

Anthropologists as Expert Witnesses: Debate in Anthropology

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What if one were to stand up in court and say 'I know' and the lawyer asks: 'And how do you know?' (Wallman in Paine 1985)

I would have to "be" with them – "accompany them" was the expression they used- in their luta, and not just "sit idly by" taking field notes. What is this anthropology anyway to us?" they taunted (Nancy Scheper- Hughes 1992: 18).

Introduction

From arm-chair anthropologists to advocates for the "natives", a great number of different roles have been played by the anthropologists, some of which raise serious moral and ethical questions for anthropologists and for the discipline as whole. At the beginning of the 20thc, anthropologists were involved as experts in simple societies alongside colonial administrators in order to solve problems with the 'natives' but started claiming themselves as representatives of other societies later on. Even a few decades ago, it was a rarity for an anthropologist to take a stand on behalf of the "tribe" who were studied. The influence of the Enlightenment and the rise of specialized knowledge, the professional superego, the application of science, and moral responsibilities for others, have all helped anthropologists to become expert witnesses and to speak for others both within and to the modern nation state. The anthropologists' role as an expert witness in the courtroom has emerged in relation to the cases of racial segregation, miscegenation laws, the cultural back ground of criminal defendants and especially to testify for natives and translate their cultures in different land claim tribunals (Rosen 79: 556).

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However, like other disciplines, anthropologists once believed that, as value free social scientists, they should not to be involved actively with the object of studies and must refrain from expressing opinions, which can be identified as unscientific (Wight 1988: 365). Therefore, shifting roles, from objective scientific researcher to expert witness for the “natives”, raises some ethical, epistemological, authorial and methodological questions within and outside anthropology. By exploring a few court cases, and analyzing debates among the anthropologists, and between the anthropologists and the judge, my aim in this paper is to understand: 1. To what extent do anthropologists claim themselves as expert for others? 2. Who has the authority to define anthropology, culture and the “natives” authentically? 3. Are there any accepted ethical standards for the anthropologist as expert witness? Finally, I would like to make some general comments on what might be the future role of anthropologists.

A Brief Historical Context - to be Expert Witnesses

There is a historical context to the development of the idea of indigenous advocacy and expert witness in anthropology. The history of applied / advocacy anthropology is rooted in the connection of Western civilization, and the idea of Christian love, “brother’s keepers”, “White man burden” and “paternalism” with tribal and peasant cultures (Bennett 1996: 32). In the mid-19th century, indigenous societies were viewed as “back ward” and “inferior” by the theories of cultural and social evolutionism which viewed their traditional culture as the main problem for these people such that the idea of “acculturation” emerged to make people develop like Western societies (Wright 1988 : 368 and see Morgan and Boas). According to Stocking (1977) the theme “acculturation” of that time was not only academic interest but also the interest of colonial penetration and gave social science an opportunity to intervene directly rather than indirectly (Stocking in Wright 1988 : 368). Radcliffe-Brown and Malinowski studied “social change” and “contract” and argued that South African natives could adjust with colonial systems through these ideas.

In England, anthropologists emerged in the 1920s to help colonial administration in Africa. In the late 1930s, anthropological knowledge was applied to the Native American reservation administration and

problem solving mechanism. In Mexico, native cultures were presented according to class structure (pre capitalist) and only the application of knowledge could make it capitalist. During World War II, anthropologists were actively involved in studying military occupations and their reforms, military and civilian moral, intelligence work for nation-states, and others. In 1941, after the Pearl Harbor bombing, it was decided that ethically, behavioral science (U.S.) should involve actively in the war. Thereafter, Gregory Bateson and Margaret Mead wrote "Principle of Morale Building" to help understand psychological warfare and problems of morale in American society (Lobban 1991 : 19). During WW II, Ruth Benedict worked with the office of war information and, after studying Burma, Thailand and Japanese Culture in 1943, she published "The Chrysanthemum and the Sword" (Lobban 1991: 20). She wrote that book to explain Japanese culture to the American society.

The Harvard university interdisciplinary movement in the 1950's made a significant role in the development of applied anthropology in the world. Anthropologists were hired in the foreign aid organizations and rural development programs in the late 40s and early 50s, which was one of the prime movers of applied / advocacy anthropology. At that time, "action anthropology" with a more volunteer flavor, was beginning to be practiced in the U.S and the anthropologist was appointed as community development officer, administrator, policy maker, and researcher (Bennett 1996 : 1). In America the "Fox Project" (1948-59) was launched with a lot of controversy (anthropology as clinical science) by Sol Tax, a prominent anthropologist in the University of Chicago, to help the resettlement program, schooling systems and community development of "Mesquaki" an Algonquian speaking woodland tribe (earlier anthropologists called them Fox) who lived in Wisconsin, Iowa, and Kansas (Foley 1999: 171).

However, at the same of time, in the 1950s, "ethno history" as a research method proved useful for historical research in verifying native land claims. From this period of time, a great number of anthropologists have worked as an expert witness. After the Second World War, a good number of colonies became free and the idea of new nation states evolved. In this changing political context, the boundary of the native's territory became a complex issue. In addition,

by the influence of the idea of modernization, different developmental programs, construction works, mining activities were started all over the world. Profit maximization was the prime philosophy. As a result, nation-states want to control and “protect” natural resources by laws, and minority people and natives start losing their historical control over their territory. To solve the disputes anthropologists were hired, or called to translate others’ cultures, or anthropologists became involved as a part of their responsibilities to support the people they studied. Later, anthropological work on ethnicity (Fredrik Barth), the political idea of official recognition of indigenous peoples and criteria of ethnic identity, the concept of “retribalization” (Abner Cohen) helped anthropologists to work actively in Africa, Latin America and other poor countries in the world. Therefore, the anthropologists’ role as an expert witness emerged as a result of professional involvement in the different socio- political and economic changes in the world. How anthropologists are dealing within these complex relations and practicing anthropology, will be discussed in the later part of this paper.

Anthropological Knowledge, Expert Witness and Confrontations in the Court

There are established, dominated, institutional, scientific, and rational knowledge systems, which have emerged from the Enlightenment and teach scientist to refuse engagement and be in deference. In the court, cases are judged by this logical rational knowledge. According to McDonald (2002), “anthropology is a curious mix of Enlightenment and anti-Enlightenment thought” and anthropologists who are arguing in the court according to anti-Enlightenment thought (the cultural concept and relativism) are trying to establish the knowledge which has been learnt from the “savage”, “illiterate” and “traditional” societies and, moreover are speaking for their rights (McDonald 2002 : 01). Then the anthropologists and the whole discipline are confronted by the conventional scientific knowledge. In the court informal, unscientific ideas are contested by the formal and scientific structure. In addition, while anthropologists are arguing for “group identity” to the individualistic societies derived from the Enlightenment then questions are raised by the conventional viewpoint about whether anthropology is a valid science or not. Whether it is science or not is a tricky issue, as is who has the authority to make that decision. Even within the discipline there is a debate whether anthropology is “science” or not, between modern and postmodern anthropologists (see Geertz 1973, Clifford 1986, Rosaldo 1989).

First of all, methodological questions are asked, whether, anthropological findings were collected according to scientific methods. Can it be used as evidence in the court? Doctors, psychologists and other natural scientists are accepted in the court as neutral scientists or recognized expert witnesses. People can only think about truth as offered by the mathematician. Lewis (1985) argues that when anthropologists testify as an expert they are asked for "whether you have scientific reason in the court" (Lewis in Paine in 1985: 171). It raises epistemological questions behind anthropology. Justice Frankfurter condemned the anthropologists and said that "we are dealing here with very stable things, very stable testimony but this is all opinion evidence." What is the anthropologist defining in the court? Is it his personal statement or the statement of a scientist? (Rosen 1977: The following is a summary of a cross examination which is published in *Advocacy and Anthropology* by Robert Paine (1985 : 175-197):

In 1970 a court case (known as "The Gove case"), was played out in Darwin, Australia among the Milpirrum (Clan name) and others versus Nabalco, a mining company which exports the mineral resources of Gove Peninsula, and the commonwealth of Australia. The Aboriginals protested the right of the mining company and claimed land rights. It was significant because the case was investigating land claims according to common property law, which was maintained with clan relations. An anthropologist, Prof. W.E.H. Stanner, defended the case as an expert witness for Aboriginal land rights. However, the Aboriginal people lost the case.

I would like to raise some significant issues to analyze the cross-examination between the anthropologist and the solicitor general and show how anthropological knowledge is analyzed in the court. In the court, the Solicitor General accused Prof. Stanner of not being impartial as far as the Aboriginal position is concerned, because he will be happy if the Aboriginals win the case. Nowadays, anthropologists do not claim often themselves as neutral. Scheper-Hughes (1995) argues that there is no place for anthropologists to be relative; they must be morally grounded according to the needs of the people. In the court, anthropologists' long-term involvement with the community portrays anthropologists as subjective and reduces their neutrality. Moreover, anthropological facts were not scientific because the experts rejected

the conventional scientific ideas of generalizations and comparisons with different variables. The Solicitor General raises questions on anthropological research methodology and challenges the anthropologists as to the nature of “oral tradition” and “oral history” (Paine 1985: 182). According to the Solicitor, everyone in the society does not know the tradition and what ever s/he tells about his/ her life is not oral tradition.

It was also mentioned that anthropological theories construct the concepts, which are tested in the fieldwork, and anthropologists reconstruct them when the conclusion is written. Therefore, it is difficult to get the “evidence”, or the “truth” from the anthropological research.

How should anthropologists explain every accusation in the court, especially when the expert has to define and defend ideas in the court, which were published in the past, even though the expert has refined or changed them quite a bit? Moreover, it is awkward for the anthropologists to have to defend other anthropologists’ constructions, which are sometimes different than the arguments of other ‘experts’.

Solicitor General: Then you wrote, “The fact we want to know may have to be built up”?

Professor Stanner: Yes, I think I wrote that.

Solicitor General: you wrote “If I may quote Myrdal: ‘scientific facts do not exist per se, waiting for scientists to discover them,’ Do you remember writing that?”

Professor Stanner: Yes

Solicitor General: Then, “Each such fact is a construction abstracted out of a complex and interwoven reality by means of arbitrary definitions and classifications”? (From the Grove Case: Paine 1985:186).

Here, it is shown how the solicitor general is trying to describe anthropological research findings is a construction of anthropologists. In 1949, Dr. Redfield was asked as an expert witness in Texas, USA to explain the effects of segregated education between white and black law students. When he expressed that he was not convinced of the definition of race as a biological concept, as was written in the recognized source book of knowledge the “Encyclopedia Britannica”

and developed by other anthropologists, then he was asked, "have you written any thing"? If others do not understand anthropology as discipline, therefore, anthropologists should not go to the court? Redfield says that though it is difficult for the social scientist to make arguments against dominant ideas in the court, for reasons of precedence it is better to state an expert opinion, which will help to define another expert in the future. In 1972, the case *Wisconsin v. Yoder*, an Amish anthropologist was accused by the American court of defending Amish culture as a member of this community. According to the court scientist should keep distance from his/ her subject although it was finally demonstrated that "one does not necessarily lose one's scientific distance by becoming a scholar allied with a case" (Rosen 1977:564). Thus, anthropologists are vulnerable in the court and others judge anthropological knowledge. Then, should the authority of the court be asked for defining what is truth, what is fact, and even what is anthropology? At the same time, anthropologists should ask themselves to what extent they can claim that they are expert enough to represent and to speak for other cultures.

Can Anthropologists be Experts and Speak for Others?

Representation of others is one of the most debated issues in contemporary anthropology. The ways of studying culture, researching others, representing them in the text and ethnographies by modern anthropologists are criticized and questioned by the post-modern anthropologists. During fieldwork, traditionally anthropologists used to identify different systems, (kinship economic, and marriage), choose the key informants as a representative of a community, write about other cultures, select photographs, and edit the text (See Clifford: 1986, Marcus and Cushman 1982, Geertz 1973, Rabinow 1977). Clifford and Marcus (1996) argue that no anthropological monograph can hide the fact that cultures are essentially "written" (Clifford and Marcus in : Hastrup and Elsas 1990: 302). Sansom (1985) criticizes conventional anthropology and says that the "aim of the anthropological endeavor is to make the field worker the author of a book" (Sansom in Hastrup and Elsas 1990 : 302). Scheper-Hughes (1992) argues that field work is important for anthropologists and by describing different relations and participations in the field, anthropologists can provide the context where facts are built from the everyday practice in the community (Scheper-Hughes 1992:23). However, nowadays anthropologists'

analysis of a particular culture is also questioned by the native anthropologists (Paine 1990). Therefore, the total process of representation is related to anthropologist's authority and power, which is questioned and not yet defined clearly.

Generally anthropologists are called as an expert witness to translate native culture or represent natives in the court. However, in some cases anthropologists are successful in convincing the court (the Zuni land claims case in 1981, Amish case, etc.) and in many cases (people v. podder case) anthropologists are not allowed to testify for indigenous people (Rosen 77: 568). As an expert witness anthropologists might be successful or not in convincing the court but several questions are raised within anthropology: 1. Can anthropologists ethically speak for others and represent their culture? 2. What would be the anthropologist's qualification to be the expert? 3. How will anthropologists, as an expert, define "self" and "other", "advocate" and "client", "voice" and "voiceless" and expert and layman dichotomization? Foucault (1972) says, "expert forms of power/knowledge sustain the commonsense" (Foucault in D'Andrade 1995: 401). D'Andrade (1995) mentions that sometimes anthropologists also explain hegemonic social reality like traditional intellectuals. There are some ethical questions raised on the role of an expert witness.

In addition, an expert is not able to present whole truth of a particular culture, because anthropologists are not able to know the whole truth. Culture is not a static thing, it is always changing, and what anthropologists learn during fieldwork might be changed in many ways. Can anthropologists always find someone in the field who can teach him "what is culture"? Can anthropologists find all the answers in the field? Can an anthropologist claim to be an expert because he knows all the answers and can translate the meaning of the other culture? What is the basis of this authority? Is it that he has first hand observation in the field? Then anthropology can be identified as being an empiricist science. Speaking for someone means that one knows who he is and if anthropologists speak with the same voice as their clients, then it can be said that their culture has been reduced to a single common denominator (Hastrup and Elisass 1990). On the other hand, speaking for others often makes their voice passive. According to Cohen (1985) it is better to let natives speak for their problem,

anthropologists are not able to speak like them and ethnography is the right way to speak for them and represent the complexity of their life (Cohen in Hastrup and Elsass 1990: 301).

In a community, there are many different voices according to gender, class, religion and so forth, therefore it is problematic for the anthropologist to claim to be an expert and represent all the voices. Clifford argues (1996) "what informants speak is not cultural truth but situational response to the presence of the anthropologists." (Clifford in Hastrup and Elsass 1990: 304) What anthropologists have known is also problematic because in the community the anthropologist is not able to speak with everybody and respondents do not know everything. Therefore, what an expert claims in the court is an analytical representation rather than the whole truth. By analyzing the Hindmarsh Island case in Australia Weiner (2001) argues that even a great number of Aboriginal women of the Ngarriandjer tribe, do not know exactly about the "women's Secret knowledge" or "women's business", thus, how can anthropologists assume that the whole cultural knowledge can be understood by doing field research or narrate the entire human social life (Weiner in McDonald 2002: 381-385).

As a graduate student in anthropology, Hopper (1990) was an expert witness for the homeless men in the New York City court and his arguments are somehow undermined. His training and experiences become an issue in the court, thus, he raises the question: How much academic qualification is needed to be an expert witness? Rosen (1977) asks whether anthropologists need to have the doctorate degree to present the "scientific fact" with adequacy and anthropological evidence in an adversarial proceeding. On the other hand, anthropologists are interested to define education according to cultural meaning, therefore how the academic qualification which is meaningful to institutionalized societies, can be used to defend wholly other's knowledge systems as an expert.

Anthropologist is arguing in the court about the meaning of education according to Amish culture.

Q. The principal purpose to attend to school is to get education, is it not, isn't that the primary purpose?

A. Yes. But I think there is a great deal of difference what education means, education for what.

Q. To put it bluntly, education so the child can make his or her place in the world?

A. It depends, which world (Hostetler in Paine 1985: 562).

Though anthropologists are arguing for a cultural meaning for education, to be experts they need a recognized formal education from this modern scientific world. It is also rhetoric for an anthropologist having a formal education and talking for informal form of education. The experts are recruited according to their academic and institutional position. In both sides, the influence of systematic institutional education becomes a strong point. Is it possible for the anthropologists to support irrational natives by standing on rational ground?

Therefore, it is also difficult for the “educated and expert” anthropologists to represent the “Aboriginal”. Can an expert as well as anthropologist forget his/ her thousands of other identities? Anthropologists are not always witnesses for the people who are studied without material gains; sometimes they are standing for the state power or for multinational’s money. Vine Deloria, Jr. (1969) states that million of dollars are involved in the land claims cases and a skeptical attitude has surfaced in recent years, thus, “anthropologists are powerful and exploit Indians” as expert (Dobyns 1987: 374) The concept of “expert” itself is a value added idea of civilized societies. However, with all these accusations, as expert or advocate, the anthropologist’s responsibilities to their client, discipline and natives, make the role of expert a more complex and debatable issue.

Experts vs. Experts and Authority of the anthropologists

Anthropologists as expert witnesses are not only debating with the judges, but also a great many cross examinations are held among the experts for defending their client in the court. As an expert the anthropologist always thinks only of the client’s interests, rather than the actual involvement which raises ethical issues to anthropology. Steward (1968) expresses that it is awkward to see anthropologists confronting one another in the court of law rather than in scholarly journals and it is a shameful part of anthropology (Steward in Paine 1985). Sansom (1985) says that in the court as an expert “I found myself pitted against other anthropologists for taking the other side of the case” (Sansom in Paine 1985: 171). If every one is rational, arguing

with anthropological knowledge and trying to give voice to others, then, what is the basis of these debates and why are anthropologists condemning each other. Is it that every expert has different agendas and interests in speaking for others? The concepts, which are studied in anthropology, do not have any accepted general meaning for all. On the other hand, ethics and responsibilities are varied according to expert – client relations, interests and expectations. I will try to understand these problems from two cases, the Nuclear Claim Tribunal in Marshall Islands and Exxon Valdez Oil Spill case in Alaska, where a good number of anthropologists were involved as expert witnesses and debated among themselves. Debates between anthropologists and lawyers have raised critical questions about authority for explaining the appropriation and objectification of indigenous culture (Kirsch 2001:168).

In order to understand the context of the debate, it is important to review the history of nuclear weapons testing and its affects on the people of the Marshall Islands. From 1946 until 1958, sixty-seven different powerful nuclear weapons (including the Bravo shot, a 15 megaton device which is 1000 times more powerful than the bomb exploded over Hiroshima) were tested in the Marshall Islands. What usually happened, and there was no exception for the Marshallese, was that the Islanders were not informed beforehand. Two days later the US Navy came to resettle them at Ejit Island in Majuro Atoll. In 1993, the US government formally took the responsibility for loss and damage to property and persons and, finally, in 1999, the Nuclear Claim Tribunal regarding land claims was established (Kirsch 2001).

In the court room, the meaning of property and its rights, perceptions of land, value of the land, market values of land, have been debated according to western notions versus indigenous perceptions, and outside the court between two experts and the Judge. As an expert of the natives, Coarucci (2001) argues that the meaning of land for the Marshallese is not like the West, where it is used, purchased, or sold and relationships with the land are temporary; rather, in the Marshall Islands land is a different kind of entity, very personal, important for a sense of self, an integral part of whole life and represents the collective labor of generations. Therefore, they do not have any evidence of personal ownership of land. Coarucci (2001) defines the relationship

between land and people according to past and present experiences of their life. After thirty years, when the Marshallese got back their traditional land, it was not the same. All the secret places were transformed.

At present, people find it difficult to establish a meaningful Enewetak identity. In contrast, Pollock the defender of the tribunal fund explains that "it is a spiritual tie to land and it is a tie to land that can never be broken." (Kirsch 2001: 175). Okney (1999) argues against the Enewetak claim for their sufferings, hunger, resettlement, diseases, high cancer rate for nuclear radiations and other problems (Okney in Kirsch in 2001). Coarucci (2001) says that after the disaster, the Marshallese have lost access to their traditional practices, land, and indigenous knowledge. Because of the scarcity of raw materials for canoe building and weaving cloths, the young men and women are not taught how to make canoes or weave cloths. They have forgotten how to sail in the ocean. On the other hand, Pollock argued in court that she has seen children build canoes out of paper, or other materials on hand, therefore knowledge is not lost and the practices have not disappeared. Finally the Judge presented Coarucci's arguments of culture loss as a "Humpty Dumpty" situation, "people do not want to go back to the primeval garden of Eden, Culture change and accommodation has to be made between the old and the New" (Kirsch 2001: 176).

This case is an example of two anthropologists, debating on the meaning of culture and identifying the native as expert witness. In 1989 the Exxon Valdez oil spill in Alaska released over 11 million gallons of crude oil into Prince William Sound, which forced people to move away from their traditional way of life, fishing was stopped, and subsistence economic activities were altered. Local people were introduced to western capital and consumer goods by becoming Exxon's cleanup workers. People started earning \$ US16.89 per hour, even when they stayed at home as a reserve worker. As a result, alcoholism and domestic violence increased, sharing broke down, mother - child relations were disrupted, and other factors developed as a secondary disaster (Dyer 2002).

Joseph Jorgensen as an expert witness for the native people has explained in the court how the Alutiiq people's subsistence, the most

fundamental basis of their culture and life was damaged by the disaster. He has differentiated between native and non-native subsistence activities, knowledge of the environment, sentiment of the environment and sharing patterns, education, kinship structure and social obligations and argued that natives are more vulnerable than others. Native people lost their subsistence economy as well as their culture, which is undetectable. Jorgensen's total explanations regarding the oil spill and losses suffered by the natives presented in the court were discredited by both the Exxon's expert and the lawyers. Judge Holland has concluded that the Exxon Valdez disaster harms the majority of the population, but does not deprive Alaskan natives of their culture.

According to the judge "culture is deeply embedded in the mind and the heart". In addition, Paul Bohannon who was witnessing for the Exxon company said that culture is a strategy of adaptation to the environment, including social environment (Kirsch 2001: 171). He also adds "I believe the Alaska natives are no different from anybody else in the matter" (ibid.). As a result, the judge followed the anthropologist, as a cultural expert, and said that "cultural difference is irrelevant and all Alaskans are the same as native". Therefore, no cultural loss was found by the legal board (Kirsch 2001: 171). Larabee (2000) also mentions Jorgensen's criticism to Bohannon who argued that natives were one of the American ethnic groups rather than a culture.

There are some valid reasons for anthropologists not to go for a definition of culture, but here, experts are debating for their own interest. Both the anthropologists and the lawyers have defined culture by their own expertise – the legal definition of culture is not the same as that of the anthropologists'. The Natives were not allowed to decide their losses and define their cultures. I think they know their life and culture better than the experts. Is it necessary for the natives to have anthropologists for expressing themselves? Or will this not make any sense to institutional knowledge systems if Marshallese make claims by themselves without experts? Or is it a part of the historical process of giving anthropologists professional status and making anthropology a scientific discipline? At the same time interest-oriented relations between experts and clients make the scientific status of anthropology questionable. From this debate it is true that anthropologists as experts fail to understand the difference between lived culture and represented culture. Then, the question is raised as to who has the authority to define culture, the anthropologists, the judge, the state or the natives?

Conclusion

The definition of anthropology, the validity of anthropological research, the application of anthropological knowledge and the role of anthropologists in different contexts, are contested in the courtroom between experts and lawyers, between anthropologists and experts and between experts and experts. It is not possible to deny the colonial relations within anthropology (K. Gough) and anthropologists' "unethical" relations to different projects (for example: Project Camelot, Vietnam War,). Anthropology mostly deals with the humanistic approach to the 'others' rather than as an Enlightenment science. There are some valid arguments about the anthropologist's active relations to natives and ability to speak for them. Levinas (1987) argues that an anthropologist cannot make a relationship with the other without becoming involved in the community. Can anthropologists find "facts" while people are dying from starvation, hunger and diseases? Can anthropologists only study others without taking responsibilities? Is there any excuse for not doing anything for others? According to Scheper-Hughes, anthropology exists both as field of knowledge and as field of action (Scheper-Hughes 1992 : 24).

Therefore, it is difficult to say whether the ethnographer or the advocate is the ultimate role of an anthropologist. Paine says "I believe that advocacy is compatible in anthropology and only possible for the anthropologists (Paine in Hastrup and Elsass 1990 : 309). Aboriginal people have faced difficulties in explaining their identity because, historically, anthropology has failed to present the integrity, coherence and dynamics of aboriginal culture. Moreover, anthropology and anthropologists have been used by the establishment, multinationals, aid organizations, intelligence branches and for professional achievement (Chambers 1987: 311). As an expert in the court and as a scholar in the classroom, in both contexts, anthropology might be both properly used and misused. Either as an expert or a scholar, only the anthropologist knows what decision he should take according to their "ethics" and what would be their responsibilities and roles towards the interest of the discipline, state, client and self. Finally, I would like to say, like Scheper-Hughes (1992) argues, that anthropologists as expert witness are accountable to themselves and to the people. I end this ongoing debate here with Cohen (1985) that "an anthropologist without concern is not anthropologists at all" (Paine 1985 : 258).

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Notes

In the paper, two court cases (Nuclear Tests in Marshall Islands and Exxon Valdez oil spill in Alaska) as described by Strut Kirsch have been incorporated in order to make my arguments more strong and coherent. These cases have also been used in one of my earlier articles titled "Anthropology Beyond the Routine: Contemporary Thoughts of Studying Disaster" which is going to be published soon in the Journal of Social Science Review, 2004, Jahangirnagar University, Savar, Dhaka, Bangladesh.

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