Forum

Data management in anthropology: the next phase in ethics governance?

Recent demands for accountability in 'data management' by funding agencies, universities, international journals and other academic institutions have worried many anthropologists and ethnographers. While their demands for transparency and integrity in opening up data for scrutiny seem to enhance scientific integrity, such principles do not always consider the way the social relationships of research are properly maintained. As a springboard, the present Forum, triggered by such recent demands to account for the use of 'data', discusses the present state of anthropological research and academic ethics/integrity in a broader perspective. It specifically gives voice to our disciplinary concerns and leads to a principled statement that clarifies a particularly ethnographic position. This position is then discussed by several commentators who treat its viability and necessity against the background of wider developments in anthropology – sustaining the original insight that in ethnography, research materials have been co-produced before they become commoditised into 'data'. Finally, in moving beyond such a position, the Forum broadens the issue to the point where other methodologies and forms of ownership of research materials will also need consideration.

Key words   data management, epistemology, ethics, academic governance, audit culture

Academics are increasingly being made accountable for managing data by university employers and funding agencies. Such forms of governance tend to define 'data' as already commodified units of analysis, alienated from the social relations of research by contractual forms of informed consent and anonymisation, and by ownership claims by researchers and employers. Consequently, many ethnographic researchers feel uncomfortable with it – not least, because it distorts and contradicts a critical epistemology of social science in which researchers have stressed the foundation of objectivity in the intersubjective sociality of research.[1] Is 'data management' indeed merely the scientists' duty to be transparent to society, or a new phase in ethics governance? Does it once more reinforce neoliberal regimes' ethnocentric definitions of research sovereignty, just as some anthropologists suspected when ethical codes were being rewritten in the 1980s?[2]

When Leiden University authorities recently made data management an issue, the Institute of Cultural Anthropology and Development Sociology appointed an advisory committee on how anthropologists and ethnographers should position themselves. This committee's position statement on the co-production and co-ownership of research data triggered such interest and questions among colleagues in the Netherlands and abroad that we felt we should present it for more discussion. Before doing so, I want to clarify its position *vis-à-vis* a longer historical discussion of changing ethical governance in anthropology.

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[1]   For one of the earliest and most profound statements of this position, see Fabian (1971).

[2]   The 'Reaganesque' reforms of anthropological ethics of the 1980s were denounced by Berreman (1991).

Ethics in anthropology

Anthropologists have always concerned themselves about ethics, but not only in the professional form that came to dominate Anglophone anthropology. The model of an ethical code reinforced by peer review and sanctions of a professional association – borrowed from doctors and lawyers – only appeared in anthropology after 1945, and was preceded by alternative standards such as the moral force of objective facts, or the 'sympathy' fieldworkers should extend to 'natives' or 'aborigines' (Pels 1999). In the 19th century, the Aborigines Protection Society (founded in 1837) exemplified this earlier movement. Its offspring, the voluntary associations of ethnologists or anthropologists, continued to resemble humanitarian associations rather than professional ones until around 1900. Anthropologists first claimed professional ethical independence from colonial administrators, missionaries or traders when, for example, Franz Boas denounced anthropologists acting as spies for the American government in 1919, or Northcote Thomas claimed (rightly or wrongly) that his code of ethics barred him from divulging information about the Sierra Leonian Leopard Society in 1915 (Kuklick 1991: 201; Stocking 1979: 42–3). Nevertheless, the codification of ethics on the professional model came late to anthropology. A 1949 American attempt foundered and it was only during the Vietnam War that the momentum to draw up an ethical code gained sufficient force to produce the American Anthropological Association's (AAA) Principles of Professional Responsibility of 1971. The political climate and accusations of anthropologists supporting US counterinsurgency tactics ensured that the PPI's first article defined the interests of the people studied as paramount, and came down heavily on secret and clandestine research.

It is not surprising, therefore, that the politics of the AAA code came under attack when, in the early 1980s, American academic anthropologists were first outnumbered by those in extra-academic employment: anthropologists working outside the academy wondered how they could countenance an ethics that elevated the interests of people studied over their employers'. More importantly, the global introduction of neoliberal forms of governance turned ethical codification into a monitoring mechanism, similar to audit.[3] Even when anthropological ethics did not mutate into qualitative audit altogether (and much protest made sure it did not), it got caught up in a global shift towards accountability of one's research conduct towards employers. 'Audit culture' fuelled anthropologists' suspicions that Institutional Review Boards and Ethical Reviews in Anglophone anthropology sometimes seemed to worry more about the reputation of universities than about actual ethical conduct towards research participants. In its worst guises, neoliberal ethics served merely as a badge of good conduct, with sovereignty about ethical judgement monopolised by top-down standards set in review procedures that both determined access to and modified research. In traditions like the German and French, however, earlier critiques of the value of ethical codes were now also transferred to formalised review procedures: Anglophone anthropologists regularly express their envy of those places where ethical review has not gained the foothold it has in the United Kingdom or the USA.[4]

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[3]   See especially the essays by Pels, Giri and Argyrou in Strathern (2000).

[4]   However, other forms of audit culture transformed European academic employer–employee relationships as well.

The epistemology of anthropological 'data'

This overview raises the question whether recent data management requirements signal a continuation of neoliberal ethical governance or a new and distinct phase? For an answer, we should disentangle some of the factors that contribute to this development: some are epistemological, reflecting the nature of human knowledge; others are political, indicating a specific historical conjuncture of power; and yet others are ethical, claiming to act for a collective good. The Leiden committee's statement shows that we worry, first, about *ownership* of research materials (or 'data' – more about this terminology below), but legal ownership does not always equal possession, nor does possession equal access to data.[5] Anyone who works in the anthropology of heritage, for example, knows that access to a heritage site is distinct from both its management and its ownership (and that is not the only reason to consider social science data as indigenous or global heritage). Second, data management discussions often refer to a specific political conjuncture in the North Atlantic, where cases of scientific fraud have had a disproportional effect on science–society relationships, asking for both stricter accountability – that is, secondary fact-checking of scientific research – and more societal relevance (so that, for instance, decisions on research funding are increasingly determined by corporate agendas).

While the political urgency of this situation cannot and should not be underestimated, it should not make us forget that universities were also meant to critique rather than affirm political fashions. Scientists investigate what is possible and necessary in the field of the production of knowledge, and reductionist definitions of research data may erase the variability of scientific perspectives and research paradigms. The committee's statement not only emphasises that 'data' are variable (depending on how and why they are processed) but also that the multiple modes of knowledge acquired during research – textual, audio-visual, object-like or digital – cannot be reduced to the unitary category of 'data' without loss. Assuming otherwise would, at the very least, replace what we know empirically about the production of knowledge in general by a narrow positivism that favours data that are *already commodified* because they should conform to the replicable formats of large-scale quantitative surveys and/or abstract experiments.

Anthropologists occupy a special position in social science: field research turns them into their own research instruments. They cannot delegate the social relationships of research to interchangeable interviewers, questionnaires or experiments. Combining the design, execution and collaborative work of field research turns the depersonalisation of such relationships into a problem rather than a given. They have to reckon with the empirical possibilities and limits offered by the contribution of research participants to the knowledge produced during research – what we, following many others, gloss in our statement as the 'co-production' of knowledge during research.[6] Moreover, the anthropological tradition of researching across difference provides an even deeper epistemological awareness.[7] On the model of learning a strange

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[5] See Ribot and Peluso's (2003) discussion of these distinctions in development studies by a 'theory of access'.

[6] Fabian (1983) remains the paradigmatic statement on how researcher and researched share a time and space in which they co-produce knowledge in anthropology.

[7] This increasingly includes not just differences between humans, but between humans and non-humans as well (see Tsing 2015).

language or culture, this not only requires recognising that researcher and research participants occupy the same time-space, but also that they can only understand each other by intersubjective interchange (or 'transactional validity') and therefore through the changes they provoke in each other by mutual learning (or 'transformational validity').[8] The model for this transformation is the mutual trust that is built up and maintained in every ethnographic relationship if it is to result in reliable knowledge.[9] In anthropology and ethnography (but this may be valid for social science in general), methods and ethics are mutually supportive, congruent and sometimes even identical. They rest on the same epistemological foundation of a process of mutual learning that builds social relationships on varying degrees of trust.

Anthropologists should therefore insist on making an epistemological distinction between 'raw' and 'processed data', even if such classifications only remain stable within specific, contingent contexts. We encounter and record research participants in situations and media where personal identification of and the borrowing of cultural knowledge from other people is not just inevitable: it forms the very foundation of scientific knowledge in ethnography. Moreover, we cannot transfer such knowledge to third parties without editing out the connections between names, faces, secrets and interests – which often renders it useless.[10] Our raw research materials are saturated by personal information and (potential) cultural property precisely because they consist of those kinds of knowledge that are not, and sometimes cannot be, commodified – and yet fully determine social life. Extensive processing of raw materials (beyond mere anonymisation) becomes inevitable if others are to reuse them. This explains why ethnographic researchers question the possible commodification of knowledge by pre-signed informed consent forms: they suspect that such quasi-contractual rituals may sign away respondents' rightful claims to knowledge shared with researchers. Informed consent in ethnography is a process, and the quasi-legal finality of signing a form should not deceive researchers into believing that they can pocket other people's contribution to knowledge and simply forget about their interlocutors' claims to own, possess or get access in the future (Fluehr-Lobban 1994).

In short: 'data' ownership, like research in general, is based in an epistemology of social process. Social process differentiates ownership, and takes 'data' away from the simplistic statement that, because researchers work for a certain organisation (public university, private company, NGO), their employer also owns the 'data' they produce. Beyond legal rights, researchers cannot shirk the ethical duty to monitor the changing forms and meanings of raw research materials as they are processed into commodified 'data'. Anthropologists have usually restricted the sharing of data with others (beyond the original research situation, where research

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[8] Fabian (1971) first set out this model of transforming the researcher during fieldwork by discussing language learning. For the distinction between transactional and transformational validity, see Cho and Trent (2006). Again, Tsing (2015) suggests this is valid for mutual learning between humans and nonhumans as well.

[9] As our statement argues, this does not deny that this trust can be overruled by values of a higher order in, for example, the study of 'repugnant others' or other forms of 'anti-social anthropology' (Harding 2000; Mosse 2006).

[10] For example: unlike most social scientific approaches, the extended case method can generalise about how cultural patterns change, but cannot study social processes without identifying private persons, their conflicts, motivations, secrets, and questions of guilt and blame from event to event (see Evens and Handelman 2006).

participants and audiences – such as employers or authorities – may differ but also mingle) to publications in texts, audio-visual products or on websites. In most cases, they were processed to safeguard the interests of co-producers of knowledge. Anthropologists increasingly provide access to research materials to third parties – colleagues, members of the research participants' communities, authorities and other users – but this implies the equivalent of anonymisation, written or otherwise explicit informed consent, or conscious decisions whether the interests of co-producers of knowledge can be subordinated to overriding concerns. (This includes situations in which the historical value of cultural knowledge demands it should be made accessible to descendants of former research participants.) Finally, if third parties need to see sensitive raw materials because they supervise PhD researchers who collected it, or because of accusations of scientific fraud, this requires such strict confidentiality that these third parties' rightful claim to own or access those 'data' is not matched by equal claims to their possession. In other words, the co-production of data requires that ethnographers have the ethical duty to control how research materials 'go public'. This is, in fact, what already happens in the vast majority of cases.

Is 'data management' the new audit?

After this introduction to and clarification of our original statement, we can return to the question whether data management signals a new phase in the ethical governance of anthropology. The current political conjuncture appears new to the extent that many anthropologists experience data management as a threat, as a denial of their ethical responsibility to control research materials that emerged from relations of co-production and mutual trust. The threat itself seems neoliberal in so far as it copies an earlier pattern of audit culture that says that, because lay people cannot check our reliability themselves, we better *perform* to these audiences as reliable (and risk becoming mere performance). The situation also resembles the 1990s in the sense that our current audiences are largely represented by our academic superiors, and that the assumption that such representation is factually adequate has to be constantly proven, as both managers and employees well know, not to degenerate into mere performance.

Where current ethical governance-by-data management seems to move *beyond* a neoliberal culture of branding, performance and 'visibility', however, is in its emphasis on questions of ownership. Here, we should note that a conception of 'data' as commodities, that can be freely distributed to third parties because they have been alienated from their relations of production, may exclude varieties of scientific experience – the professional identity of social scientists, humanities scholars or even natural history scholars who use research procedures identical or comparable to ethnography in particular.[11] This in itself shows that the reduction of research materials to commodified 'data' – a long-term tendency in other cultures of capitalism – is not universally shared among scientists and scholars. Current discussions suggest that even university managers can be persuaded of the ways in which such conceptions violate the original mandate of the academic production of

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[11] Anna Tsing (2015) notes that ethnographic and natural history methods incorporate description of difference in ways that obstruct commodification.

knowledge, especially as far as ethical responsibility of researchers is concerned. In fact, one may well argue that we should respond to this situation as anthropologists have done so often (but maybe not always with enough conviction): that the concept of 'data management' obscures that the classification of research materials as 'data' is deceptive because, in the process of working on the materials gathered during research, they come to mean different things to different people. Our way of doing research – which can track processual change better than most survey and experimental techniques, because they tend to be static (Abbott 2001) – brings out such transformations of meaning. We have to respond to such changes if we are to remain responsible to our scientific mission, our research participants and audiences inside and outside the academy. The concept of 'data' can obscure such transformations. Any properly social scientific conception of data management should therefore start from the foundation of transformational validity and value-negotiation that all ethnographers are familiar with when doing research.

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Data management for anthropologists and ethnographers: a position paper[12]

From the first comprehensive codification of ethics in anthropology onwards,[13] anthropologists and ethnographers have felt they are primarily responsible for the management of data regarding the people they study. Ethnographers recognise that social research is necessarily based in social relationships and therefore has to be built on a qualitative, intersubjective and value-laden foundation, usually based on mutual trust. Ethnographers therefore acknowledge that all social scientific data are *co-produced* by researchers and researched.[14] The co-production of data implies that data are rarely fully owned by either researcher, researched or a third party. The first duty of anthropologists and ethnographers towards science is therefore to recognise this joint production and joint ownership of data. All forms and norms of managing data depend on it.[15]

The collaborative nature of ethnographic research highlights several complexities of social research in general. The recording of data, whether in written, oral or visual form, is a form of collaboration to which research participants have given their consent during fieldwork, including conditions pertaining to analysis and publication. *Researchers should continue to treat data as collaborative for as long as they work with this material.* Although the degree of involvement of research participants in the analysis and publication of data varies from one research relationship to another, these two aspects of the scientific process are commonly understood as the prerogative of the ethnographer, especially since they depend on the processing of the raw materials of research by the researcher.[16] Yet this prerogative comes with epistemological, methodological and ethical implications.

The first implication has already been mentioned: because they express the fundamentally social relationship of research, data cannot be fully 'owned' by the researcher,

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[12] Six scholars formed a committee that was asked to report to the Executive Board of the Institute for Cultural Anthropology and Development Sociology of Leiden University on data management policy for the Institute in September 2015. Peter Pels chaired the committee because of his prior work on anthropological ethics; Igor Boog contributed from a more quantitative methodological background; Henrike Florusbosch brought in her experiences in Dutch and American anthropology and interdisciplinary heritage studies; Zane Kripe added her expertise in digital anthropology; Tessa Minter works on ethics in development and indigenous rights and heritage; and Metje Postma could speak on behalf of visual ethnography and anthropology. They remain affiliated with Leiden, with the exception of Florusbosch, who has since returned to the University of Michigan, Ann Arbor.

[13] The 'Principles of Professional Responsibility' of the American Anthropological Association, adopted in 1971 (see the reprint and discussion in Fluehr-Lobban 1991).

[14] See, for some of the first statements of this epistemological condition, Fabian (1971, 1983).

[15] Ethnographers therefore should not recognise, in the management of data, a contradiction between a duty towards science (as emphasised by, for example, the Netherlands Code of Conduct for Academic Practice of the VSNU) and a duty towards research participants (as emphasised by, for example, the code of ethics of the American Anthropological Association). While both positions and codes of conduct contain useful ethical principles and advice, our current statement as a whole responds to the injunction to 'apply or justify' such ethical principles by outlining the situations specific to our discipline (see VSNU, *Netherlands Code of Conduct for Academic Practice*, preamble, 5, http://www.vsnu.nl/files/documenten/Domeinen/Onderzoek/The%20Netherlands%20Code%20of%20Conduct%20for%20Academic%20Practice%202004%20%28version%202014%29.pdf [accessed 19 March 2015]).

[16] See, for example, Mosse (2006).

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the people researched or the researcher's employers or sponsors. The second implication is that the individual researcher can and should be held responsible for the integrity, preservation and protection of the data gathered during a specific research project, like any other caretaker of collective property or disciplinary standards. Third, '[r]esearchers have an ethical responsibility to take precautions that raw data and collected materials will not be used for unauthorized ends'.[17] The individual researcher therefore has the duty to subordinate the sharing of data with third parties (including other scientists, also in cases of investigating fraud) to the recognition of the collaborative nature of data.

Questions of authorising data from a collaborative relationship and sharing those data beyond that relationship confront anthropologists and ethnographers with a range of possibilities, depending on the kinds of social relationship in which they engage when co-producing or sharing the data. These possibilities vary from full ownership of their own 'voice' by people studied (analogous to formal intellectual or cultural property), through a variety of forms of authority over co-produced data (for example, when recorded by interviewing, photographing or filming), to data individually authored by the researcher (such as records of observation in public spaces). In each case, consent in the co-production of data is (re-)negotiated constantly from the beginning of field research. The contractual gesture of a consent form signed in advance cannot cover all contingencies of the process of transformation of knowledge that researcher, research participants and audience undergo as the research proceeds towards publication of its results.

Informed consent in ethnography is based on the incremental *change* of information obtained in the course of research, because raw research materials are processed into data (for example, by anonymisation or analysis), or because third parties may intervene in the research relationship or form a new audience for it.[18] Even when the (re-)negotiation of consent usually stops at the end of fieldwork, ethnographers are responsible for making sure that changing forms of consent are reckoned with when data are used in research reports. They should also make sure that data are only shared with third parties (other scientists, the general public) in ways that stay true to these forms of consent. Anthropologists can act 'anti-socially' (that is, violate a consent relationship obtained during research) with justification when this consent relationship is trumped by considerations of greater scientific or social relevance.[19] This, however, implies having clear reasons that state why the claim to ownership can be overruled in the specific relationship concerned.[20]

'Anthropologists should determine record ownership relating to each project and make appropriate arrangements accordingly as a standard part of ethical practice. This may include establishing by whom and how records will be stored, preserved, or disposed of in the long term.'[21] In the case of collaborative data, record ownership

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[17] The AAA 2012 Statement on Ethics, http://www.aaanet.org/profdev/ethics/ (accessed 7 May 2015).

[18] The portrayal of research ethics in terms of a dyad of researcher and researched is a late colonial fiction that anthropologists should no longer persist in maintaining (Pels 2014; Pels and Salemink 1999).

[19] See Mosse (2006).

[20] This does not necessarily rule out the possibility of doing clandestine or secret research (that is, obtaining data without sufficient informed consent), but it emphasises that in the history of anthropology and its involvement with intelligence gathering and corporate research, or with 'repugnant others', the overruling of informed consent obtained from people researched was based on political or economic values external to the theoretical or methodological considerations of science (see, among others, Harding 1991; Kelly *et al*. 2010).

[21] The AAA 2012 Statement on Ethics, http://www.aaanet.org/profdev/ethics/ (accessed 7 May 2015).

is necessarily plural and collective. In most cases, it remains common practice for researchers to keep records in their personal custody and possession, and to decide on a case-to-case basis whether data can be shared with third parties such as other scientists. Protection of data has become routine to the extent that in recent funding applications researchers usually specify the norm to store digital data behind passwords. However, researchers have a primary duty to privilege requests for sharing data by people studied, unless they have reason to suspect this will harm or put at risk the (personal) safety or wellbeing of (individual members of) a group researched. PhD students and their supervisors may confidentially share data gathered personally by the former (if only because supervisors are meant to coach PhD students in the proper management of data), but supervisors should guard that trust as sacredly as when they engaged with their own research participants.

In collective research projects, where sharing of primary data from PhD or other research is part of the analysis, research data should initially be stored, preserved and disposed of in files not accessible to researchers other than those working on the project. In the case of audio-visual data, due to the fact that records of persons can often not be fully anonymised and that the impact of making them public is often more consciously dealt with by source communities, a common practice is to follow up initial consent by people studied with a reaffirmation by their viewing of the finished product, and by negotiations about ownership of and access to the recordings, conditions of publication and copyrights of the eventually published film. For research that involves the collection of data in the form of items of material culture, ethnographers commonly follow the best ethical practices of ethnographic museums.[22] Ethnographic data are increasingly gathered, produced, stored, circulated and shared digitally through online third-party services. This can create additional concerns regarding ownership, privacy and safety of research data, especially where researchers should exercise caution in choosing to whom they entrust the research material. In the online collection of ethnographic data, ethnographers should adhere to both the ethical standards that pertain within the discipline and the considerations outlined by the Association of Internet Researchers.[23]

All this implies that anthropologists and ethnographers, while adhering to the international principle of FAIR (Findable, Accessible, Interoperable, Reusable) data, have to remain conscious of the fact that many academic definitions of 'data' do not sufficiently distinguish between raw and processed research materials.[24] The first category (which includes primary data such as field notebooks) contains personalised data and cultural and intellectual properties that cannot (yet) be openly accessed. Moreover, the boundaries between raw and processed data are drawn differently, depending on whether the audience in question is interested in mere verification, publication or reuse, and the drawing of that boundary, and therefore the provision of access to the data concerned, is the ethical responsibility of the researcher.

Moreover, many recent discussions about data management are more concerned with the possibility of sharing data with third parties as a means to prevent

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[22] For material culture, see, for example, http://arts.gov.au/collections/best-practice (accessed 7 May 2015). In the case of the collection of both audio-visual and material culture data, their public viewing can be protected in some countries by privacy laws and collective property jurisprudence, which may shift the ethical discussion to the legal field.

[23] See Ess *et al*. (2002) and Markham and Buchanan (2012).

[24] See, for example, http://sedataglossary.shoutwiki.com/wiki/Research_data (accessed 7 May 2015).

scientific fraud than with the sharing of data with the aim to improve scientific knowledge. These two goals have to be sharply distinguished: the second goal, which governs our statement, treats social scientific research as essentially based on a social relationship and therefore impossible without mutual trust, whereas the first starts from the initial assumption of mistrust. Sharing data can be a means to track down scientific fraud, and ethnographers have a duty to do so whenever possible. However, recent cases in the Netherlands where scientific fraud was suspected do not support the hypothesis that the publication of raw data will help to detect fraud more easily or prevent it from being committed. In the case of social psychologist Diederik Stapel, it was the failure of peer review by senior colleagues that allowed fraud to blossom, and courageous peer review by junior scholars of the unlikely consistency of published data that brought fraud to light. It was confirmed by public confession rather than the inspection of fraudulent data (Levelt Committee *et al.* 2012). In the case of anthropologist Mart Bax, the process of investigating possible fraud began when a journalist made public Bax's inadequate reactions to critiques of implausible published research findings. The resulting diagnosis was that, whether fraud had been committed or not, the failure of contemporary mechanisms of peer review (which seem more firmly institutionalised today) was the primary cause of doubt.[25] In both cases, the faithful implementation of normal procedures of proper scientific conduct – such as methodological accounting in published research reports and peer review by both thematic and regional experts – seems both sufficient and most effective to safeguard the reliability of results and prevent fraud from happening.

In the light of the collaborative nature of data, the increasing demand to include a data management plan in applications for funding should therefore result in ethnographers adding the following clauses to their research proposal:

- the data gathered during ethnographic fieldwork are held in the custody and possession of individual researchers, who protect the interests of people studied, unless otherwise stipulated;
- the data can only be shared with third parties after they have been processed to safeguard the privacy and cultural property of research participants, depending on the ethical judgement of the researcher, unless otherwise stipulated;
- the data are stored and preserved by individual researchers until their retirement from actual research reporting, when they will be destroyed or returned to (heirs of) the research participants, unless otherwise stipulated;
- third parties have no right to demand access to raw ethnographic research data except in the strictest confidentiality, unless otherwise stipulated.

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[25] See Baud *et al.* (2013). It might have made a difference if the committee could have seen Bax's original materials (which he claimed to have destroyed), but only *after the fact*.

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Research ethics and data management: perspectives from the UK

The research ethics landscape in the UK is currently complex and difficult to navigate. A central problem for social anthropologists is how to manage anticipatory review when using research strategies that are essentially exploratory and improvisatory. To focus, as Pels and others have done, on co-production as a foundational epistemological strategy is a useful way to side-step many of the difficulties that this tension throws up. In this comment, we further situate co-production within institutional frameworks and in relation to the radical changes promised by the enforcement of the EU's General Data Protection Regulation (GDPR 2016).

Broadening the notion of co-production

The co-production of knowledge during ethnographic fieldwork prioritises the relational and therefore co-owned and evolving nature of research data. In advocating this approach, the position paper offers social anthropologists a route out of an increasingly regulated and commodified research environment. However, this notion of co-production does not fully capture the range of settings in which anthropologists work – institutional, multi-sited, virtual and across novel differences of power and resources. Though co-production strategies might solve some problems of data ownership, we wonder whether 'data' co-ownership is always feasible and/or desirable. By unpacking the institutional contexts that frame research activity and 'data gathering', we suggest that the notion of co-production could in fact be strengthened. For instance, by contextualising co-production in a more systematic way, we may be able to deal more transparently with research 'collaborations' that are not based on *prima facie* assumptions of equality, equal motivation and equal control over ensuing data. Indeed, an increasing proportion of ethnographic research cannot build on mutual trust of the kind envisaged by Pels *et al.*, cannot be transparent and, moreover, is based on negotiated, ambiguous ethical tenets, often motivated by incompatible interests. For instance, collaborative fieldwork in a clinic may comprise a researcher detailing patient issues around unauthorised clinical interventions,

when the researcher's presence advertises the clinic's activities. A more holistic notion of the co-production of knowledge should also include the roles played by funders, universities and the regulation of research ethics and data protection.

From protocol-based to exploratory research

In the UK, the enforcement of the GDPR in May 2018 will have far-reaching implications for the research scope of anthropology. On the one hand, the GDPR is more prescriptive compared with the current Data Protection Regulation (DPR), insisting that 'Valid consent for taking data needs to be clear and affirmative (it cannot be silent or "inferred" by inactivity).' On the other hand, the GDPR recognises the importance of the social sciences to the public interest. This is an important shift given that the DPR treats the social sciences as protocol-based research similar to medical sciences. In fact, the GDPR suggests that the social sciences should be treated as 'academic expression' and framed on an equal basis to journalism. According to a joint submission by two UK funding agencies, the Economic and Social Research Council (ESRC) and the British Academy (BA), in response to a UK Government's Call for Views on the implementation of GDPR 2016/679 (Joint Submission 2016), this reframing removes unnecessary hindrances from social science research. It does so by recognising its methodological specificities, including participant observation, and by pointing out the inadequacy of requirements for detailed *ex ante* protocols, restrictions on the non-anonymous reporting of research, and prohibitions on the use of deceptive and/or covert methodologies.

In relation to these key aspects of qualitative enquiry, the GDPR requires the use of derogations (legitimate curtailments of the original regulation) to interpret its main principles correctly. Thus, derogations from any part of the regulation are set out to curtail the primary principles set out in articles. As pointed out in the Joint Submission, they are 'necessary to reconcile the right to protection of personal data with the freedom of expression and information' not just as regards 'journalistic purposes' (together with literary and artistic expression) but also for the purpose of 'academic … expression (Article 85 (2)' (GDPR cited in the Joint Submission 2016).

Ensuring that anthropology departments are alert enough to use these derogations will be critical to the way in which universities implement the GDPR. Bearing in mind the complexities that researchers have faced as a result of the variable devolution of Research Ethics Committee responsibilities, researchers should be alert to the GDPR if its implementation is not to go the same way. Clear guidance from professional associations will be important to the future of ethnographic research. This will determine how and under what conditions we can insist on the effective co-ownership of data with research participants.

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Research ethics governance from below: a call for joint anthropological action

We wholeheartedly welcome the initiative by Peter Pels and his colleagues from Leiden to intervene in the current phase of ethics governance by alerting us to the potentially problematic effects this 'new era' holds for the field of research data management. We agree with Peter Pels that the specific characteristics of ethnographic research – e.g. the co-production of data by researchers and their interlocutors, but also the impossibility to distinguish between raw and processed data in our discipline – make standardised ways of 'managing data' questionable, and potentially impossible. Our comment focuses on the necessity to initiate a dialogue on all these issues of ethics governance *across* different national academic cultures. As Peter Pels emphasises, there have been significantly diverging ways in which anthropologists have responded – institutionally and discursively – to the various ethics governance phases within our discipline.

In Germany, research ethics and their assessment through formalised procedures did not play a major role in social and cultural anthropology until the mid-1980s. The discussion took off primarily after 1987 with the establishment of the 'applied' branches of the discipline. The Working Groups Development Anthropology and Medical Anthropology within the German Anthropological Association (GAA) implemented their own ethical guidelines in 2001 (updated in 2013) and 2005. In 2008, the GAA itself adopted its 'Frankfurt Declaration on Ethics', which is largely based on the declaration of human rights in the context of global interdependencies. The commitment of anthropologists in Germany to the ethical principles of these declarations, however, is largely voluntary and does *not* include the commitment to standardised disciplinary ethics reviews.

More recently, the debate on research ethics within the GAA has intensified again, triggered by, among other initiatives, two workshops of the German Research Foundation on the 'risks' of social science research, as well as the introduction of obligatory ethics assessments in the European Union funding line Horizon 2020 (Von Unger *et al.* 2016). In 2017, the GAA charged a working group with the preparation of a document that is supposed to guide local ethics committees in their assessment of anthropological research proposals on the basis of the methodological and

epistemological standards of the discipline. The GAA, however, emphasises that such formalised ethical reviews shall remain the exception within the discipline as an over-regulation of research ethics assessments may run counter to the core standards of ethnographic research with regard to the principles of reflexivity and methodological flexibility.

The 'Specialized Information Service (*Fachinformationsdienst*, *FID*) Social and Cultural Anthropology', which operates within a larger Information Services Programme on behalf of the German Research Foundation, has raised similar concerns in reaction to the rising call for research data management initiatives as sparked by Science Europe, the Association of European Research Funding and Research Performing Organizations. In line with these initiatives, which promote the digitalisation and storage of data as well as their use by third parties, the FID currently works at establishing a sustained research data infrastructure for anthropologists in Germany, which adheres to the particularities of ethnographic research. The GAA is thus currently confronted with the task of formulating a position in relation to these developments, analogously to the issues outlined above.

Peter Pels asks whether the focus on research data management is a new development or a continuation of the shifts in ethical governance initiated under neoliberal rule (see p. 5, this article). Our experience in Germany shows that, compared with the 1990s, current *forms* of ethics governance *are* new in that they have become increasingly transnational, with recent European directives introducing standardised formats for ethics assessment and research data management which affect ethnographic research in particular ways. Also, several international journals make the proof of a positive ethics committee vote mandatory for the publication of manuscripts.

We think that, at this point, ethics governance should be acknowledged as a bottom-up process where relevant conventions and guidelines are formulated by anthropologists themselves – and in close collaboration with the communities they work with as well as with colleagues beyond national or local academic contexts. This *Social Anthropology* Forum should be a creative starting point for the development of such transnational action that will provide a strong background for anthropologists and anthropological associations to act on specific challenges in their respective (national) academic and institutional environments.

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R e f e r e n c e

Von Unger, H., H. Dilger and M. Schönhuth 2016. 'Ethics reviews in the social and cultural sciences? A sociological and anthropological contribution to the debate', *Forum: Qualitative Social Research/ Sozialforschung* 17 (https://doi.org/10.17169/fqs-17.3.2719).

S u b v e r t i n g ' f o r m a l i s e d ' e t h i c s t h r o u g h m a i n s t r e a m i n g c r i t i c a l r e s e a r c h e t h i c s a n d a r e s p o n s i v e r e v i e w p r o c e s s

The intervention of Pels, and Boog and colleagues, while specific to issues of data management, also highlights problems with the current formalised ethics governance, particularly as practised in Anglophone anthropology: (i) increased bureaucratisation, audit and rigidity and (ii) incompatibility with the ethnographic method with its lack of appreciation of ethnography's complexity and dynamics. That is, the current formalised ethics governance is contradictory to anthropology's epistemology and methodology. Furthermore, it does not necessarily ensure that a research will be conducted ethically.

The key is the ethical researcher, not the ethics governance regime. Thus, there should be greater attention to the cultivation of ethical consciousness and behaviour among researchers through pedagogy and practice. The aim is to develop researchers' capacity to make ethical decisions and actions and make ethical thinking and acting a fundamental part of all stages of our research and engagements. It starts at the undergraduate level, not only because undergraduate students can go on to use ethnographic methods in their eventual jobs or enrol in graduate studies, but also because ethical praxis is a lifelong endeavour that is tested and reshaped in every aspect and stage of a scholar's work.

Since we cannot yet ignore the pressure from funders and journals for 'formalised' ethics (for they decide if we get published or funded, although there must come a time that this too must change), we must define for our discipline what 'formalisation' of anthropological ethics means and what it *should be*, and move away from the biomedical paradigm that dominates social research ethics governance. In other words, we can subvert 'formalisation' as it is currently defined and implemented, make it responsive to the needs, particularities and complexities of our discipline, innovate the process so that it primarily equips researchers with the ability to make ethical decisions and actions, and insist that these are our discipline's responsive, 'formalised' ethics procedures.

A way to reinvent formalisation and subvert the dominant formalised ethics regime is through a combination of (i) mainstreaming critical research ethics and

(ii) building a responsive review process. The first will entail making research ethics an integral part of the curriculum, in discussing and presenting a research project, and in deliberating the politics of knowledge production. The aim is to reframe the question of ethics from an afterthought in the conduct of research or a mere legal and bureaucratic requirement or burden, to one that is vital in shaping the various stages of the research process – from formulating our research questions and methodology, negotiating our fieldwork and relationships with our interlocutors, and managing our data, to writing and other forms of representation and professional engagement. That is, much in the same way that we are trained to reflect on the politics of knowledge production and our positionality, thinking and acting ethically can potentially become a fundamental part of our reflexivity and consciousness in all stages of our research practice.

Meanwhile, the key features of a responsive review process are: careful and thorough discussion of actual and potential ethical challenges and possible ways of dealing with them; reflexive and transparent assessment of the ethical competence of the researcher and the supervisor/s; and meaningful participation of the people to be studied in the formulation of the ethical imperatives for the study. The pedagogical process is the key, guided by a panel competent not only in ethnography, but also in research ethics and the research context. This can be undertaken at the departmental level, recognised as a 'formal' procedure, and practised as part of the official academic system.

A responsive review process recognises the uniqueness of every research context and its specific ethical complexities and dynamics. It recognises as well the ethical implications of the power relationship between researcher and interlocutor, and the researcher's positionality, responsibilities, and accountabilities during and after research, that is, in all acts of representation and engagement.

Consistent and patient engagement with research ethics in teaching and in practice, of continuously and critically reflecting on ethical principles and developing our capacity for making ethical decisions and actions, facilitates the cultivation of ethical consciousness and discernment among our students and ourselves. Where the current system is reviewer and checklist dependent, what I propose gets its *raison d'être* from the ethical researchers who, in the final analysis, are the ones confronted with ethical dilemmas which they have to resolve on the ground, during the entire fieldwork and beyond. The highly developed ethical researcher is our best protection from research misconduct, not the currently dominant formalised ethics regime.

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Doing anthropology ethically takes practice: a US perspective on formalisation

This comment concerns the limitations of formalisation in the governance of research ethics generally and fieldwork ethics particularly.[26] Compared with the UK and EU, US experience is distinctive for its lengthy tenure. For over four decades, formal oversight has foregrounded putatively context-neutral philosophical principles and administrative procedures while backgrounding ethics as social practice (modes of 'doing together'). Formalised ethics reviews are so thoroughly integrated within US medical and educational institutions that for everyone from ethics board professionals to reluctantly compliant ethnographers, it is *as if* formal reviews themselves enact 'the very idea' of research ethics.

Relatedly, the regulatory definition of 'research' treats hypothesis-testing designs as the standard against which other research styles are judged (Lederman 2007), rendering invisible fundamental differences between *design* and *discovery* epistemologies. With prior design methods as the regulatory standard, emergent discovery methods are systematically disadvantaged in ethics reviews.

The internal conditions for validity in designed research (e.g. biomedical clinical trials, psychology experiments, demographic surveys) include *pre*specified study populations, sample sizes and hypotheses concerning relations among study variables. A good design describes the research process precisely; deviations from it are problematic not just for ethics boards but also on internal scientific grounds (e.g. undermining reproducibility); consequently, prior reviews can be pedagogical aids for novice researchers.

In contrast, valid outcomes in discovery-oriented research (e.g. ethnographic fieldwork, historiography) depend on investigators' responsiveness to predictably unpredictable conditions encountered during primary research. Research plans serve as orienting rationales, but for outcomes to have value, research enactments *must* respond to the unforeseeable actualities of real-world conditions that researchers cannot control.

The standardising effects of formalisation worsened as ethics board administrators professionalised during the 1990s, developing their own ethical sensibility. Along with a principled *habitus* of procedure and documentation, administrators valorise fairness (uniform treatment), discounting differences among the epistemologies, interests and practices of the subjects of regulation. In practice, because ethics reviews employ a designed-research standard, the impacts of the fairness principle are anything but fair.

In a formalised oversight environment where their work is evaluated by designed research standards, anthropologists confront a double bind (Lederman 2016). If they describe their research as '*not* designed', they risk being labelled unprincipled or undisciplined. Alternatively, if they metaphorise their work in design terms ('sampling', 'hypothesis-testing'), they risk being held literally to those standards.

In that environment, clarity concerning anthropology's distinctive value-added is a necessary basis for challenging the 'fairness' of ethics boards' reliance on design standards

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[26] This article began as an invited talk during Plenary session IV 'Doing Anthropology Ethically: Is Formalization "The Solution"?' Many thanks to organisers Anita von Poser and the board of the German Anthropological Association at the 2017 GAA annual meeting. It does not comment directly on Boog, Florusbosch, Kripe, Minter, Pels and Postma's 'Data management' position paper, but the argument and distinctions outlined here have implications for it.

as the universal norm. Complementing the replicable abstractions of controlled-conditions research, the value of fieldworkers' disciplined deference to their host community's circumstances is the realism enabled by direct engagement with messy social worlds.

Doing anything well takes practice; doing anthropology ethically means doing ethics anthropologically, with socially engaged understanding. The entrenchment of formal ethics oversight in the USA undermines the reproduction of craft (following Lave 2011). It distorts the transmission of field ethics by privileging formal compliance over practical competence: e.g. by privileging 'informed consent' documentation (as the procedural means ensuring 'respect for persons') over enacting respect through the determined acquisition of contextual social-relational judgement (which may mean taking sides and stands). *Where formalisation generalises designed research's ethical standards*, students have a hard time grasping the positive value of anthropological fieldwork's distinctively emergent and inevitably selective responsiveness to events and participants' interests. Instead, formal ethics reviews treat such responsiveness as irresponsible both ethically and epistemologically.

In short, US social research has undergone institutionalised ethics reviews for so long that we risk forgetting that compliance with philosophical principles and administrative procedures does not render researchers ethically competent in practice. For novice fieldworkers, standardised, design-oriented ethics reviews actively subvert ethical competence by framing responsiveness to unpredictable field circumstances (the very means for ethnographic understanding) as ethically suspect. Institutionalised research oversight will promote an ethical anthropology only if administrators formally recognise the values integral to discovery-oriented research styles.

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Ethics of data management: an anthropological archaeology perspective

Data management is critical to archaeology. As archaeologists, we collect and integrate data from many places and sources ranging from the field to labs to libraries. While

the challenges of archaeological data management are many, I address two issues in relation to the key ideas set forth in this Forum: (i) co-production of data and (ii) raw vs post-processed data. In the end, I frame the discussion in regard to problematic and contested concepts associated with policies, standards and 'best' practices.

Archaeologists are anthropologists. Our work is cultural *heritage*; thus, our goal is not simply to 'dig up' the past but to examine the past for the benefit of present and future generations (UNESCO 2016). Cultural heritage is both tangible and intangible and as archaeologists we enter into negotiations and relationships with many stakeholders such as local communities, cultural, academic and commercial organisations, and government agencies. I concur with others in this Forum that a key concern for anthropology is ethical co-production of data and knowledge. Who, if anyone, owns the data we collect? Do we, or community members, governments, academic institutions, own these data? These challenging questions are not new to anthropology (Pels this issue); however, digital technologies have increased the complexities associated with data, which are increasingly acquired, analysed and disseminated as collaborative process comprising overlapping and iterative phases of data management (Boog *et al.* this issue).

Castillo (this issue) contends that ethical researchers, not ethics governance, is critical for ethical research. In this vein, she argues we need to restructure education to make ethics integral to pedagogy. While I agree this is an important component, I contend that we can more ethically co-produce data with the communities whose heritage we collect and study by including them in the research process, not only as consultants but as designers of research strategy from the start. Community members should be involved in decision making on data collection, processing and dissemination. For this approach to work, we must make concerted efforts to ensure that communities are learning the skills and have access to the software required to truly be involved in the co-production of data and ultimately knowledge (van der Elst *et al.* 2011).

The difference between data knowledge leads to my second point – 'raw' vs post-processed data. This difference raises several questions: What are data? Are they only the initial observations we record? What about post-processed data – are these simply data or have they become knowledge? The concept of data is fuzzy and issues regarding data ownership are both legal and ethical (Clarke 2017). I give an example using 3D digital archaeology. 3D surveying collects raw data of extant archaeological features x, y and z points, but most archaeological data are not delivered as raw data (i.e. original survey data), but rather have been transformed into post-processed data for various purposes via 3D modelling (Richards-Rissetto and von Schwerin 2017).

Three issues arise. First, 3D datasets are massive with large storage costs and require expertise for management – who is responsible for this data management? Second, raw data and subsequent derivatives (e.g. 3D mesh) require not only storage of x, y and z data but also metadata and paradata – if we do not store these 'other' data properly in association with each other, we confront ethical challenges in regard to data preservation and scientific inquiry (we need all the data to reproduce results). The third issue brings together ethics and law (policy) and raises questions about who owns data derivatives. According to copyright law, raw data cannot be owned because they are not the original or creative expression of ideas; however, data derivatives require expertise, originality and/or creativity so should be protected by copyright.

While copyright is an ongoing debate, it leads back to ethical challenges of co-produced data. Not only do we have to determine who owns the 'raw' data, but who owns the post-processed data, or knowledge, that stems from these original data sources. Should these ownership decisions be made by laws, institutional policies or individual communities and researchers? In the digital realm, co-production of data leads to unique challenges because the process is collaborative and iterative – for data management to succeed it must be ongoing. But who is ethically responsible for managing these data? If we cannot agree on ownership, how can we determine who is responsible for data management? Additionally, is it enough for the data to be preserved in a dark archive? Or are we ethically responsible for making them re-usable and re-purposable to benefit present and future generations? Do we need standards, legal or institutional policies, or will 'best' practices suffice to allow for flexibility that underpins anthropological research (Sleeboom-Faulkner and Simpson this issue)? While I have posed more questions than answers, I agree with others in this Forum that promoting and facilitating discourse about ethics and data management is invaluable.

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Response

The Leiden data management position statement was originally drawn up specifically with an eye to ethnographic research. The above comments address a far wider set of concerns, beyond, if you want, the ethnographic 'bias' towards co-production of knowledge with interlocutors in the field of research. Especially Heather Richards-Rissetto's comment, and her focus on what happens to archaeological data, draws us not only towards considering heritage (which I regard as an interdisciplinary topic which

requires ethnography and history as well), but also towards the issue of how raw data are processed by researchers into knowledge they (partially) 'own'. This highlights the current lament by many colleagues that university governments too often disregard the creative labour put into processing research materials by researchers (which puts forward a claim to ownership that has to be respected as relatively autonomous from the claim to own data by their employers, whether these are public academies or private corporations). Both directions – the broadening of the care for data towards both co-producing interlocutors and creative researchers – can be found (among other places) in the recent reconceptualisation of 'visual anthropology' as 'multi-modal anthropology' (see Collins *et al*. 2017). However, the discussion about data management shows that such a rethinking of anthropology as multimodal must be extremely wary of adopting neoliberal ideologies of transparency – ideologies that we increasingly associate with digital society's own forms of reproducing inequality (Facebook!).

This is fuel for a continuation of the discussion at a later stage, and I am very happy that the contacts and discussion between anthropologists that have led to this Forum will indeed be pursued at several national and international venues later this year. It is not just the conviction of anthropologists that certain dominant epistemological models tend to obscure the broader practice of science, especially where respect for difference and history ask for methodologies that these dominant models tend to marginalise. I hope that we will continue working towards a more explicit recognition of such variety in our funding agencies, universities and other places of work.

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La gestion de données en anthropologie serait-elle la prochaine étape de la gouvernance de l'éthique?

Les demandes récentes de responsabilisation en ce qui concerne la « gestion de données » par les agences de financement, les universités, les revues internationales et d'autres institutions académiques inquiètent de nombreux anthropologues et ethnographes. Si leurs exigences en matière de transparence et d'intégrité au niveau de l'ouverture des données scientifiques à l'examen public semblent renforcer l'intégrité scientifique, ces principes ne tiennent pas toujours compte de la manière dont les relations sociales de la recherche sont maintenues. En tant que tremplin, ce Forum, en réponse aux demandes récentes de rendre compte de l'utilisation des « données », examine l'état actuel de la

recherche anthropologique et de l'éthique ou de l'intégrité universitaire dans une perspective plus large. Il donne la parole en particulier à nos préoccupations disciplinaires d'où découle une déclaration de principe élucidant un point de vue particulièrement ethnographique. Par la suite plusieurs commentateurs examinent cette position, analysant sa viabilité et sa nécessité dans le contexte de développements anthropologiques plus larges – soutenant l'idée de base qu'en ethnographie, les matériaux de recherche ont été coproduits avant d'être transformés en « données » ayant une valeur commerciale. Enfin, en dépassant une telle position, le Forum élargit la problématique de telle sorte que d'autres méthodologies et formes de propriété de matériaux de recherche soient être également prises en compte.

Mots-clés gestion de données, épistémologie, éthique, gouvernance universitaire, culture de l'audit