

Orlanda Obad

Institute of Ethnology and Folklore Research, Zagreb

orcid.org/0000-0003-4383-4913

orlanda@ief.hr

The Paper That Protects, The Paper That Reveals

The author's text opens a rare discussion on the seemingly technical aspects of ethnology and cultural anthropology. Seemingly, because, as Marco Deriu argues when writing about capitalism and its accompanying consumerist culture, when left unquestioned, seemingly trivial "material aspects, organizational, and technical, [...] gradually [involve] the acceptance of patterns of behavior and social meanings that underlie the materialism" (2015: 56).

The main thread of the text approaches the issue of open science primarily from the perspective of openness, that is, the accessibility of data, invoking and adopting established rules and practices of identity protection from unrelated fields, such as the administration of state statistics. This is a call to open a discussion on questions arising from value-driven tendencies and frameworks whose logic – as shown in the article – spills over from the context of disciplines such as the natural sciences. When refracted into certain social sciences and humanities, that logic becomes less logical, more peculiar, and potentially harmful. The article touches upon some questions that emerge when the disciplinary context shifts: Peter Pels notes that, in anthropology, the very use of the term "data" obscures the nature of research materials characterized by the continuous "transformation of meaning" (2018: 6), while Hansjörg Dilger and others, for instance, point to "the impossibility to distinguish between raw and processed data in our discipline" (2018: 14).

The author employs a survey questionnaire to outline the general sentiment within the field, supplementing it with qualitative elements that are closer to the research practices of her discipline – written explanations of the responses provided by the respondents. For a discipline such as ethnology and cultural anthropology, the responses are expected: the largest share of survey participants, employees of institutions such as museums, institutes, and universities – one third of them – oppose public sharing of research materials. Half as many support sharing transcripts, but not audio recordings or photographs, while roughly a quarter of respondents support sharing. The author, however, notes that most of those in favor of "sharing" do not imply open access, but rather sharing within the research team.

In this commentary, I will attempt to contribute from the perspective of drafting and using informed consent in practice. This spring, during the annual meeting of the INFRA project²⁰ (on which the article's author also collaborates), we devoted

²⁰ The full name of the project is "Infrapolitical Practices and Changes: From the 1990s to Lived Futures" (Next-GenerationEU).

most of our work to shaping these forms. It became clear that simply reading these two pages from the perspective of the person filling them out opens up a series of questions. The mandatory short description of the project is written in an academic style and contains technical terms. The description of how the materials will be stored is clear – from the researcher’s computer all the way to the Research Archive of the Institute of Ethnology and Folklore Research – but this is information that means little to the interlocutor. In an attempt to make research participants aware of all the ways their statements might be used in the future, alongside traditional formats such as academic books, papers, and conference presentations, we also listed exhibitions, and pointed out the possibility of later dissemination through various types of media.

We spent most of our time discussing the levels of identity protection and periods of embargo, that is, the timeframes that must elapse before the materials become available for use. Regarding the protection of personal and sensitive data, we outlined five modes: from milder ones – such as omitting the interlocutor’s name in part of the transcript or in the entire transcript – to omitting both names and other sensitive data from the transcript, up to the possibility of completely omitting a portion of the transcript at the request of the interlocutors. As for the embargo period, interlocutors may choose whether the recordings and/or transcripts become available three years after the project’s completion, whether they wish to determine some later date themselves, and they may also decide that the conversation, in any form, never be made publicly accessible. We also concluded that it is advisable for interlocutors to complete this part of the form after the interview, when the content of the recently-conducted conversation offers them a clearer perception of the degree of protection and postponement of accessibility they may need.

An important reflection on the issue of public accessibility of materials came from the Research Archive of the Institute of Ethnology and Folklore Research. Marko Lukin, a long-time professional associate in the Research Archive, introduced the issue of the meaninglessness of “eternal” unavailability of materials from the perspective of temporality – something we perhaps rarely consider. One of the examples he cited indirectly indicates how the understanding of data sensitivity, which Olga Orlić addresses in the article, can be directly linked to cultural, social, and even political contexts. In the Research Archive, for instance, records of Croatian folk religious songs, registered in 1956 (in the early period of socialism) as the availability of a manuscript collection is still restricted, with the note that the material is intended solely “for internal scholarly use at the Institute for Folk Art, Zagreb,” and that “nothing may be published from it as a whole without the author’s permission.” Their availability is postponed *ad infinitum*, without a time limit, and only by comparing them with the manuscript stored at the Croatian Academy of Sciences and Arts (HAZU), which contains no such note, we arrived at the conclusion that the reason for postponement was probably not the ideological unsuitability of the material, but rather that the person who recorded the material likely wished to protect the materials until publication. Let us consider the issue of availability in the context of

the research we are currently conducting: Can we, for example, imagine a shift in the capitalist economic system over a hundred or more years in such a way that today's interviews on the solidarity economy might be read as evidence of early cracks in a long-lasting economic logic? Unlikely. And perhaps this difficulty also stems from the characteristics of the very discipline in which we work. Writing about the archiving of ethnographic materials, anthropologist David Zeitlyn notes that “[d]elicate, highly sensitive material sometimes should not be archived, and perhaps should be destroyed. I note that future historians would disagree with that statement since this tends to be the material they particularly want to see” (Zeitlyn 2022: 12).

When it comes to timeframes for delaying public access, the law recognizes the need for stronger protection of materials containing personal data. In the Act on Archival Materials and Archives, for example, it is stated that public archival material is accessible “from the moment of its creation, unless otherwise prescribed by law,” whereas material that “contains classified and other confidential data shall be accessible [...] after a period of 40 years from its creation, unless otherwise prescribed by another law” (Article 18, paragraphs 1 and 3). Personal data in public archival material “shall be accessible to use 100 years after the birth of the person to whom the personal data relates or after the death of the person to whom the personal data relates” (Article 19, paragraph 1). If material containing personal data is nonetheless made available before the expiry of this period, “the competent state archive shall undertake the necessary technical measures to conceal the identity of the person to whom the personal data relates (anonymization),” while the user “shall sign a statement which guarantees they shall not disclose the identity of the person to whom the personal data relates if they are able to determine the identity from the available data” (Article 19, paragraph 3). Before the 100-year period expires, or after the death of the person to whom the data relates, personal data in public archival material may be used if, for example, the person has given consent or if the material “was intended for the public from the moment of its creation” (Article 19, paragraph 4).

Reflecting on the postponement of the public availability of materials is perhaps particularly relevant in research whose sensitivity is linked to a specific period, i.e. to a particular social or political context. For example, in interviews I conducted in the late 2000s with Croatian negotiators involved in EU accession, I guaranteed anonymity to interlocutors because the process, along with all the political and economic sensitivities that accompanied it, was largely inaccessible to the wider public and was still ongoing. Fifteen or so years later, few people even remember what the Ecological and Fisheries Protection Zone was, while issues such as the rule of law and democracy have remained ever-present despite Croatia joining the European Union. From the perspective of the patient activity of documenting and archiving oriented at the long term, it may be clearer that human life is finite, and therefore fifty or one hundred years, or simply the end of a person's lifetime, may serve as a reasonable embargo period after which the material becomes publicly accessible, and perhaps useful to someone in the future. Here we touch upon the tension between openness on the one hand and protection (or even the researcher's own self-interest)

on the other, which Orlić also notes in the context of the natural sciences: we ourselves gladly dive into archives when we want to learn how people once litigated, ate, or taught. Zeitlyn observes that anthropologists are distinct in that they cherish their collected field materials and preserve and carry them with them for decades, while “[a]t the same time they are often reluctant to grant access to others, in some cases even after they have died” (2022: 21).

Finally, we have our fieldwork experiences. Few interlocutors have the interest or patience to read an entire page of explanations and definitions of the terms under which their interview will be stored or made publicly accessible. Some, however, read everything and have additional, detailed questions. At times, interlocutors wish to speak only without signing an informed consent form because they do not trust the act of signing a document that guarantees their protection precisely through a formalized disclosure of identity. In its Statement on Data Governance in Ethnographic Projects, the anthropological association EASA (European Association of Social Anthropologists) clearly states that “[i]n contexts of violence or vulnerability, written consent may violate research participants’ privacy and confidentiality, and even put them at risk.” Anthropologist James McMurray (2024) further notes that, due to the very nature of anthropological work, at the moment of signing informed consent, *ex ante* “no anthropologist can themselves be assumed to be fully informed [...], let alone in a position to bring others up to speed,” which also applies to the possible implications of research. A form such as informed consent provides some protection to the interlocutor, but not absolute protection. In the words of Rosa Cordillera A. Castillo, “[t]he key is the ethical researcher, not the ethics governance regime” (2018: 16).

Olga Orlić’s text raises many questions for the format of an academic article. One of her conclusions is that opening metadata constitutes the optimal level of openness for ethnology and cultural anthropology. Metadata, judging from the author’s arguments, would be aligned with the protections offered by informed consent, and this is a mode that responds to certain tendencies to “opening up” science primarily with a protective stance towards interlocutors. This kind of accessibility is closer to the dark and dim, than to a light, open archival model (cf. Zeitlyn 2022).

Finally, the process of cultivating an understanding of disciplinary subtleties among the *relevant authorities* requires effort, interpretation of regulations, developing arguments, coopting existing rules, and empirical evidence. Much of this is contained in the present article, which alerts, calls for reflection, and initiates a discussion about future data-management policies.