Cases

for the

FIRST INTERCOLLEGIATE ETHICS BOWL

to be held at

THE 69th ANNUAL MEETING OF THE

SOCIETY FOR AMERICAN ARCHAEOLOGY

in

MONTREAL, CANADA

ON APRIL 1, 2004

Sponsored by
SAA Committee on Ethics
SAA Board of Directors

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Case 1

Phillipa is directing a new field project in a rural area of a Southern European country that has seen little archaeological exploration. The government has very strict standards for issuing excavation permits to citizens and foreigners alike, and forbids the export of all archaeological artifacts. Its citizens, however, may buy, sell, and maintain private collections of antiquities, provided they are registered with government authorities.

Phillipa's crew has located many sites, recognizable as low mounds, but most have been practically leveled by deep plowing and recent road building. Phillipa, and her crew chief Jack, choose to excavate a site on slopes that appear to have been spared such destruction. The choice seems to be a good one: features are well preserved, the stratigraphy is clear, recovery from the water sieve is high, and artifacts are plentiful, although extremely fragmentary. Some artifacts suggest interaction with cultural groups to the north; others are different from anything known from the period. Especially tantalizing are fragments of what appear to be intricately made figurines. Things are going well. They have established a collegial relationship with their government supervisor, Dr. Efor, and, after an initially cool welcome, relations with the area residents are improving with the invitation to visit the site on Thursday afternoons.

One Thursday, Nick, the biology teacher at the nearby school, requests a tour. He is charming, witty, a good listener, and very interested. When they finally show him the day's figurine fragment and explain what they think it might have looked like, he modestly suggests reorienting the piece and makes a sketch of the missing parts. The implications—if his drawing is accurate—are profound, but there is no way the whole could be inferred from the small fragment. Nick explains that for years he has walked the valley after plowing and heavy rains, collecting exposed pieces that would otherwise be destroyed. He never actually digs, nor does he sell or buy artifacts. On occasion, he has even given a few pieces to the museum (50 miles away). He is a good friend of Efor's, who had encouraged him to visit the site, and to whom he reports all his best finds. Nick tells Phillipa and Jack of his very large collection of nearly complete figurines and invites them to see them in his home. Phillipa abruptly excuses herself to close things up for the night. She thanks Nick for his visit and interest, gives Jack a meaningful glance, and leaves. Jack gets directions to Nick's house before sending him off with a warm handshake.

As soon as Nick is out of earshot, Phillipa tells Jack that they must distance themselves from this man and wonders how to do so gracefully. Jack, on the other hand, can't wait to see the collection to see what their fragmentary material might have looked like, and thinks they were very fortunate to have a local schoolteacher provide this connection to the community.

Case 2

A large, five-year cultural resources management (CRM) contract is being concluded in northern California, in preparation for the construction of Macrosoft World, a corporate interactive, birth-to-death life-care community. The archaeological work involves the survey of a 70,000-acre watershed and then testing and mitigation excavations of 30 pre-Columbian sites and 25 colonial-era sites.

During the course of the project, over 280 boxes of artifacts, soil samples, and paperwork were generated for curation. The designated curation facility does not have room for this massive collection. Standard curation fees are $750 for each box, making the project's costs $210,000 to store the materials. If the size of the collection could be reduced, Macrosoft World has committed to contributing any cost savings to the project's public interpretation program.

Noreen is a contract archaeologist with the large CRM firm that has been directing the mitigation program. She is a respected professional with a good publication record and has directed similar smaller projects for over a decade. She argues for allowing the project to develop guidelines to cull material with minimal research potential. She casts a practical and critical eye toward what is traditionally packed away for "future study" and believes that archaeologists generating collections should sort out the wheat from the chaff. Furthermore, she argues that any extra money that goes towards public programs will be money well spent.

Sandra is a 20-year veteran of the Bureau of Land Management and a nationally recognized advocate for cultural resources, charged with providing oversight for legal compliance with federal statutes. She is opposed to any culling of the collections, arguing her agency's point of view that research questions change over time and therefore *all* recovered materials must be kept in perpetuity.

Ned is the new collections manager of the university curatorial facility that committed to receiving the Macrosoft World collection five years ago. He is struggling with a statewide curation crisis that is reaching critical proportions because of the enormous increase in CRM projects over the past decade. Ned is overwhelmed by this obligation, as his available sorage space is already crowded, and the condition of some of the boxes can only be described as deplorable. He has applied to the dean to raise the curation fee to $1,000 per box, but even this will not cover "in perpetuity" storage, nor does it solve his growing space problems.

Case 3

For his own aesthetic interests, Mark R had collected Pueblo Indian arts and crafts for many years before becoming an anthropologist. In spite of his interest in Southwestern ethnography, his main fieldwork was done in Latin America. Nevertheless, through some personal connections, he was invited by a non-profit environmental organization to conduct a brief ethnohistorical study in one of the Rio Grande pueblos. While he is working on this project, he learns that over a 30 to 50 year period, several regional museums had acquired a substantial number of religious items from many different Pueblo Indians. As his study progresses and he interviews various tribal members, he learns from José—a respected elder of the pueblo—that an important ritual item, used by one of the religious societies in the community, has been missing for about 30 years.

According to José, the stolen item was taken from a sacred cave, where ritual items are stored when not in use. José noted that because of shifting reservation boundaries the cave might not be on tribal lands, but such ceremonial items are still the responsibility of the entire religious society and cannot be owned by any single person. Ceremonies have not been complete since the item disappeared, José said, and crop failures and other community problems are partially attributed to this loss.

After obtaining a full description from José and checking this information with colleagues at a local museum, Mark realizes that there is a good chance that the item in question is similar, if not identical to one he had purchased 25 years previously from an art gallery in Santa Fe.

Case 4

Tim works for a highly respected consulting firm that is performing a survey for an airport project that is already several months behind schedule. Among the sites is one in the direct impact zone of the project that is significantly larger and more prominent than the others. Nonetheless the archaeologist in charge determines it to be simply a habitation site, knowing full well that if preservation were recommended for the site, planning would have to start all over again. Another archaeologist in the firm draws up the research plan, which calls for mitigation through salvage excavations rather than preservation at the site in question. The federal archaeologist who has jurisdiction over the airport land approves the survey and the plan for limited salvage. The archaeologist in the State Historic Preservation Office also signs off on the survey and the plans.

Just before the mitigation activities begin, Tim discovers that the so-called habitation site is actually listed on the State Register of Historic Places as a temple ruin. He brings this to the attention of his colleagues who are in charge of the project, but they are reluctant to admit that they made an error—one which could deal a devastating blow to the state's plans for improvements to the airport, perhaps putting off construction for several years and possibly inciting opposition from Native American groups. The people in charge decide to call the site a habitation site and continue with the salvage excavations. If questions arise, they will say that their professional opinion conflicts with prior ethnohistorical information that refers to the site as a temple. The survey report is stamped as "confidential" to minimize the possibility of public scrutiny.

Aware of the cover-up, Tim has noticed that the firm rarely recommends preservation, because if the word got around among the contractors and developers, they would take their business elsewhere. As the junior archaeologist on staff, with only an MA, Tim realizes that exposing his colleagues is likely to result in the loss of his job and perhaps even destroy his chances for future employment. On the other hand, keeping quiet means the site will be destroyed and the firm will get away with making another convenient error.

Case 5

In June of last year, Walter J, once a prominent public figure, passed away after 101 years of living on this earth. He left to his wife Ethel his entire estate, which included a major and important collection of South American archaeological objects, putatively collected during the late 1920s by an art dealer who hired local people to collect for him. The collection—unpublished and largely unseen to date—includes decent field notes, maps, and photographs recording the physical context of most objects. Though certainly not up to today's professional standards, the information is on a par with that collected by many museum archaeologists during the same time period. The collection is a significant one, and likely contains the most data that will ever be available about a number of now destroyed sites. Ethel, robbed of her lifelong partner, now wants to move to Florida to join her sister, but needs to free up her assets to buy an ocean front condo.

Ethel knows that her husband loved his collection, and she would like to sell it to a major anthropology museum. With this in mind, she approaches Stephen, a curator at the natural history museum in the closest city, and tells him she will sell the collection to the museum if they make her a fair offer. At the same time, Ethel informs the local media of her intentions, and they are covering the story closely, fueling public concern that this spectacular collection made by a former public figure could be lost, or broken up. If money could not be found to purchase the collection, Ethel would like Stephen to have the collection appraised, so that she can receive a tax benefit for donating the collection to the museum.

Stephen meets with the director of his department, Mary. While Mary is concerned about the commercialization of antiquities, she doesn't want the museum and community to miss out on this opportunity. Stephen, too, feels uneasy about the public perception of antiquities as commodities, but he would like to study this important and previously unknown collection and write a book about it for both the general public and his colleagues. The study would add significantly to the scholarship in an area of his specialty, but could also increase the value of similar private collections of looted materials and give them a stamp of authenticity. Mary is concerned that if the museum has the collection appraised, it might only serve to establish the value of the collection, only for it to be sold to another institution or, worse, at auction to a handful of private collectors.

Case 6

You participated in a major project at a prehistoric site in a small European country many years ago--long before archaeologists were thinking about public outreach and ethics. However, some of that original team is now trying to make up for past mistakes. A few archaeologists have been returning to the village that once housed the excavation team, giving lectures and workshops, working with school children and others to share with them the results of the excavation and help develop a local sense of pride in their site and its larger significance. You've also worked with local government officials and spoken with business leaders and others about some ideas for developing tourism in the area. Interest is high during the brief intervals when the archaeologists are present, but quickly moves to more pressing local matters as soon as they leave.

An English teacher from the village has been instrumental in keeping the whole project alive. She recently e-mailed you asking you to design a T-shirt featuring the site and that could be sold to locals and tourists. You came up with a design based on a figurine from the site, but conscious of intellectual property rights issues (even though no one in that community claims any direct relation to the people who once inhabited the site), you transform the representation of the clay figurine into a living, dancing figure, keeping elements of her dress and other ancient details. You send it off to the English teacher.

A local archaeologist hears of the T-shirt project and suggests it is unethical to use archaeology in this commercial way, even though her own career has been built around the excavations. She states that any commercial use of archaeological materials requires permission of state authorities, and a percentage of profits must be turned over to them for the restoration and preservation of antiquities in the country. Furthermore she expresses concern that the T-shirt is actually going to be produced and sold (or possibly even given away) by a wealthy local businessman who also owns a big tourist hotel in the community. He also belongs to a political party that opposes the mayor, with whom the foreign archaeologists have worked closely over the years. Some of the staff archaeologists welcome the chance to show they are not associated solely with one political party, others are now wary of any association with the businessman, whose hotel (according to many of the locals, has spoiled their beach) uses artifacts of unknown provenance as decorations. Another issue is that the locals, accustomed to T-shirts that portray photos or images of actual artifacts, think the dancing figurine will not suggest any association with the site for most tourists—or even local people.

Case 7

After a dusty, bumpy daylong journey from the Salsa de Tomate International Airport, you jump out of the rented Toyota pick-up and land on the sidewalk, your feet swollen from the heat. It's early summer, high noon, and the town is fast asleep. It is the dry season, and that is why you are here—to excavate in dry soil so the cobble you expose doesn't slide apart before you can sketch it. You gulp a mouthful of heated air and head towards the cement-block house that has served as the project's home for the last ten years. You and the household staff must clean and fumigate the house before this year's group of student archaeologists arrives tomorrow.

This is the last season of fieldwork in El Valle de La Rumba. On the one hand you feel a sense of urgency because you are ready to move on, to relocate and begin excavations in a more temperate climate with a more ornate archaeological record. But, you also wish for some sort of permanent, positive gift for the community where you've worked and sweated for ten years.

Don Ricardo, your faithful informant who spends the off-season tramping through cornfields, cow pastures, and jungles documenting potential sites for you, greets you excitedly. At first your Spanish is slow, but before long, your mind makes sense of it all. Don Ricardo has located a new site on the eroding side of a nearby mountain. Based on his description, you know that it is not a major site, but a peripheral cluster of residences. However, Don Ricardo says he has found evidence of a large ceramic kiln, one of the missing elements in the archaeological record of the valley. Amazing! You make plans to excavate the area with a few undergraduates after the six-week training period. You will be able to produce one of the first comprehensive archaeological reports on the region, and you are sure to get some major publications from this new find.

Don Ricardo has arranged with the cooperative that owns the land to let your project dig on the site under one condition: you will work with them to preserve the ruins and develop tourism in the area. The cooperative has already looked into the potential of receiving grant money from the government, which is pushing ecotourism as a primary focal point in economic development. Members of the cooperative, along with other community members, have agreed to pool what little resources they have to fund the project. They are asking you to stay on for three more years to aid them in excavating and preserving these eroding hillside mounds for tourism.

You realize that the mazes of cobble lines that constitute the ruins in El Valle de La Rumba are little more than ambiguous, cobble lines lying on eroding soil. You envision the nearest major site, almost 30 kilometers away, with scarlet macaws soaring around towering temples and camera-clad tourists. You think of the paved highway and tour buses leading to the outdoor museum, the trendy hotels, the airstrip, and the temples, which rendered up jade burial masks and gold fishhooks. Placing a pot of amoeba -infested water on your propane stove, you gaze out the window towards the endless stretch of dirt road and spiky grass, and wonder in which of the two local stores you will purchase your first load of plastic bags for the never-ending supply of sherds the site will surely produce—no gold or jade, no paramount architecture with parrots perching on the terraces . . . You tell Don Ricardo you'll think about his project.

Case 8

The *Constanza*, a ship that sank off the coast of Georgia in colonial times, has attracted attention as a significant underwater site and been nominated to the National Register of Historic Places. The state requires several permits for the ship's salvage, and that any activities comply with certain scientific standards of recovery and documentation. A millionaire from Connecticut, Ben, has gathered a large pool of capital and is eager to undertake a commercial salvage operation. After being turned down by several archaeologists, Ben has hired Fred, a young underwater archaeologist just starting his own CRM firm, as an assistant and consultant. The underwater salvage promises to bring to light valuable information about the time period and about trade between the northern colonies and the southeast. In addition, the project has stimulated a great deal of public interest, both in the ship and its place in history, but also in the role archaeology plays in recovering information about the past.

Before accepting the job, Fred made sure that Ben was willing to spend the time and money needed to perform the operation to at least the standards of a high-quality CRM project. Ben also agreed to allow two years of study of all materials before beginning to sell any, and to donate sets of "duplicates" to a local maritime museum. With a contract already signed, Fred now finds himself in the center of a controversy. He has been told that he will be barred from publishing his results in scholarly journals or presenting papers at certain meetings. He has received a number of e-mails from angry colleagues who accuse him of violating professional ethics. A recent one read: "We could learn so much from the *Constanza* if it wasn't going to be sold off piece by piece. Not only that, I'm sure you won't get the time or resources you need to perform a complete and proper excavation of the ship!"

Fred's reply to that colleague stated that the millionaire, one way or another, would find a way to make the salvage operation happen, and that he thought that his participation, as a professional archaeologist, would ensure that the same or higher standards were followed as on any CRM project. What his colleagues should be worrying about is what would be likely to occur *without* his involvement. Still, Fred thinks the academic world is closing its eyes and ears, not just to his research, but also to the dilemmas faced by anyone working on CRM projects that deal with only a portion of a significant site prior to its destruction by commercial interests.

Case 9

Sam is in charge of Native American government crew—composed entirely of Native Americans—that stabilizes old Pueblo ruins, Athapaskan ruins and Anglo homesteads. This summer he has been allocated some extra funding to provide summer employment for additional crewmembers. The applicants are few; all are individuals who know the existing crew in some way. One of the applicants is a young woman named Trudy, the daughter of a local Native American man who worked for many years with archaeologists at Chaco Canyon. Sam hires Trudy, but the all-male crew reacts in an unexpected manner. They do not want a woman working in certain areas, nor do they think she should be taught to do masonry work on the old ruins.

Trudy turns out to be a competent laboratory assistant, and she ends up doing most of the conservation work on the many artifacts that turn up as part of the stabilization project. She is highly motivated, good at artifact analysis, and can be credited with a number of improvements to the project. Word spreads across the reservation, and several other women begin to show an interest in archaeological work. Rumors also spread; false rumors about improper behavior between Trudy and several members of the stabilization crew, causing her husband to make a site visit and complain. The crew wants her out. Angry words are exchanged. Government administrators back in town hear of the problems within the project and declare that they never thought a woman should be hired in the first place.

At the end of the year the stabilization crew is disbanded. Sam takes a full-time archaeology job at another federal agency. Hiring proceeds for a new head of the stabilization project. All of the top applicants are women.

Case 10

In a well-known department of anthropology, two professors, one who specializes in art and anthropology and the other in visual anthropology, invite an antiquities dealer to contribute material for a student-installed show of Cambodian art held at the University's small but prestigious anthropology museum. All of the objects the dealer plans to offer were at one point taken from temples and other old sites, but he has submitted a handwritten statement that there is nothing illegal about them; he can prove that they all entered the country the U. S. before the UNESCO Convention was ratified in 1981. The dealer begins to use the University museum show in his advertising and as proof of his own status and reputation.

The museum director contacts the chair of the department and meets with him to express her concern over the dealer's involvement and his contribution of patently looted material. She points out that displaying the dealer's objects in a museum setting both condones the antiquities market and increases the market value of the objects, potentially causing more looting in the future.

The department Chair says he has already addressed the matter by calling the director of the University's art museum, who has assured him that this kind of thing happens all the time, and that as long as the objects came into the US before a certain date, everything is fine. The art museum director also knows the dealer well, as he has supplied objects to several of the museum's donors. The art museum also owns two or three fabulous ancient objects from Cambodia (also looted material) that the director would like to see in the exhibition. Not only would this please donors, it would get them over to the anthropology museum to see the exhibition.

The Chair tells the anthropology museum director that the issue is settled and not to bring it up again, at the risk of getting censured. The museum director ends up discussing the dilemma with several of the students who are organizing the exhibition. Some of them talk about meeting with the department chair themselves, and if that doesn't work, making an official complaint. One student contacts the local Cambodian Peoples Association, which is quite active in the community. The museum has a good relationship with Cambodian residents in the area, having previously mounted an exhibition in collaboration with the CPA about Cambodian culture and immigration experiences. Instead of being upset about the presence of Cambodian antiquities in the exhibition, members of the association express a sense of pride that cultural artifacts from their homeland's ancient past will be included in the display. In fact, they are excited about a chance to come and see them.

Meanwhile, the anthropology museum director calls several other anthropology faculty members that she knows to share her concern, in the hope that they will support her at the next faculty meeting. All of them commiserate, but they each feel it is a waste of time and energy to try to get the chair and his cohorts to understand the issues and don't want to stick their necks out over something like this.

Case 11

The Midwestern United States boasts archaeological sites in every county, and Blackwater County is no exception. Local soil conditions and extensive agriculture ensure that people outside of the archaeological profession regularly find artifacts. Farmers often collect items accidentally encountered while working in their fields.

Bob is an archaeologist employed in a curatorial facility that houses important collections from the surrounding area and states. Archaeological surveys conducted by Bob in recent years have brought him in contact with many amateur collectors, and the contacts have greatly increased the number of visitors to his facility. All types of collectors come to visit Bob, curious about the identity and age of objects they have found, or perhaps just wanting to show off what they believe to be a prized find. Some have collected artifacts from fields all over the area to add to family collections that have been passed down from generation to generation. Others have picked up an item with no idea of what it is. A very small minority of these people sells or swaps artifacts at relic shows, which have been held annually in Blackwater and adjoining counties for over a hundred years. Collectively, these amateurs know more about sites in the county, especially those located on private lands, than any professional archaeologist.

Bob routinely asks his visitors for the location of their finds, hoping to gain some information for the museum's records. Often the answers are ambiguous, or perhaps totally fabricated, from fear that someone will go dig up "his" or "her" site. Even when someone does locate an object on a map, it is impossible for Bob, due to lack of time, personnel, and funding, to investigate many of the locations he is given. This task is also wearing on Bob's time and energy, although he uses it as a chance to explain why information about location and context is important.

Archaeologists like Bob have routinely identified artifacts for artifact collectors for many years. This apparently was done first, to obtain information on the artifacts themselves and the sites they came from and, second, as a public relations tool to foster relationships with local communities. Since the enactment of the federal Archeological Resources Protection Act (ARPA) in 1979, most government-employed archaeologists have stopped identifying artifacts for artifact collectors. However, a few still engage in this practice on a routine basis, in spite of the fact that the identification of artifacts for collectors may encourage additional removal of artifacts from their archaeological contexts. Furthermore, many archaeologists are concerned that artifacts that collectors say have come from sites on private land may, in fact, have been removed from sites on federal land, which would constitute a potential violation of ARPA if it occurred within the last five years (the federal statue of limitations for violations of ARPA). Finally, some professionals reason that artifacts actually from sites on private land may have been removed without permission of the landowner and would, thus, be a result of criminal trespass and theft.

Case 12

An article in the art historical journal, *Civilization and Antiquity*, features an excavation report of a site with "royal" burials, unearthed in Peru. The article, written by one of the co-directors of the excavation, illustrates a number of objects found in situ at the site. It also includes photos of several similar objects from both private collections and museums, supplied by the author from his extensive photographic collection of Peruvian materials, assembled over many years of research on the pre-contact material culture of the region. Several of the objects pictured were most certainly illegally excavated or looted; their owners even admit to this fact, but are pleased that their pieces are important enough to appear in a scholarly publication.

The archaeologist, who has a history of activism against looting, insists that salvaging information from private and other unprovenienced collections has made a crucial difference in the ability to reconstruct this ancient society. He uses these ostensibly looted materials to develop a comparative analysis of the imagery of the ceramics and metalwork excavated at the Peruvian burial site, and in this way is able to reconstruct many aspects of the social and political systems and of ritual practices of the time.

The author has also taken care to draw up a set of guidelines with the editors of *Civilization and Antiquity* specifying that no objects that have entered the country illegally can be published. The passage of the UNESCO Convention is used as the cut-off date, because materials that entered the U. S. prior to the Convention's passage are not considered to have been imported illegally.

A group of archaeologists attacks the article and its author for enhancing the commercial value of antiquities and increasing the demand for looted material. A few months later, the other co-director also publishes an article, this time in a journal of archaeology. It contains site maps and pictures of artifacts, but no photos of looted materials. Within weeks, reports arrive that looting near the site has escalated.

Case 13

Angelica S is an adjunct professor in an outreach program at a major university in Boston. Her specialty is Egyptian archaeology and art and she teaches Western civilization, art theory, and ethics and antiquities law, among other courses. At a campus social function, Angelica strikes up a conversation with Timothy W, who works in the insurance business, but teaches classes in an arts appraisal program. It seems that collectors have become increasingly concerned about the concept of "due diligence" with regard to the purchase of antiquities and are increasingly asking the insurance company for help. At the end of the conversation Timothy, who strikes Angelica as gracious and intelligent, hands Angelica his card and asks her to call about possibly "consulting" for his insurance company.

The following week Angelica calls Timothy, and they meet in his posh downtown office. Timothy is very interested in Angelica's expertise and offers her more money for one consulting job than she earns teaching in an entire semester. Angelica's primary responsibilities will be to help determine the monetary value of objects and whether objects have been legally acquired. Wanting to be open and honest, Timothy tells Angelica that some of the insurance company's clients have been charged with breaking international antiquities laws in years past; others have undoubtedly broken these laws, but have not been caught.

Angelica returns home and considers her options. On the one hand, she could use the money, and Timothy seems honest and respectful. The work, too, could be interesting and challenging. On the other hand, Angelica is concerned that her work might increase the value or encourage purchases of objects on the antiquities market. At the same time, she knows somebody must do this work, and if she—an honest and upright professor—took on the consulting jobs then she might be able to educate collectors and galleries about the effects of the global antiquities market.