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Informed Consent in Anthropological Research We Are Not Exempt¹

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Introduction

INFORMED CONSENT, WITH A RELATIVELY RECENT but dramatic history in scientific research, has become the cornerstone for standards of ethics in many areas, including the biomedical, psychological, and other fields of research involving human subjects. Social scientific research, with its direct and often long-term involvement with studies of human groups, has not, however, been a significant part of the dialogue that specifically included the incorporation of informed consent terminology into research methodologies and codes of ethics. In none of the codes of ethics of the major professional social scientific associations, including the American Sociological Association, the American Political Science Association, and the American Anthropological Association (AAA), is there specific mention of obtaining “informed consent” from people or groups studied. This omission stands in marked contrast to the American Psychological Association’s (APA) specific enunciation of the principle of informed consent, its attendant procedures, and its applicability to psychological research.

Informed consent, as a formal legal-ethical construct, is only two decades old. It grows out of the 1972 Supreme Court case of *Cantebury v. Spence*, which articulated the principle for medical research. The primary context for informed consent was the need for protection in biomedical research and practice where there existed the potential for harm to humans as a result of the research or treatment. The principle quickly evolved into a doctrine with such legal potency and moral suasion that it became the standard by which biomedical research was conceived, funded, and executed. Failure to conform to informed consent guidelines, monitored by Institutional Review Boards (IRBs) from the mid-1970s, could

easily translate into nonfunded research proposals or denial of applications for renewed funding. The principle acquired such legitimacy that it came to be applied as a general principle to all biomedical research, whether or not it received federal funding. The legal and ethical standard demonstrating that informed consent guidelines have been met has steadily become a requirement for satisfying IRBs reviewing proposals involving human subjects, including anthropological research.

The underlying question of potential harm to human subjects was the prime mover driving the engine of informed consent. What kinds of harm are there? Is harm both physical and psychological? Does it extend to future generations? Does it function at the individual, group, or societal levels? These questions presented a difficult but engaging problem to a generation of scholars in law and ethics. At the level of the doctor-patient, the core of the newly created ethical principle could be summarized by asking, "What would the reasonable patient want to know?" which is a reversal of the past principle and practice that protected the physician's right *not* to disclose information to the patient. The client's right to know gained legal and moral superiority over the doctor's right not to tell. This shift amounted to a revolutionary change in this hierarchical relationship, where the rights of the normally passive patient/recipient-of-information are protected on a par with, or in excess of, the doctor/information-giver. Moreover, in regard to the vast and complex area of medicine, research and ethics, the doctrine of informed consent is now embedded and is virtually synonymous with proper conduct in biomedical research and treatment.

Why has such a potent doctrine not been explicitly incorporated within the social sciences and their standards of professional conduct? Why has informed consent phraseology eluded dialogues concerning ethics in these professions, including anthropology? Are the methods of research in the biomedical fields and in the social sciences so different that they raise disparate ethical questions with distinctive answers? For anthropologists, traditionally engaged in research in non-western cultures, are the rules different because of the nature and conditions of research? Informed consent in anthropology raises a number of questions that are not only central to standards of ethics in the profession, but also focus our attention on the core of our research methodology, participant observation, and on the complicated nature of the anthropologist-informant relationship.

Informed Consent in the Behavioral Sciences, Recent History in Psychology, Sociology, and Anthropology

Many postwar moral philosophers and ethicists argued, in the wake of the revelations regarding Nazi atrocities in human research, that the consent principle was the central problem for research ethics (Gert 1988[1966]). This dialogue remained confined within the discipline boundaries of philosophy and ethics and had little impact on the behavioral sciences (Beauchamp et al. 1982).²

One of the major issues that confounds discussions of informed consent in the social sciences is the image of obtaining consent through the use of forms. Methodological approaches in the social and behavioral sciences, using techniques such as participant observation, questionnaires, and intensive interviewing, and the cultivation of personal relations

with people over a period of time, would all tend to discourage the use of consent forms.

In this respect, the discipline/profession of psychology has been an exception, due to its more direct association with controlled human subjects and/or laboratory research in certain of its branches. A consent requirement was made a part of the first code of ethics for psychology, its Principles of Professional Ethics as early as 1947 (Faden and Beauchamp 1986:167). It read: "To the maximum degree possible, the free consent of persons (subjects) involved is secured at each stage of research activity" (Faden and Beauchamp 1986:169).

This position of the APA was prompted by allegations of misconduct and a renewed call for ethical review inspired by the Nuremberg trials principles. Attention was again focused on ethics and psychological research in the early 1960s with the experiments by Stanley Milgram (1974) that dealt with the question of obedience to authority. These psychological-behavioral science experiments involved misinformation and deception. Uninformed subjects were given the impression (for the aims of the research) that dangerous levels of electric shocks were being delivered by them to anonymous individuals. The majority of subjects evidenced more obedience to the authority figures (psychological researchers wearing white laboratory coats) than to their own humane impulses. Although the results were shocking and provocative at the time, the research methodology itself became the focal point of controversy. It certainly seemed to be a clear violation of the general code of ethics of the APA, Ethical Principles of Psychologists and its sub-section, Principle 9, Research with Human Participants, adopted in 1963, whereby "a research agreement between researcher and participant constitutes the first step in their relationship, and whereby the researcher assumes the responsibility to protect subjects from 'physical and mental discomfort, harm and danger.' Further, if there is any risk, the subjects must be informed, must give their consent, and the risk must be minimized as much as possible, including the correction of negative long-term aftereffects" (APA 1981 [1963]). Milgram's work appeared to violate not only the spirit of psychology's code of ethics, but also to represent a case of the denial of the right to informed consent by voluntary research participants. The episode, predictably, stimulated a dialogue within the discipline of psychology, debating the values of openness and honesty in research versus coercion and deception (Menges 1973).

The Milgram experiments, which may have sought to provide interesting insights into the nature of human nature, served more to reinforce the informed consent guidelines in psychological research and became broadly known in social scientific research as a negative example. The discipline of psychology moved to strengthen and make more explicit its informed consent guidelines, but the allied social sciences remained unaffected and did not raise the issue of informed consent for wider discussion in the methodologies of their own disciplines. Even at the time of the generation of the first sociological and anthropological codes of ethics in the late 1960s and early 1970s, the special issues raised by informed consent were generally not discussed, nor were they incorporated into the final drafts of the first codes of ethics of these major behavioral sciences (Fluehr-Lobban 1991a:228).

The revised Ethical Principles of Psychologists, adopted in 1981, devotes considerable attention to Research with Human Participants, mindful in its preamble of both the

"dignity and welfare of the people who participate in research" and of "federal and state regulations governing the conduct of research with human participants." For research involving any potential risk to participants, the benefits of such research should be carefully weighed against the potential harm to participants, and the "fully informed and voluntary consent of each participant" should be obtained. Informed consent guidelines and procedures have become a recognized and accepted part of basic psychological research. Why has this not been the case for anthropology and sociology?

Sociology and anthropology have also experienced their share of controversy regarding research methodologies and apparent offense to what we may regard today as informed consent or even human rights issues in research. The sociological study of homosexual encounters in public bathrooms (Humphreys 1970) raised eyebrows and serious methodological questions regarding Humphreys's tactics in conducting research. Humphreys employed direct observation of such encounters and posed as a "watch queen" to gain the confidence of the more than one hundred people involved in this research. Humphreys revealed his true identity and intentions as a sociologist to only a few persons, while he secretly followed others. His university colleagues objected to his disregard for the subjects' right to privacy as well as his use of deception in research, and public critics charged that such deception cannot be justified by appeals to the beneficial consequences for society or social science research (Faden and Beauchamp 1986:177). Subjects in this research who were later contacted claimed no violations of their privacy, but admitted that they had been deceived.

The particular set of ethical and moral issues raised by the Humphreys research stirred debate within sociology regarding questions of privacy and the potential benefit to society of such a study (Warwick 1975:197). The sociological community was itself divided between those who questioned whether the ends of the research justified its means and those who advocated complete freedom in research. Anthropologists might have taken greater interest, since Humphreys described himself as following in the tradition of the Chicago school of ethnographic sociology and in the anthropological tradition of Bronislaw Malinowski, Raymond Firth, Oscar Lewis, Jules Henry, and Elliot Liebow (Glazer 1975:218). That they did not was perhaps due to disciplinary boundaries, or because such a controversial study had not yet shaken our own discipline.

Humphreys, in a retrospective written for the second edition of his study, describes himself as a true participant observer of behavior in a public place, and that he suffered few doubts or hesitations about the ethics of his methods (Humphreys 1975:226-27). He took far more seriously the legal objections to his fieldwork, insofar as the chancellor of his Ph.D.-granting university argued that numerous felonies were committed during the conduct of his research. Humphreys's degree was not revoked on the basis of this claim, however, both a teaching contract and participation in a research grant were terminated. In the context of this pressure, Humphreys destroyed much of his recorded data, on tapes, parts of transcripts, and other material. Humphreys acknowledged that he probably placed his "respondents" in greater danger than seemed plausible at the time of the study. He added that were he to repeat the study, he would spend an additional year cultivating and expanding the category of willing respondents (Humphreys 1975:230-31).

Stories of early anthropologists gaining information under coercive circumstances while working under the auspices of U.S. or British colonial occupying forces (as in the cases of Frank Cushing with the Zuni or Evans-Pritchard among the Zande or Nuer) are by now legendary in anthropology and are usually mentioned only as crude vestiges of a bygone era. From time to time, however, controversy has engulfed the discipline and individual practitioners as a result of the use of questionable judgment or methods involving deception or failure to properly inform people of the nature and possible consequences of the research. Indeed, the primary context in which the first code of ethics of the AAA was generated surrounded the issue of anthropologists conducting covert research for the U.S. government during the Vietnam War. Covert research, it could be argued, represents the antithesis of informed consent in research, since it favors secrecy over openness and disclosure. The response of the professional anthropological community was to condemn such research and to avoid even the appearance of conducting covert research (AAA 1971:Section 3.b). In the two decades since the original code was promulgated, its first significant revision, in 1990, made no reference to any sanctioning or disapproval of covert research (AAA 1990).

The most widely discussed case of the 1980s, that of Stephen Mosher, whose research in the People's Republic of China suggested that forced abortions were commonplace, found an attentive audience in the West. Questions were raised regarding his research methods, which placed informants in personal jeopardy with government authorities without informing them of the potential risks. These questions were sufficiently serious for a Stanford University review panel to force Mosher's withdrawal from its doctoral program in anthropology. Although the abortion issue received the public attention, the more serious ethical breach was the risk at which the local informants were placed.

The university in this case, and possibly in the Humphreys case, was responding to the moral and political pressure placed on it by federal regulations governing research with human subjects. This federal regulation of research has met with some resistance from social scientists who see such regulation as an infringement upon their freedom in research. It is useful at this juncture to review this history of regulation as it relates to the behavioral sciences and to evaluate the response of anthropologists and other social scientists to its principles and procedures.

Government Regulations, Informed Consent, and Social Scientists, Especially Anthropologists

In 1966, the federal government began to take an interest in research involving human subjects; the surgeon general promulgated administrative regulations requiring institutional review of such projects. The Department of Health, Education and Welfare's requirement in 1966 that institutional review of all research involving human subjects (including social science research) take place was to have far-reaching effects on behavioral science research, although the latter had little to do with the generation of these federal regulations (Gray 1979:45). Wax and Cassell (1979:3) argue that at the time when the regulations were being drafted, the professional associations of anthropologists and sociologists had

In 1972, psychologist Herbert Kelman produced the first systematic study of research ethics in the behavioral sciences. He argued that the central norm and standard governing the relationship between investigator and subject is that of *voluntary and informed consent*. Furthermore, ethical problems in the behavioral sciences occur when this norm has been violated or circumvented (Faden and Beauchamp 1986:180).

In practice, informed consent provisions required by federal regulations were obtained by consent forms. But the informed consent provision continued to be driven by the nature of the risks involved with biomedical research, while social and behavioral science research was not subjected to strict guidelines requiring informed consent. In most cases of federally funded research, projects were either exempt from review or eligible for expedited review. The view that significant ethical principles, such as informed consent or positive risk/benefit ratios, were elaborated without much regard either for the methodology or the goals of social science research has been recognized by anthropologists who examined these federal regulations and their implications for social research (Wax and Cassell 1979:2).

In 1981, at the end of the Carter administration, new regulations stated that research projects involving little or no potential harm to subjects were exempt from institutional review. Most behavioral science research appeared to fall within this category.

The President's Commission for the Study of Ethical Problems in Medicine, Biomedical and Behavioral Research (1980-83) adopted the view that consent need not be obtained for research characterized by the following conditions: (1) the observation of behavior in public places where questions of privacy do not arise; (2) review of publicly available information, including personal identity information; and (3) research using low-risk methods, such as questionnaires, interviews, or tests in which agreement to participate effectively constitutes consent.

The *modus vivendi* for the 1970s and much of the 1980s was that most of behavioral science research fell into the above, low-risk category and was therefore exempt from federal regulation. Moreover, anthropologists have been reluctant to regulate themselves and have generally eschewed efforts to develop methods of review, reprimand, or censure of anthropologists' actions that might be violations of the code of ethics. Despite the existence of multiple statements of professional responsibility or codes of ethics for professional anthropologists,³ a *laissez-faire* attitude has developed among anthropologists that promotes self-regulation and may deny the appropriateness or validity of institutional review and federal regulation. Indeed, most anthropological research would appear, on the face of it, to be low risk, because it is either unobtrusive, or face-to-face participant observation, where voluntary consent is presumed by the open nature of the research situation, or by the social relationship engendered between researcher and informant. As with biomedical or psychological research, however, if there is any deception, or lack of full disclosure in the research methodology, ethical standards and responsibilities should be reviewed and met. Many anthropologists in the field do not practice full disclosure in carrying out research for fear of disturbing the "naturalness" of the participant observation method. This may be an unrecognized or unaddressed form of paternalism in anthropological research, a subject that is discussed further below.

A thematic concern with the protection of the individual and personal autonomy is apparent in the development of government regulation. "The informed consent concept is part of a larger movement in our society to protect the individual from institutional forces beyond his control" (Faden and Beauchamp 1982:222). This protection of personal autonomy is, ultimately, the primary justification for the informed consent provision, so the question that emerges is the degree to which this particular history applies to behavioral science and anthropological research and their practice. I would argue that it does so not only on moral and humanistic grounds, but also because anthropological and social science research is increasingly subject to the same regulation.

Ethics, Informed Consent, and Anthropology

The specific terminology using the recognizable legal phrase "informed consent" has not been utilized in any anthropological code of ethics since the term came into popular usage. The first statement of ethics by the Society for Applied Anthropology (SfAA) in 1949 historically preceded consciousness and praxis regarding informed consent and therefore is exempt from this review. Subsequent codes, however, (the Principles of Professional Responsibility (1971, 1990) of the AAA; the 1983 [1949] SfAA code, Professional and Ethical Responsibilities; and the 1988 code of the newest professional association, Ethical Guidelines for Practitioners of the National Association of Practicing Anthropologists [NAPA]) do not use the specific term "informed consent" in any of their documents.

It could be argued that informed consent is implied without being explicitly stated in the anthropological codes. The 1971 and 1991 (revised) Principles of Professional Responsibility state that the "rights, interests and sensitivities of those studied must be safeguarded" (1a), and that "the aims of the investigation and of all professional activities should be communicated by the anthropologist to the informant, or those with whom they work (AAA 1971:I.b, 1990: A.3.). The SfAA's code uses the phrasing in stating that "the participation of people in our research shall only be on a voluntary and informed basis." It continues, "We shall, within the limits of our knowledge, disclose any significant risk to those we study that may result from our activities" (1983:I). And NAPA, in the most recent of anthropological codes generated, states, "to our resource persons or research subjects we owe full and timely disclosure of the objectives, methods and sponsorship of our activities" (1988:2). There is a certain presumption here that "voluntary" participation is derived from an "informed" participant, but these are separate and not equivalent aspects of a research methodology.

In the codes of ethics generated by both academic and applied cultural anthropologists, there has been a more pronounced concern with the protection of privacy and confidentiality of research subjects than with the subject of informed consent. Are privacy and informed consent related, and does sufficiency in the former guarantee protection in the latter? How do these issues relate specifically to anthropological research? Traditional anthropological methods include direct interviewing and questioning, but primarily the less obtrusive method of participant observation, which has been used in both Western and

non-Western settings, and involves informal observation and recording of social interaction without much introduction or explanation of the researcher's goals or aims of research. The method does not usually involve deception, but neither is it a method that employs full disclosure. Many anthropologists would argue that such disclosure would interfere with and damage the spontaneity that the method entails and requires. Likewise, disclosure would mean that the anthropological researcher loses a certain amount of control over the research setting by revealing that she or he is something more than a simple bystander.

Protection of privacy and confidentiality, on the other hand, has generally been left to the individual researcher where he or she exerts maximum control. Such protection is typically afforded *after* the fact in the report-writing and/or publication phase where community identity, informant names, and other detailed information may be withheld or altered. Informant and community anonymity has been so enshrined in anthropological research that it had been the unchallenged standard of practice until some community studies became minor classics and certain of these well studied individuals or communities requested that their identities be revealed. This dictum of privacy and the absolute protection of anonymity was challenged by a growing number of anthropologists, especially younger professionals (Szkut and Reed 1991), and the 1990 revision of the AAA Principles of Professional Responsibility states that "the right of people providing information to anthropologists either to remain anonymous or to receive recognition is to be respected and defended" (I.A.I.).

Implicit in this restatement of the right to privacy principle, (where the right to remain anonymous or to receive recognition rests with the information provider and not the researcher) is the embedded premise that the researcher will discuss the research and its reporting or publication with the researched and that information exchange will occur and some consent be received. Were this a version of informed consent, in this rewording of a major ethical principle within anthropology, it would be more an implied consent than one that is given explicitly and directly. Moreover, control is still exerted by the researcher, for such "consent" could be obtained at any time during the research project and may only be concerned with the revealing of identity or retention of anonymity. The revised wording, however, does empower the information-giver in that the decision to receive recognition or remain anonymous is theirs, rather than the researcher's.

There is certainly the view among anthropologists and social scientists that codes of ethics exist more for public relations purposes, and what protection is provided by them assists the practitioner more than the general public (Douglas 1979). It is probably true that professional associations have responded to crises and controversies over ethics better than they have engaged in the fostering of an ethical culture within the profession. Despite the numerous influential guides and handbooks on the subject of anthropological research (Appell 1978; Bernard 1988; Pelto and Pelto 1978), there has been insufficient discussion of the issue of informed consent and its intersection with federal regulations and IRBs.

Specific Guidelines and Anthropological Responses

Informed consent has been defined as "the knowing consent of an individual, or a legally authorized representative, able to exercise free power of choice without undue inducement

or any element of force, fraud, deceit, duress, or other form of constraint or coercion" (Protection of Human Subjects 1990). In a number of federally regulated agencies that sponsor research, the documentation of informed consent must be ensured in one of the following ways: (1) a written consent document to be signed by the subject or authorized agent; (2) a "short form" summary document ensuring informed consent requirements have been met and signed by the subject, or authorized agent *and* an auditor-witness; and (3) modification of (1) or (2) above where minimal risk is demonstrated, or where obtaining informed consent would invalidate the objectives of research. In this latter event, the responsibility of the external review committee increases proportional to the diminished informed consent requirement.

IRBs are established to approve, require modifications in (in order to secure approval), or disapprove all research activities regulated by federal sponsorship. They require documentation of informed consent in certain research situations, or they have developed expedited review procedures for other kinds of research involving minimal risk. Although the social science research may fall within the minimal risk category, social scientists may still be called upon to respond to questions involving informed consent in their research methods by board members who represent various disciplinary backgrounds.

Some anthropologists have objected to this federally inspired and institutionally backed intrusion on their freedom to carry out nonconstrained research. Moreover, IRBs have been challenged (Murphy and Johannsen 1990) as being inappropriate to evaluate social research, since their procedures were designed more for biomedical and experimental research and they inadequately address the complexities of ethnographic research. IRBs and administrators wary of lawsuits, however, increasingly have seen the informed consent guidelines as representing a general principle applicable to all research, without any exception being made for social science research.

Much anthropological research has historically escaped federal regulation because of its reliance on individual, small-scale projects, or because it was not funded by a federal agency, such as the National Institute of Health or the National Institute of Mental Health. Anthropologists are working in applied projects⁴ in increased numbers, however, and are conducting research in the public sector on community and mental health, alcohol and drug abuse, and racial and ethnic minorities in the United States (Fluehr-Lobban 1991b:60). Such research falls outside of the traditional parameters that have defined anthropological research as taking place in simple, small-scale, nonliterate, non-Western societies, and anthropologists are being called on to comply with federal regulations that require them to inform subjects of anticipated risks and benefits, obtain written consent forms, and protect confidentiality. These requirements have attracted criticism from social researchers, as they are regarded as particularly unsuited to the conditions of ethnographic research, especially the requirements of risk-benefit analysis and informed consent (Akeroyd 1984:147).

The above points, and others to follow, help explain why anthropologists have given a lukewarm or indifferent reception to informed consent in their research methodologies and their ethical codes. Some arguments that have been used by anthropologists and other

social scientists to challenge the utility of informed consent regulations in social research include:

Informed consent:

- (a) is difficult or impossible to obtain in social research;
- (b) is an impediment to subjects or actors behaving naturally;
- (c) does not lend itself easily to the methods of participant observation or other unobtrusive methods of research;
- (d) cannot be explained or adequately obtained in many settings where anthropological research occurs, such as in nonliterate societies;
- (e) is an impediment to obtaining certain kinds of information about disapproved or illegal activities
- (f) would keep the researcher from having access to powerful subjects or those in a closed setting where researchers would not normally be admitted.⁵ Moreover, Barnes (1979) argues that informed consent is not suitable to the nature of anthropological research and is contrary to the flexibility required in fieldwork because:
- (g) the researcher cannot always predict the course of fieldwork;
- (h) informed consent is a U.S. or Western concept and cannot be fully explained in the context of cross-cultural research;
- (i) it is impractical to attempt to inform and to acquire consent from every newcomer to the research situation.⁶

As IRBs carry out their mandate to ensure that federal guidelines regulating research with human subjects are followed by social scientists, anthropologists are being held accountable for their research methods, and they are being questioned with specific reference to informed consent. Even small-scale, individual research projects are subject to institutional review, causing some anthropologists to react defensively, while others have objected to the process of review itself.⁷ The question of exemption from the standpoint of institutional review is already moot, but the more difficult philosophical issues of intellectual or moral exemption are in need of broader discussion within the discipline.

If informed consent simply means that the researcher offers the fullest possible disclosure of the goals and potential uses of research *before* it is undertaken, then the application of informed consent guidelines in anthropological research need not be as controversial as it might first appear. In the first place, consent forms are not a necessary component for obtaining informed consent, and the chilling effect on research that most anthropologists fear can be reduced or eliminated entirely. Philosophically, informed consent can be interpreted as a professional responsibility or charge that in research anthropologists will practice full disclosure, to the best of their ability, and that issues affecting participants regarding methods, use, or publication of research *will be discussed with them in advance*. In some cases, probably exceptions, the use of deception might be justified because of the greater benefit from the research that may result by not informing participants of the goals and possible uses of that research. If we review the various objections that some anthropologists have voiced to

the application of informed consent guidelines, most can be addressed positively, without affecting the quality of research. Moreover, confronting the challenges informed consent brings to anthropological research can result in an enhanced, more open research environment in which both researcher and participant are made to feel more comfortable.

Let us examine these objections in light of the contemporary reality of federal regulation and IRBs, and a changed profession of anthropology, where more applied research is conducted and the "primitive" world has been transformed.

1. (a) *Informed consent is difficult or impossible to obtain in social research.*

This has not been the experience of colleagues in psychological research, which has perhaps been more closely scrutinized with respect to informed consent requirements. Moreover, structured, "obtrusive" research calls for the active participation of persons who will be questioned or interviewed, and the explanation of research goals, methods, and uses are easily made a part of initial recruitment of participants. Anthropologists and other social researchers are usually very visible parts of the social groups they study, so that part of the process of negotiated entry into the group to be studied could include the specific raising of issues related to informed consent.

2. (b) *Informed consent is an impediment to subjects or actors behaving naturally.*

A number of studies have shown that obtaining informed consent has little or no effect on response in social surveys, even about the most intimate details of one's life (Singer 1979). The myth of the anthropologist as "fly on the wall" has been repeatedly challenged by anthropologists' own self-conscious and increasingly reflective evaluation of their presence in other societies as obtrusive rather than unobtrusive observers. Raising issues associated with informed consent can thus be a natural part of the process associated with the explanation of the presence of the outsider-social researcher.

3. (c) *Informed consent does not lend itself easily to the methods of participant observation or other relatively unobtrusive methods of research.*

Social observation, where the researcher is able to remain anonymous and blend in with the social situation she or he wishes to observe, should represent such minimal risk research that it would be exempted from the spirit of informed consent. Other unobtrusive methods, such as reading street signs or using telephone books, are part of the public domain in any society and would likewise be exempt. But participant observation is different from social observation since it involves an interactive dimension between researcher and participant that is qualitatively different from the relatively more passive social observation. Participant observation, which often occurs over extended periods of time, is a continuous process of negotiated entry and acceptance and offers many opportunities for discussions between researcher and participants that reflect the spirit and intent of informed consent. It might even lead to opportunities for collaborative research that would enhance present and future research and yield results that incorporate the participants' perspective.

4. (d) *Informed consent cannot be explained or adequately obtained in many settings where anthropological research occurs, such as nonliterate societies.*

This position may have been true to a certain extent in another era of anthropological research, it is certainly not the case today. Anthropologists who work primarily in other languages and non-Western cultures are not the majority of professionals today. Moreover, the "primitive" world has been transformed in the modern period, such that it is impossible not to work in some contact or formerly colonized area where a European language is a first or second language of the non-Western nation. Likewise, the "subjects" are likely to be literate and knowledgeable of anthropological studies of their own societies and are increasingly sophisticated critics of these published works. Moreover, national research boards are frequent overseers of foreign researchers, granting research permission, assisting with local contacts, and often requiring final reports of research activities.

In some indigenous communities, especially in Native North America, consciousness regarding the local control of research is especially high. Research in the Canadian and U.S. Arctic must be approved by a community-based research board. The principles developed for the conduct of research in the Arctic are stronger and more explicit than other professional codes examined and make specific reference to "informed consent." "Research directly involving northern people or communities should not proceed without their clear and informed consent" (*Principles for the Conduct of Research in the Arctic* 1990:110). The code then describes in detail the ways in which informed consent is to be obtained, while the responsibilities of the researcher to full disclosure are also outlined.

Certainly the core ideas about informed consent could be communicated in this transformed context where subjects are much less passive and more informed than they have been in the past. In the above case, consciousness about local control of research and sophistication regarding issues of informed consent may be indeed be greater among peoples of the Arctic than that of an American subject in a biomedical research project.

5. (e) *Informed consent is an impediment to obtaining certain kinds of information about disapproved or illegal activities.*

This type of research, if it is to be undertaken at all, should clearly evidence greater benefit than harm, and is probably best carried out using unobtrusive methods. The debate over Laud Humphreys's research is probably the most instructive to date.

6. (f) *Informed consent keeps the researcher from having access to powerful subjects or those in a closed setting where researchers would not normally be admitted.*

Wherever some deception is required to carry out research, informed consent, which depends upon openness and disclosure, will be problematical. Accounts by some anthropologists (Rosé 1988) who have used deception in research have reassessed its value and have been critical of its overall effect on the research

environment. Humphreys's critical reexamination of his own methods in his "Tearoom" study that involved lack of full disclosure or outright deception is another case in point. He concludes that, were he to conduct the study again, he would sacrifice a larger, less-voluntary and uninformed group of respondents for a smaller sample of willing and informed individuals from whom, he presumes, he would obtain far richer data than that he achieved in his deceptive "interview schedules" (1975:231).

7. (g) *Informed consent is unsuitable because the researcher cannot always predict the course of fieldwork.*

Informed consent can be as flexible as the course of fieldwork itself. If the research procedure has built into it a system of monitoring, by the researcher in collaboration with participants and the funding agent or client, informed consent can be obtained at various junctures during the course of fieldwork.⁸ Other authors have described the growing unease at being locked into a particular research methodology while a dynamic field situation changed and participants were not fully apprised or informed of the implications of the change (Graves and Shields 1991). Consideration of informed consent can be built into the regular progress and monitoring of social research at various logical steps along the way to the conclusion of research and its aftermath, whether the end is a publication, a policy statement, or plans for future research.

8. (h) *Informed consent is a U.S. or Western concept that cannot be fully explained in the context of cross-cultural research. Cultural relativism precludes the use of informed consent.*

In what may be the ultimate anthropological argument, informed consent could be dismissed as an ethnocentric idea. Anthropologists have, however, reported that people, illiterate and well educated alike, are at least curious, if not seriously interested, in what they are doing in their community and nation. The anthropologist often gives a simplified summary of the research project and the conversation moves on to another subject; how easy it would be to open a general discussion of informed consent, where matters of research freedom and limits, confidentiality or identification of participant, and a host of related issues could be aired. Politically sensitive research, such as with contemporary studies of Islamic revival in my own research area, would be greatly enhanced and improved by open discussions of research methods and data and its possible uses with participants in these movements. Citing the maintenance of ethical integrity in participant observation as problematic, Jarvie concludes that the official philosophy of fieldwork should "not be relativism, but honesty and truthfulness about, and in terms of, one's own society" (1969:508).

Cross-cultural research conducted by other social scientists using collaborative models have described participant selection as one of self-selection on an informed basis after discussions of the research procedures and goals had been clearly articulated to possible participants in the local language (Lykes 1989). Lykes reports no difficulty in translating the concept; however, the use of an informed consent form proved problematical.

9. (i) *It is impractical to attempt to inform and to acquire consent from every newcomer to the research situation.*

In public places where unobtrusive research can take place, informed consent is impractical and inappropriate. In research where it is appropriate to raise informed consent guidelines with individual participants at the outset, however, it follows that it is also appropriate to inform those who present themselves later, after the initiation of research. Informed consent, as the practice of fuller disclosure and more openness in research, means that discussion of research methods and intentions can be raised at any time with any new participant. In many group research situations, it may be naive for the researcher to think that the project is not discussed informally among participants who may know each other by virtue of their association with the group being studied.

The use of new technology, such as videotaping interviews where intimate details of one's life may be shared, requires close attention to consent issues. Social scientists have noted new legal and ethical problems where the life of the video extends beyond the moment of obtaining consent (*The Chronicle of Higher Education* 1991). If information pertaining to child abuse, for example, is revealed in a taped interview, then the confidentiality promised in the informed consent form may not be protected. For a videotape, the life of which may be measured in decades, obtaining consent from a parent as guardian for a child may not be sufficient to protect the researcher once the child has reached the age of majority. A procedure of openly discussing or obtaining consent at various junctures in the process of research and the utilization of the results of research is therefore advisable.

Informed Consent without Forms

Almost invariably when the subject of informed consent is discussed with anthropologists, the first objection raised is the use of a consent form. That anthropologists, accustomed to their informal, participatory methods, might administer forms to their "informants" or participants is anathema to traditions of field research. Anthropologists, however, are increasingly conducting research for clients under federal sponsorship and are being asked to ensure that informed consent guidelines have been met. They may do so with a certain uneasiness, using the required forms or procedures, especially if the research population represents some aspect of American society at risk, such as drug or alcohol users.

In a research relationship with non-Western, often relatively powerless participants, the Western researcher may feel that she or he is exerting even greater influence over the relationship by introducing the need for a signed form into the research situation. As a researcher experienced in participatory research describes it, "As long as consent [has been] given, neither the sponsoring organization nor the researcher have responsibility for or to the participant. The former is not legally liable and the latter can now use the data in any way she or he, as scientist, determines" (Lykes 1989:177).

Furthermore, the language of even the most enlightened forms (e.g., "this project is

being undertaken by trained personnel for a serious scientific purpose" with "careful attention" paid to the participant's "general welfare") is viewed by Lykes as "paternalistic and gratuitous" (1989:178). Lykes, working with non-Western women, concluded that the informed consent form became a barrier that also symbolized the great chasm between the demands of research within the university environment and the system of trust that was already a part of the research collaboration. She goes on to describe how her research participants resisted signing the forms, and how she saw this as an assertion of *their* control over the ground rules for their voluntary participation in the research.

This telling description of the failure of the use of informed consent forms is one that most anthropologists would recognize and applaud, but the accusation of paternalism with respect to decisions regarding risk, benefit, or potential harm to participants might be less easy to recognize. The value of open, collaborative research is that informed consent becomes a natural part of the development of the research project and can be ensured without the use of forms by raising relevant issues that inform and thereby empower the participant. Voluntary participants already sense, or are actually conscious of, the power that flows from their cooperation with the research project. Paid participants, perhaps still a minority in anthropological research, enter into a relationship with researchers that is less ambiguous and therefore more open to all manner of discussion of the research, including informed consent concerns.

Paternalism, Social Research, and Informed Consent

In applied fields, like social work, increased sensitivity regarding issues of confidentiality, self-determination and informed consent have been a part of the process of the development of professional ethics, in part due to concerns over the liability of practitioners (Reamer 1987). Although applied anthropologists, working for clients or in federally funded projects, are increasingly aware of their professional liability, the concern has not yet been sufficient to exert pressure on the professional organizations and code makers to alter the language of the ethical codes to include informed consent.

Beyond the liability issue, an element of the resistance to informed consent guidelines in the profession may be a subtler, deeper, even unconscious paternalism that has afflicted some attitudes in the field. Paternalism has been acknowledged to be prevalent in the contemporary practice of social work (Reamer 1983:259), and it has been raised as an issue in the conduct of cross-cultural research in psychology (Lykes 1989).

Paternalism in social anthropology has long been recognized as having been part of the British colonial encounter, both as a rationale and justification for social research among politically subjugated peoples (Asad 1973). An analogous historical parallel exists for the Native American-U.S. government encounter, and a common thread of paternalism might exist for the American anthropologist, for many years a majority, who conducted research among indigenous peoples of America.

Paternalism, or the interference with an individual's or group's freedom to determine what is for their own good, is not necessarily a bad thing. Some philosophical discussions of paternalism have justified the interference, which might involve some deception or co-

ercion, by references to the greater good of the subject's welfare (Dworkin 1971; Gert and Culver 1979). In social-cultural anthropology or applied research, under conditions of colonialism or other forms of subjugation, paternalism had an historical context, which was always an "unequal power encounter" between the anthropologist and subject (Asad 1973:16). Colonialism has ended and the formal rationale for paternalism has disappeared; however de facto social relations between the former occupying power and subject population may not have changed. Other forms of powerlessness, such as widespread illiteracy, have been ameliorated in many places. What may have been historical justifications for paternalism in social research are now being undermined.

Paternalism is related to the informed consent issue because it provides a means by which a researcher may not inform subjects of the intent and results of research because she or he knows better what is good for them. The "My Tribe" syndrome has been widely discussed in anthropology, whereby a particular anthropologist is the only, or is among a handful, of researchers with a long-term association with the native population, who may have been relatively isolated or nonliterate people. All decisions regarding research, including informed consent, would therefore have been made by the researcher alone. This world is clearly disappearing, and contemporary researchers overseas are confronting conscious, literate people, while U.S.-based researchers are working on projects related to American social problems.

"In research, anthropologist's paramount responsibility is to those they study" (AAA 1971:1). "Their physical, social and emotional safety and welfare are the professional concerns of the anthropologists who have worked among them" (AAA 1991:1). For the most part, providing for the general welfare of participants in research is the responsibility of the anthropologist, while the empowering of participants that flows from information provided and consent obtained remains an option, probably exercised under some coercive authority mandating informed consent. "Anthropologists have an ongoing obligation to assess both the positive and negative consequences of their activities and the publications resulting from these activities. They should inform individuals and groups likely to be affected of any consequences relevant to them that they anticipate" (AAA 1991:1.5). This is the first time that the AAA's code of ethics has used the word "inform"; it previously stated that "the aims of the investigation should be communicated as well as possible to the informant" (AAA 1971:1.b). The code of the professional association of applied anthropologists is more explicit; "To the people we study we owe disclosure of our research goals, methods and sponsorship. The participation of people in our research activities shall be only on a voluntary and informed basis (SfAA 1983 [1949]1983:1).

Openness and disclosure, reference in social studies to participants instead of informants, and models of collaborative research that incorporate informed consent are all components of anthropological research—whether academic or applied, federally or privately funded—that are fully current with developments taking place in the world we study and the professions that study it. Informed consent may only be a convenient summary term for what has taken place in biomedical and social science research, but when its spirit is implemented, it results in better researchers and better research.

Notes

1. I gratefully acknowledge the assistance and support of Bernard Gert, Stone Professor of Philosophy at Dartmouth College, whose perspective from outside of the discipline of anthropology allowed me to see the importance of informed consent to the discipline and the profession. Many of the ideas in this paper were discussed with Professor Gert while I was a Rockefeller Fellow in the Institute for Applied and Professional Ethics at Dartmouth College during 1990.
2. Elsewhere, I have described the special history of ethical concerns in the discipline of anthropology, where ethics during the 1950s referred to the study of values and the worldview of other cultures (see *Ethics and Professionalism: A Review of Issues and Principles within Anthropology*, in Fluehr-Lobban 1991a).
3. There are separate statements of professional responsibility or codes of ethics for the following professional organizations of anthropologists: AAA (see appendix A), the SfAA (see appendix C), the Society of Professional Archaeologists, and NAPA.
4. A 1986 survey by the AAA indicated that a majority of professional anthropologists were working in applied or practicing areas and were not employed in the academy.
5. These issues are abstracted from Smith (1979) and Barnes (1979). It should be noted that Smith is a psychologist and not an anthropologist, and the arguments outlined are related to the method of observing public behavior used by various social scientists, not only anthropologists.
6. Barnes's comments, it should be noted, precede the period when federal regulation and the influence of IRBs have had their greatest impact on anthropological research.
7. As I gathered information for my book on ethics and anthropology, anthropologists repeatedly expressed to me their frustration with IRBs. I have been the subject of review by my own institution's review board on the matter of informed consent and anthropological research and I have been officially charged with conducting similar reviews as chair of Rhode Island College's Committee on the Use of Human Subjects in Research.
8. Sociologist Janet M. Billson has termed this "the Progressive Verification Method" (1991), which she has utilized and which she recommends for the study of women cross-culturally. The method envisions the position of the researcher as being on a par with the participants in the study who are informed and not only give consent but can offer suggestions as the study progresses.

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