme of scientific openness although in rather indecisive formulations: “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.” (B.5)

All three codes put the researcher under an obligation to reflect on the repercussions of their publications. The codes of 1990 and 1998 hold that anthropologists “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” (1990, II.A; 1998, C.1).

#### *vi. Clandestine research*

Relationships with colonial and imperial states have been a special problem for social anthropologists. Already in 1919, Franz Boas protested in a letter to *The Nation* about four anthropologists who had combined intelligence gathering with their research, but he received little support from his colleagues. In World War II, approximately half of America’s anthropologists contributed to the war effort, and no dissenting voices were heard (Price 2000).

In 1965, Project Camelot became a watershed in the ethics and politics of North American anthropology. The project was described as a basic social science research project about the preconditions of internal conflicts and about the effects of actions taken by local governments, with funds of upwards of six million dollars provided by the United States Department of the Army. It is not clear whether the attempt to conceal the sponsorship, or the very existence, of the project formed an essential part of the research design or whether it arose by accident and bad management. In either case the project was based on the premise that the United States Army had a right to investigate how to abort revolutions in foreign countries such as Chile and other Latin American countries. The project was quickly canceled after having been made public, but the war in Vietnam exacerbated the ensuing uproar. (Barnes 1977: 50–56)

In this situation, close ties with United States military and security interests were seen as endangering the credibility of anthropologists. According to the statement issued by the council of the American Anthropological Association in 1967, academic institutions should not “lend themselves to clandestine activities” because “constraint, deception, and secrecy have no place in science. Actions which compromise the intellectual integrity and autonomy of research scholars and institutions not only weaken those international understandings essential to our discipline, but in so doing they also threaten any contribution anthropology might make to our own society and to the general interests of human welfare.”

In the code of 1971, the issue of clandestine research is taken up in several sections. According to the section on responsibility to the discipline, anthropologists “bear responsibility for the good reputation of the discipline and its practitioners” and should

therefore “undertake no secret research or any research whose results cannot be freely derived and publicly reported” (3.a). The section on sponsors requires that “anthropologists must retain the right to make all ethical decisions in their research. They should enter into no secret agreements with sponsors regarding research, results or reports.” (5) Finally, the section on responsibilities to one’s own government and to host governments requires that “no secret research, no secret reports or debriefings of any kind should be agreed to or given” (6).

The theme of the credibility of American anthropologists resurrects in resolutions of such organizations as the African Studies Association, the Latin American Studies Association, and the Middle East Studies Association (Fluehr-Lobban 2003: 22), but from 1990 onwards it is not visible in the code of the American Anthropological Association.

The drift of the code of 1990 is quite different. The code has no objections to the results of anthropologists’ activities not being made public, but requires that “this should be made clear to all concerned from the outset” (I.6). This flexible attitude to contractual restrictions of the researchers’ right to publish their results stands in an interesting contrast to the line taken by The Journal of the American Medical Association and several other prestigious medical journals in a joint editorial in 2001: “A submitted manuscript is the intellectual property of its authors, not the study sponsor. We will not review or publish articles based on studies that are conducted under conditions that allow the sponsor to have sole control of the data or to withhold publication.” (Davidoff et al. 2001)

The code of 1998 makes no separate mention of secret or clandestine research.<sup>3</sup>

#### *vii. Grievance and adjudication*

According to the codes of 1971 and 1990, if anthropologists “betray their professional commitments, their colleagues may legitimately inquire into the propriety of those actions, and take such measures as lie within the legitimate powers of their Association as the membership of the Association deems appropriate” (1971, Epilogue; 1990, Epilogue). The Association also had detailed rules on grievance (American Anthropological Association 1991 [1971]).

In the wake of the conflicts surrounding the Vietnam War, ethical disputes continued to be highly inflammable, but the grievance procedures were complicated, time-consuming and largely ineffectual (Hill 1987). As a consequence, the 1998 code explicitly states that “the American Anthropological Association (AAA) does not adjudicate claims for unethical behavior” (Preamble). However, this principle was soon to be broken.

In 2000, Paul Tierney published a book charging James Neel and Napoleon Chagnon with professional misconduct during fieldwork in the 1960s among the Yanomami Indians of Venezuela and Brazil. The book contained a lot of unfounded claims and insinuations, including accusations that Neel and Chagnon had started a measles epidemic, falsified data, and incited the villagers to make war. Nevertheless, it started a heated debate among anthropologist and in the popular press, and the American Anthropological Association set up a task force to study the allegations. The report of the task force and its aftermath provide a vivid illustration of how research ethics can be used and misused in scholastic struggles.

The final report of the task force was issued in May 2002. The report is a curious collection of documents. It is in two parts of altogether 304 pages. 42 pages are jointly

authored by the entire task force. Of these, 15 pages describe the assignment and methods of work of the task force, and 27 pages present the outcome of its deliberations. The curricula vitae of the members of the task force require 72 pages, and the remaining 190 pages are taken up by a haphazard collection of background documents, interviews with a few representatives of the Yanomami, “essays”, “case studies”, comments and comments on comments.

The task force is quite proud of the disconnectedness of the report: “In recognition of the complexity of the issues discussed, of the benefits of having multiple perspectives on them, and to encourage the dialogical character of our inquiry, we decided to produce a comprehensive report that includes not just the work produced by the Task Force as a whole or by its members, but by outside contributors as well.” (American Anthropological Association 2002, I: 21) “[T]his dialogic character of our work became very important to the Task Force, and permitted us to present our collective and individual views as part of an ongoing exchange with one another and with our critics.” (American Anthropological Association 2002, I: 8)

The task force also made it clear that theirs was not a fact-finding expedition: “In no sense did we consider our work to be an ‘investigation’. Nor did we consider the materials that we developed to be ‘evidence’. [We] present the various points of view that our interlocutors shared with us as important in their own right, as worthy of attention and reflection, but not as ‘evidence’ revealing that some event did or did not occur.” (American Anthropological Association 2002, I: 9)

Despite this discursive approach, the emphasis on the “dialogic character” of the work and the lack of even the rudiments of due process, the task force did not refrain from presenting strongly worded verdicts on the alleged professional misconduct of Neel and Chagnon.

The task force claims that Chagnon’s publications were harmful to the Yanomami and that he “has not adequately addressed his responsibility to try to undo this damage” (American Anthropological Association 2002, I: 33). It pays particular attention to his article on revenge warfare: “Of special importance for many of Chagnon’s critics is an article he published in 1988 in *Science*, where he attempts to show that Yanomami men who have killed an enemy enjoy higher rates of reproductive success” (American Anthropological Association 2002, I: 32; cf. Chagnon 1988). The task force does not dispute the factual content of this article or any other of Chagnon’s publications but suggests that Chagnon’s works threatened to dispossess the Yanomami of their land. However, no compelling evidence is presented that anything Chagnon wrote or said materially affected the land claims. (Gregor and Gross 2004)

The task force emphasizes that “anthropologists are accountable for what they write, and we must acknowledge the effects of our words” (American Anthropological Association 2002, I: 40). The report documents in detail the changes Chagnon made in the five editions of his major ethnography (1968), and shows that, in successive editions, he muted his discussions of violence and increased his examination of other topics. In the eyes of the task force, this shows that Chagnon acknowledges the “damaging character” of the earlier editions. The task force does not, however, argue against the factual content of the earlier editions nor provide any evidence of damage beyond the fact that Chagnon made changes in his book. (Gregor and Gross 2004)

## FORUM

The task force also presents strong formulations on how research should be carried out in order to be ethically acceptable. It “insists that the anthropology of indigenous peoples and related communities must move toward ‘collaborative’ models, in which anthropological research is not merely combined with advocacy, but inherently advocative in that research is, from its outset, aimed at material, symbolic, and political benefits for the research population, as its members have helped to define these.” (American Anthropological Association 2002, I: 45)

In November 2003, the membership of the association endorsed by majority vote a referendum criticizing the Task Force Report for failing “to properly recognize that the charges that initiated their investigation are themselves dangerous” and refuting the most serious accusations against James Neel and Napoleon Chagnon about the measles epidemic among the Yanomami: “The American Anthropological Association repudiates the accusations or insinuations of starting or abetting a lethal measles epidemic by vaccination among the Yanomami made against the late James Neel and Napoleon Chagnon, and recognizes the harmfulness of false accusations regarding vaccine safety.” (American Anthropological Association 2003)

### *From champions of truth to dependable contractual partners*

In providing guidelines for the ethical choices researchers have to face, the codes of the American Anthropological Association also shed light on the social position and mission of its members. Interpreted from this perspective, the codes reflect profound changes in the professional role of anthropologists.

The early statements and codes describe the ethical anthropologist as an independent researcher with a positive duty to contribute to public debate. The emphasis is on freedom of publication, and all research whose results cannot be publicly reported is repudiated. Later codes describe the ethical anthropologist as complying with legal regulations and fulfilling his or her contractual obligations towards the employer, sponsor, or client. All codes emphasize the researcher’s duty to protect the interests of the study community or population. The intimate connection between research ethics and the social position of researchers may help to explain why the conflicts fought in the name of ethics have been so intense and ideologically divisive.

## NOTES

<sup>1</sup> This report has benefitted from comments by Kerstin Stenius. The report was prepared as part of the International Study of Ethical Codes and Ethical Control in the Social Sciences and was supported by a grant from the Finnish Foundation for Alcohol Studies.

<sup>2</sup> There were of course exceptions. In 1938 Jomo Kenyatta wrote a monograph on his own tribe. In 1953, Kenyatta was sentenced to seven years hard labor for his part in the organization of the rebel Mau Mau movement. In 1964, Kenyatta became the first president of independent Kenya.

<sup>3</sup> The issue of clandestine research was revived in the context of the Human Terrain System program that assigns anthropologists and other social scientists to American combat units in Afghanistan and Iraq. The Human Terrain Teams are intended to gather information locally from a variety of sources, such as the U.S. military, NGOs, contractors, as well as local populations. They are also expected to interpret this information both proactively and in answer to questions coming from a given U.S. commander. The



## FORUM

members wear a uniform and receive mandatory weapons training. Spokesmen for the program have described it as “armed social work” and as anthropologizing the military rather than militarizing anthropology (Fattahi 2007; Rohde 2007), but other commentators have been worried about the lack of a clear distinction between research subjects and military targets. In October 2007, the AAA Executive Board issued a statement expressing its disapproval of the program (American Anthropological Association 2007a), and the Commission on the Engagement of Anthropology with the US Security and Intelligence Communities suggested that the association should consider reinstating former language on secrecy from the code of 1971 (American Anthropological Association 2007b).

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