Ethics in American Archaeology
Second Revised Edition

Edited by Mark J. Lynott and Alison Wylie

Society for American Archaeology
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Preface to the Second Edition
KEITH W. KINTIGH

The first edition of this monograph, Ethics in American Archaeology: Challenges for the 1990s, was published in 1995. It reported on the Society for American Archaeology’s efforts to refine its statement of ethical principles with the goal of stimulating awareness and discussion of the ethical issues that confront practicing archaeologists. As a result of the recommendations offered in the first edition and the ensuing discussion, in 1996 the Society adopted a set of eight Principles of Archaeological Ethics that are included here.

Of course, SAA’s adoption of these ethical principles did not close the discussion, nor were the issues addressed just “Challenges for the 1990s.” Ethical issues, and indeed ethical dilemmas will always be with us. What the profession acknowledges as its aspirations for ethical behavior will continue to evolve. This second edition of Ethics in Archaeology updates the first with several new essays that provide additional background and with seven essays that form a new section, “Further Reflections.”

SAA’s Principles of Archaeological Ethics provide a carefully considered touchstone that can inform our individual actions and our continued professional discussion. This volume provides the historical and philosophical foundation for these principles that is essential to internalizing and effectively acting on them. It also will serve to frame ongoing discussions of archaeological ethics.

I will take this opportunity to highlight two recent developments, one positive and the other negative. As this volume was being assembled, a serious new threat to the archaeological record was emerging: Internet auctions of artifacts. This enormous expansion of commercial opportunities can only further endanger the already imperiled archaeological record and frustrate enforcement of antiquities laws.

A most positive development has been the establishment and growth of the Register of Professional Archeologists. RPA, sponsored by SAA, the Society for Historical Archaeology, and the Archaeological Institute of America, provides professionals with the opportunity to pledge an enforceable commitment to ethical principles and standards of conduct. To the extent that archaeologists will register their commitments, RPA will have an important and beneficial impact on professional behavior.

SAA is now doubly indebted to Mark Lynott and Alison Wylie for rising to the challenge of assembling and editing this useful update to their first edition. We are also most grateful to the authors for their contributions to this volume and to the advancement of the discussion of ethics in archaeology. The future of the discipline depends upon how we all respond to the ethical challenges laid out in this volume.

Keith W. Kintigh
President
Society for American Archaeology
Preface to the First Edition

BRUCE D. SMITH

In November 1993 Mark J. Lynott and Alison Wylie of the SAA Committee on Ethics in Archaeology convened a two-day workshop in Reno, Nevada. The purpose of this workshop was to address a range of ethical issues that archaeologists face in the 1990s, and to begin the important process of updating and recasting SAA's policy statement on archaeological ethics. With funding support from the National Science Foundation, National Park Service, and University of Nevada-Reno, workshop participants developed a set of six broadly defined draft principles of archaeological ethics.

Serving as a starting point and a catalyst for an open and on-going process of discussion and debate, these six draft principles formed the basis for a subsequent public forum held at the SAA's Annual Meeting in Anaheim in April 1994. At this forum a series of position papers were presented on ethical issues addressed by the draft principles, and five individuals then were asked to present commentaries on the position papers and the draft principles developed in Reno.

The position papers and commentaries of the Anaheim forum, and the draft principles themselves, are presented in the pages that follow, along with a number of contributions that provide historical background for the current effort to address ethical issues in archaeology. This volume, while representing the next step in a sequence of expanding consideration of the important and complex issues outlined herein, does not mark the end of a process. It is not a final product. To the contrary, this volume is an open invitation to the members of the Society for American Archaeology and other interested individuals to become active participants in what is an open and ongoing consideration of ethics in archaeology. On behalf of the Executive Board of the Society for American Archaeology, I want to thank Alison Wylie and Mark Lynott, and the participants in the Reno workshop and the Anaheim forum, for the excellent beginning that is embodied here. It is now up to all of us to become involved, and to participate in shaping the ethical landscape of our profession.

Bruce D. Smith
President
Society for American Archaeology
Foreword

MARK J. LYNOTT & ALISON WYLIE

In 1991 the Executive Board of the Society for American Archaeology (SAA) initiated a process of review and reassessment of the ethics principles entrenched in the Society’s Bylaws and an earlier 1961 Statement on Ethics. The immediate catalyst for this review was the proposal of an editorial policy that would prohibit the publication of papers that rely on looted data in the Society’s journals, American Antiquity and Latin American Antiquity. The journal editors adopted this policy in 1991 but, in the meantime, the Executive Board invited a brief on issues pertaining to the professional use of looted data and in April 1991 discussed a wide range of concerns raised by the escalating destruction of the archaeological record and the increasingly complex ways in which archaeologists find their research implicated in the commercial exploitation of archaeological material. A Task Force on Ethics in Archaeology was created by the Board as a result of these discussions and, more generally, in response to growing concern that existing statements on ethics did not adequately address the issues currently facing archaeologists. The first edition of this volume, the 1995 Special Report on Ethics in American Archaeology, was an outgrowth of the work of this task force; it was intended to foster wide participation in the process of reassessing and reframing the SAA’s ethics principles.

When the Ethics in Archaeology Task Force was established, it was given an open-ended mandate to consider the need for revising the Society’s existing statements on ethics. In their initial discussions, members of the task force determined that it would be important to broaden certain aspects of the existing Society Bylaws if they were to support the new editorial policies concerning the use of looted data. In particular, given the worries that motivated these policies, it seemed important to reframe the Bylaws that concern conservation and commercialism (SAA Bylaws: Article II.2 and II.7) so that they explicitly prohibit indirect involvement in the destruction and commercial exploitation of archaeological material. In addition, this was a critical juncture at which to consider the range of issues professional archaeologists had been addressing, with increasing vigor and commitment, in response to intensified demands for accountability to Native Americans, and to other non-archaeological stakeholders and interest groups. Consequently it was agreed that, rather than revise individual clauses, the task force should undertake a general reassessment of the ethics principles entrenched in the Bylaws.

In November 1993, members of the task force and its advisers met in Reno and drafted a set of six new ethics principles for discussion; this process is described by Wylie and Lynott in their introduction to Part II. The central principle proposed by the task force outlined archaeological responsibilities of stewardship, and the other five principles drew out the implications of a commitment to stewardship in a number of specific areas: accountability, commercialization, public education and outreach, intellectual property, and records preservation. These six draft principles were presented to SAA’s membership in a sponsored forum at the 59th Annual Meeting in Anaheim, California (1994); members of the task force developed discussion papers outlining the rationale for each of the principles and a number of others who had long been active on ethics issues but had not been involved in drafting the principles commented on them. The proceedings of this sponsored forum constituted the core of the first edition of Ethics in American Archaeology; they are included here as Part II. In both contexts the task force emphasized that the principles were being presented in draft form and requested input as to how they might be modified or improved; it was clear that the process of updating SAA’s ethics policies could only proceed through wide-ranging consultation. In this spirit, the purpose of the forum and the 1995
Ethics in American Archaeology was to elicit response to these principles and, more broadly, to foster active discussion of the ethics issues facing archaeologists in the early 1990s.

After more than a year of consultation and discussion, the Ethics in Archaeology Task Force made several modifications to the original draft principles and developed two additional principles on public reporting and publication, and on training and resources. These eight principles were approved by the SAA Board in April 1996 (Kintigh 1996); they are included in this edition of Ethics in American Archaeology, along with the editorial policy adopted in 1991.

When the Ethics in Archaeology Task Force presented the final draft of the new Principles of Archaeological Ethics to the SAA Board, it recommended that the SAA establish a standing Committee on Ethics with a mandate to promote ethics education and ongoing discussion of the ethics issues that arise in archaeological practice. The SAA Board took action on this proposal; recommendations for a standing committee as well as for several changes to the Bylaws were ratified by the membership in 1996 (Davis 1998:14). Under the leadership of chairs Hester A. Davis and K. D. Vitelli, the Committee on Ethics has actively pursued its mandate, publishing columns in the SAA Bulletin and routinely sponsoring a session on ethics in archaeology at SAA’s Annual Meeting. In addition, a number of other SAA committees and task forces have focused attention on ethics issues. The need for more systematic formal training in ethics issues has been strongly endorsed by a number of archaeological educators (e.g., Fagan, Part III; Vitelli 1996), and was recently advocated by SAA’s Work Group on Postgraduate Education/Professional Development (Messenger et al., Part IV). Part of the motivation for expanding and republishing Ethics in American Archaeology has been to make material available for the training of archaeology students, as well as to foster continuing discussion of ethics issues in archaeology.

Continued discussion about ethics, and a commitment to ongoing ethics education, is important because the circumstances which affect archaeologists and the archaeological record are constantly changing. The authors of the SAA’s first ethics policy (Champe et al. 1961) could not have foreseen all the issues which contributed to the founding of the Society of Professional Archeologists and the Registry of Professional Archeologists. Archaeology is deeply implicated in the events and developments that are transforming the world around us. For example, in the last few years, the growth of e-commerce has opened new avenues for the sale of antiquities which will almost certainly expose the archaeological record to increased destruction by looters and exacerbate ethical dilemmas that have come into focus for archaeologists in the last few years. In part because of the complexity and volatility of the conditions archaeologists face, the Principles of Archaeological Ethics adopted by the SAA in 1996 were deliberately formulated in general terms, as ideals of practice; they establish a framework for negotiating difficult ethical issues.

As ideals, the Principles of Archaeological Ethics define goals for professional behavior rather than standards of minimally acceptable conduct; they do not specify a detailed code of conduct or provide for mechanisms of enforcement. One of the most important developments since the Principles were initially proposed has been the establishment in 1997 of a Register of Professional Archeologists based on the model developed by the Society of Professional Archeologists, and supported jointly by SAA, the Society for Historical Archaeology, and the Archaeological Institute of America. The Register does maintain a detailed code of conduct which specifies standards of research performance and sets out the responsibilities of professional archaeologists to a number of specific constituencies (e.g., employees and employers, students, and Native American and other descendant communities). It also supports a certification process for professional archaeologists and a grievance procedure designed to ensure that its members adhere to its Code of Ethics and Standards of Research Performance (see Lipe and Steponaitis, Part IV). So SAA now supports both a general set of ethics principles and a professional code of conduct backed by enforcement mechanisms, as recommended by the American Association for the Advancement of Science (AAAS) to all its affiliates in 1980 (see Wylie 1999).

As we noted in the first edition of this volume, ethics guidelines are important to every profession. They provide a framework for professional conduct and practice that extends well beyond
that mandated by law. While such a framework should be stable and broad enough to be applicable to a wide range of individual cases over time, it must also be responsive to changes in the conditions under which archaeologists practice. It is not surprising that we now face issues that were not fully addressed by the Statement of Ethics published by SAA in 1961, or even by the Objectives that were drafted as part of the Society's Bylaws in the late 1970s. We must expect that, just as previous guidelines have had to be reviewed and revised over time, the Principles adopted by SAA in 1996 will have to be modified in the future. This new edition of *Ethics in American Archaeology* is intended to engage a discussion about ethics issues in archaeology which began well before the new Principles were drafted and which we hope will continue for some time to come. The ability to sustain an ongoing process of critical reflection on difficult and ever-changing ethics issues is crucial to the future of archaeology as a profession.
Principles of Archaeological Ethics
SAA ETHICS IN ARCHAEOLOGY COMMITTEE

Principle No. 1: Stewardship

The archaeological record, that is, *in situ* archaeological material and sites, archaeological collections, records, and reports, is irreplaceable. It is the responsibility of all archaeologists to work for the long-term conservation and protection of the archaeological record by practicing and promoting stewardship of the archaeological record. Stewards are both caretakers of and advocates for the archaeological record for the benefit of all people; as they investigate and interpret the record, they should use the specialized knowledge they gain to promote public understanding and support for its long-term preservation.

Principle No. 2: Accountability

Responsible archaeological research, including all levels of professional activity, requires an acknowledgment of public accountability and a commitment to make every reasonable effort, in good faith, to consult actively with affected group(s), with the goal of establishing a working relationship that can be beneficial to all parties involved.

Principle No. 3: Commercialization

The Society for American Archaeology has long recognized that the buying and selling of objects out of archaeological context is contributing to the destruction of the archaeological record on the American continents and around the world. The commercialization of archaeological objects—their use as commodities to be exploited for personal enjoyment or profit—results in the destruction of archaeological sites and of contextual information that is essential to understanding the archaeological record. Archaeologists should therefore carefully weigh the benefits of scholarship of a project against the costs of potentially enhancing the commercial value of archaeological objects. Whenever possible they should discourage, and should themselves avoid, activities that enhance the commercial value of archaeological objects, especially objects that are not curated in public institutions, or readily available for scientific study, public interpretation, and display.

Principle No. 4: Public Education and Outreach

Archaeologists shall reach out to, and participate in cooperative efforts with, others interested in the archaeological record with the aim of improving the preservation, protection, and interpretation of the record. In particular, archaeologists should undertake to: 1) enlist public support for the stewardship of the archaeological record; 2) explain and promote the use of archaeological methods and techniques in understanding human behavior and culture; and 3) communicate archaeological interpretations of the past. Many publics exist for archaeology including students and teachers; Native Americans and other ethnic, religious, and cultural groups who find in the archaeological record important aspects of their cultural heritage; lawmakers and government officials; reporters, journalists, and others involved in the media; and the general public. Archaeologists who are unable to undertake public education and outreach directly should encourage and support the efforts of others in these activities.

Principle No. 5: Intellectual Property

Intellectual property, as contained in knowledge and documents created through the study of archaeological resources, is part of the archaeological record. As such it should be treated in accord with the principles of stewardship rather
than as a matter of personal possession. If there is a compelling reason, and no legal restrictions or strong countervailing interests, a researcher may have primary access to original materials and documents for a limited and reasonable time, after which these materials and documents must be made available to others.

**Principle No. 6: Public Reporting and Publication**

Within a reasonable time, the knowledge archaeologists gain from investigation of the archaeological record must be presented in accessible form (through publication or other means) to as wide a range of interested publics as possible. The documents and materials on which publication and other forms of public reporting are based should be deposited in a suitable place for permanent safekeeping. An interest in preserving and protecting in situ archaeological sites must be taken into account when publishing and distributing information about their nature and location.

**Principle No. 7: Records and Preservation**

Archaeologists should work actively for the preservation of, and long-term access to, archaeological collections, records, and reports. To this end, they should encourage colleagues, students, and others to make responsible use of collections, records, and reports in their research as one means of preserving the in situ archaeological record, and of increasing the care and attention given to that portion of the archaeological record which has been removed and incorporated into archaeological collections, records, and reports.

**Principle No. 8: Training and Resources**

Given the destructive nature of most archaeological investigations, archaeologists must ensure that they have adequate training, experience, facilities, and other support necessary to conduct any program of research they initiate in a manner consistent with the foregoing principles and contemporary standards of professional practice.
American Antiquity is a quarterly journal that publishes original papers on the archaeology of the New World and on archaeological method, theory, and practice worldwide. Because the Society for American Archaeology supports another journal dedicated specifically to the archaeology of Latin America (see below), American Antiquity publishes papers on Latin American archaeology only if they address broad methodological, theoretical, or comparative issues that extend beyond Latin America. Authors submit manuscripts to the editor for consideration as ARTICLES, REPORTS, COMMENTS, or FORUM essays. REVIEWS, BOOK NOTES, and OBITUARIES are solicited by the respective associate editors; volunteered manuscripts for these sections are rarely accepted. Contributors should contact the associate editors of the respective sections, as listed in the most recent issue, for further information. Contributions for CURRENT RESEARCH are submitted yearly to the assistant editor for the appropriate region by the dates listed at the beginning of the CURRENT RESEARCH section.

Latin American Antiquity is a quarterly journal that publishes original papers on the archaeology, prehistory, and ethnohistory of Latin America—Mesoamerica, Central America, and South America—together with culturally affiliated adjacent regions. The journal publishes contributions in method and theory, field research, and analysis that use a Latin American data base. REVIEWS and BOOK NOTES are solicited by the associate editor for that section. Except where circumstances dictate otherwise, submissions should be in English or Spanish.

The categorization of a manuscript as an ARTICLE or a REPORT in either journal is left to the editors’ discretion. ARTICLES are usually longer than REPORTS and address topics of major importance in a way that reaches out to a broad audience of professional archaeologists and the informed public. REPORTS, on the other hand, may be more technical, address a specific topic, and be of primary interest to a relatively narrow audience. COMMENTS correct major errors of fact or provide new information directly relevant to a paper published previously in the journal. COMMENTS do not address differences of interpretation or opinion. Those whose work is being commented upon are given the opportunity to reply to the specific points raised in the COMMENT, and the COMMENT and accompanying reply are usually published together, at which time the exchange ends. A FORUM contribution is an essay of opinion on current issues or topics of immediate significance to a broad audience.

The editors reserve the right to reject (with or without peer review), or return for revision, any material submitted on the grounds of inappropriate subject matter for the scope of the journals, or on the grounds of poor quality or of excessive length. Manuscripts may also be returned for reformatting when they do not comply with the journals’ style provisions.

Both journals adhere to the 1973 American Anthropological Association statement on gender language, which discourages the employment of male third-person pronouns and the use of generic “man” in reference to non-sex-specific semantic categories. More comprehensive terms (e.g., “one,” “person,” “people,” “humans,” “humankind,” “they”) are to be used, in grammatically correct constructions, as a matter of equity.

Before a manuscript can be published in either journal, the author must submit written permission from anyone whose unpublished works (e.g., manuscripts on file, papers presented at meetings, personal communications, in-press items) are cited or used in the paper in question. For multi-authored papers, the communicating author must submit written evidence that all coauthors are willing to release for publication the draft accepted by the journal editor.
Neither journal will knowingly publish manuscripts that rely on archaeological, ethno­
graphic, or historical-period objects that have been obtained without systematic descriptions of
their context; that have been recovered in such a manner as to cause the unscientific destruction of
sites or monuments; or that have been exported in violation of the national laws of their country
of origin.
Neither journal pays authors for manuscripts, nor does it provide manuscript retyping, copying,
preparation of illustrations, abstracting, translations, or other such services, which are the
responsibility of the author.
PART I: Background

The Society for American Archaeology (SAA) has long debated issues that can be construed broadly as ethical. The three contributions to this section document, or illustrate, different aspects of this history. In the first of these, Charles R. McGimsey III offers “A Brief History” of ethics initiatives taken by the SAA in which he makes it clear that the most recent Committee on Ethics and the task force were by no means the first such working groups on ethics to have been established by the SAA. He draws particular attention to SAA committees whose concern with professional standards and responsibilities gave rise to the proposal for a certification process in 1974–1975; it was this initiative that led to the formation, in 1976, of an independent Society of Professional Archeologists (SOPA). As McGimsey observes, SOPA was defined, in part, by its commitment to institute not only a detailed “Code of Ethics and Standards of Research Performance,” but also certification and grievance procedures.

The second essay in this section is a “Profile” of SOPA drafted by Edward B. Jelks, the Grievance Coordinator for SOPA in the late 1980s, for the Professional Ethics Report, a newsletter of the American Association for the Advancement of Science (AAAS). In it, Jelks provides a further account of the process by which the SOPA code and procedures were refined in the 20 years prior to the formation (in 1997) of the Register of Professional Archeologists.

Finally, we include an essay by Elden Johnson on “Professional Responsibilities and the American Indian” that appeared in American Antiquity in 1973, at the same time as the SAA initiatives were taking shape that resulted in the formation of SOPA. In it, Johnson makes a powerful case for treating responsibilities to Native Americans as one of the central and defining commitments of professional archaeological practice. Indeed, he argued that the SAA should make these issues a priority given the range of areas in which Native Americans and archaeologists could and should make common cause, and given the growing intensity of Native American protest against standard modes of archaeological practice. The “protest themes” Johnson identified as especially prominent in 1973 have taken center stage in the last decade; his early discussion serves as a reminder that the intransigent difficulties separating archaeologists and Native peoples should have been a central part of our dialogue on ethics for some time.

The first two of these essays (McGimsey’s “History” and Jelks’ “Profile”) appeared in the first edition of Ethics in American Archaeology, along with a brief on the use of looted data that Alison Wylie presented to the SAA Board in April 1991. Wylie’s brief has been incorporated into a more recent paper which is included in Part IV, and Johnson’s discussion of responsibilities to Native Americans has been added to this section for the second edition.
Standards, Ethics, and Archaeology: A Brief History

CHARLES R. McGINSEY III

Prior to World War II, archaeology was practiced by a relatively small number of individuals, most of whom knew one another and were aware of one another's background and capabilities. However, even by the time of the founding of the Society for American Archaeology in 1934, the field was growing, and Arthur C. Parker, the first president, noted that through SAA it was hoped that standards would become more uniform.

After World War II, because of the GI Bill and other factors, there was a vast explosion in the number of anthropology departments and trained and practicing archaeologists. This, plus the initiation of major federal funding in such areas as the River Basin Surveys and, later, Highway Salvage archaeology, awakened a desire to define a bit more precisely just who an archaeologist was and what that person was qualified to do. In 1954 an SAA committee headed by Frank H. H. Roberts Jr., and Waldo Wedel defined levels of appropriate activity and responsibilities based on training and experience which paralleled the various U.S. government employment levels (GS-5–GS-14). Nonetheless, they explicitly stated, “It is not the purpose of the SAA to attempt to define the difference between professional and nonprofessional (amateur) archaeologists and to set up criteria by which the status of any particular individual could be determined.” This report was considered by SAA at its annual meeting but was not adopted.

Pressure for some action on ethics and standards continued to build, and in 1960 Jesse Jennings, SAA president, led a discussion on “the need for establishment of professional standards and a code of ethics.” A committee chaired by John Champe (Douglas S. Byers, Clifford Evans, Alfred K. Guthe, Henry W. Hamilton, Edward B. Jelks, Clement Meighan, Sigfus Olafson, George S. Quimby, Watson Smith, and Fred Wendorf) was established, and developed “Four Statements for Archaeology.” The first defined the field of archaeology. The second discussed methods, and stated that “disregard of proper archaeological methods provides grounds for expulsion from the Society.” The third addresses a number of issues: ethics, stressing the need for continued availability of records to competent scholars and adequate reporting; the censure of buying and selling of artifacts is, as is undertaking excavation where others are digging without permission or knowledge of that person; and, finally, the censure of willful destruction, distortion, or concealment of archaeological data, providing grounds for expulsion. The fourth reviews training for those planning to enter archaeology as a career and recommends a bachelor's degree in the arts or the sciences, plus two years of graduate training supplemented by two seasons' field experience, preferably leading to a master's. The Ph.D. is recommended but not required. The four statements were accepted as SAA policy in 1961.

Over the years, they have served and still serve as the primary SAA statement on professional standards and ethics.

By the mid-1970s, the archaeological world had changed once again. Federal legislation had opened up the floodgates of cultural resources management, and by the 1980s half, or more, of all professional archaeologists were working outside the framework of academia. This created a crisis in two respects: the field had grown so large that certain segments of the profession were almost unknown to other segments, and even more challenging, the nonacademically associated members of the community were not subject to any form of peer review (other than that of the market). The archaeological profession as a close-knit community of scholars mostly known to one another no longer existed; the profession had largely lost any real ability to police itself through formal or informal peer review or pressure.
Many had seen this problem coming, with its resultant need for further activity regarding professional standards and ethics. In 1973 the Committee for the Recovery of Archeological Remains (CRAR) (at that time one of the major organizations serving as a communication link between the profession and the federal government, in general, and the National Park Service, in particular) passed a resolution urging SAA, “as the major professional organization in the nation, to develop a set of guidelines for the preparation of archeological reports that will establish minimal standards of quality for archeological studies of the nation’s heritage.” J. O. Brew, as chair of CRAR, appointed a subcommittee of Raymond Thompson, chair, Rex Wilson, Charles R. McGimsey III, and Fred Wendorf. At SAA’s 1973 annual meeting, this committee offered a similarly worded resolution, which was adopted by the membership. At the same meeting, the Society for Historical Archaeology (SHA), represented by President Ivor Noel-Hume, expressed a desire to work closely with SAA in developing professional standards.

The 1974 Cultural Resources Management Conference held in Denver (cochaired by Lex Lindsey and Lloyd Pearson) was an important meeting ground for many of those concerned with standards and ethics. From that meeting came the founding of American Society for Conservation Archaeology, and a resolution to SAA’s Committee on Professional Archaeology (the COPA network) under Hester Davis to appoint a committee to exhort the SAA Executive Board to take action on certification, professional standards, and related matters. Davis appointed James Judge, Ross Morrell, and Raymond Thompson.

This committee presented a report to the SAA Executive Committee at the annual meeting in Washington, stressing three areas of concern: (1) standards for professional performance, (2) guidelines for evaluating this performance, and (3) upgrading the general management capability of the society. The Executive Committee responded by appointing a Committee on Certification (Raymond Thompson, chair, Edward B. Jelks, James Judge, Charles R. McGimsey III, Stuart Struver, and Fred Wendorf) and “resolved that the Executive Committee endorses the principle of certification of archaeologists and those of institutions, corporations, and other organizations which propose to carry out archaeological research.”

This committee met at Airlie House, a conference center in Virginia, in the summer of 1974 and prepared a report recommending that SAA establish a National Registry of Professional Archeologists as a component of the society (The Management of Archeological Resources: The Airlie House Report, Special Publication of the Society for American Archaeology, 1977). This committee reported to the Executive Committee at its Mexico City meeting in November. The report, after some modification, was accepted for submission to the membership. The Executive Committee also appointed an Interim Committee on Professional Standards (ICOPS) (Jesse Jennings, Dick Woodbury, Charles Cleland, Stuart Struver, and Charles R. McGimsey III), which was charged with responsibility for preparing to establish the registry. The report was mailed to the full membership in February 1975.

The ICOPS met in Chicago and, thanks largely to work done by a lawyer associate of Jennings, was able to develop a first draft of a detailed policies and procedures document for a registry. At this time the Executive Committee also received a legal petition requesting that, if the registry did pass in Dallas at the SAA’s next annual meeting, a mail ballot on the issue be sent to the entire membership.

The 1975 Dallas meeting saw lengthy and at times heated debate. A considerable number of concerns were expressed. Some of the most serious involved the concern of foreign members who felt they were becoming enmeshed in and fiscally responsible for a registry that was basically a U.S. concern. Others felt that with the registry as a component of the society, they were being compelled to join the society. Concern was also expressed that the governing board of a registry would develop dictatorial powers. Dismay was expressed that the society was in danger of changing from an academic organization to a business type of organization. Serious concerns were also expressed at various times as to the fiscal viability of the registry. A motion, voted down, was made that the registry be restricted to contract archaeologists. It was moved that the registry be restricted to those working in the United States. This motion, as amended, was approved by an overwhelming
majority of the 500–600 people present: “It is moved that the Society for American Archaeology supports establishment of a National Registry of Professional Archeologists working in the United States, and that the Society for American Archaeology be closely associated and cooperate with such a Registry in every way consistent with their mutual goals.”

Because of responses to the information mailed to the membership in February, the Dallas discussion, and consultation with the society’s legal counsel, it had been decided that any registry established at that time would have to be legally separate from SAA and open to all, whether or not they were society members.

On this basis, and in response to the referendum request, a mail ballot with the motion was circulated to the membership in fall 1975. Also accompanying the ballot was an application to join the registry. The results of the mail ballot were approximately three to one in favor of the registry.

The Executive Committee at its November meeting enlarged the Interim Committee to assure representation by all concerned archaeological organizations (e.g., SAA, SHA, Archaeological Institute of America, American Society for Conservation Archaeology, and others). The final committee consisted of Edward B. Jelks, chair, Charles Cleland, Jane Buikstra, Jim Hester, Jesse Jennings, Tom King, Bill Lipe, William McDonald, Charles R. McGimsey III, Stuart Struever, and Hester A. Davis. The committee was directed to proceed with the development of a registry.

This committee met in Fayetteville, Arkansas, in January 1976 and, after lengthy discussion determined that, in view of the perceived problems of continued association with SAA, the most effective way to found a registry would be in the form of a completely separate Society of Professional Archeologists (SOPA). They then began evaluating the requests for membership that had been returned with the mail ballot. SOPA was incorporated in Illinois, and a formal report on the establishment of a registry was made to the SAA Executive Committee by SOPA President Edward Jelks at the SAA’s St. Louis annual meeting. In response, the SAA Executive Committee passed a resolution, thanking those involved in establishing SOPA and urging “qualified members of SAA” to join and support the new organization.

SOPA established a Code of Ethics and Standards of Research Performance to which all applicants and members agree to adhere. A proven grievance procedure also has been in operation since SOPA’s inception.

In 1991 the SAA Executive Committee again became involved with ethics, in part in response to ethical issues concerning editorial policy with respect to publishing articles based on looted materials. An ad hoc Ethics in Archaeology Committee was established with Mark Lynott and Alison Wylie as cochairs (Richard E. W. Adams, Christopher Chippindale, Ellen Herscher, Larry Murphy, David Pendergast, and Karen Vitelli). The charge to the committee was open ended. Members of the committee and a number of advisers met for two days in Reno, Nevada, in November 1993. Based on discussions at this meeting, the committee has drafted six principles for review by the membership. Subsequently, the SAA and SOPA ethics committees met to discuss how to develop a framework within which the ethical policies of the two societies, taken together, might provide a comprehensive, consistent, and coordinated ethics policy for the discipline of archaeology and for the professional archaeologist.
The public’s well-being demands that an appropriate measure of control be exercised over the practitioners of certain professions. Such professions may be recognized when they meet three criteria: 1) only practitioners possessing specialized knowledge and skills acquired through formal education and/or training can adequately perform the field’s functions, 2) there must be a demand for the services of such practitioners, and 3) the services provided, if improperly done, may be detrimental to the interests of the public. It is important that practitioners of such professions possess at least minimal qualifications.

Archeology is such a profession. Archeological research requires considerable technical skills (Criterion 1). A series of congressional and presidential actions in the first 75 years of the twentieth century established requirements that any modification of federally administered land or property—or modification of private land or property requiring a federal permit—must be preceded by an environmental impact study, one component of which is assessment of potential impacts on archeological resources. Because of this, by 1976 there were thousands of government agencies, mining and power companies, and other entities that needed skilled archeologists to conduct environmental impact studies (Criterion 2). Criterion 3 was satisfied by federal legislation, which proclaims that conservation of the nation’s significant historical resources (including, prehistoric and historic archeological resources) is in the public’s interest.

Qualified professionals are often identified by government agencies through licensing or by listing in directories. Most professions also maintain one or more associations whose membership is restricted to qualified professionals. Such associations typically set standards for the profession (including codes of ethics), advise licensing agencies, lobby, and otherwise work to further the integrity of the profession and the interests of its practitioners. Sometimes a professional association assumes responsibility for certifying qualified practitioners. This is the case with the Society of Professional Archeologists (SOPA).

SOPA was incorporated by a group of archeologists in May 1976 in response to a need perceived by both the archeological community and the federal government to establish standards of professionalism in archeology and to identify archeologists who meet them. It was believed that this would aid government agencies and archeological contractors seeking expert archeologists to conduct federally mandated field research. It also would help elevate archeology to the level of recognized profession made up of highly educated, skilled practitioners. Ultimately, too, expected improvement in the quality of research would help protect important archeological resources essential to an understanding of human prehistory and history.

During its 11 years of existence, SOPA has grown at a slow but steady rate from the 147 charter members in May 1976 to a membership of 550 in March 1988. Almost all members are employed by universities, colleges, museums, private archeological firms, or by federal, state, and local government agencies. All but eight members live in the United States.

Through the years, SOPA has lobbied steadily—and successfully in a number of cases—for federal legislation supporting the conservation of archeological resources. The Department of the Interior and several states have instituted guidelines specifying that archeological studies required under certain preservation statutes should be done only by archeologists who meet established professional criteria. SOPA’s annual directory, which lists certified archeologists by state and by specialization, often is used by those seeking competent archeological
contractors to conduct environmental impact studies.

**Purpose and Philosophy**

The excerpts from a prefatory statement in the *Annual Directory of Professional Archeologists*, published by SOPA, summarize the society’s purpose and philosophy:

> The discipline of archeology has primary responsibility in locating, investigating, interpreting, and curating those portions of human history and related environmental data which, for whatever reason, are not a portion of the written record.

> Archeology is a diverse discipline, with rather flexible boundaries, many internal specializations, diverse schools of thought, and is subject to influence by the broader encompassing disciplines to which it is related. Archeology, however, has one critical attribute not shared with other social sciences: its subject matter is finite, fragile, irreplaceable, and unique.

SOPA is designed to represent the professional practitioners of the discipline of archeology. A basic responsibility of SOPA has been to define professionalism in archeology; to provide a measure against which to evaluate archeological recommendations and research; and to furnish a forum for a challenge to such recommendations and research. Two things—review of an individual’s qualifications prior to acceptance for Certification, and a mechanism for review of violations of the Code of Professional Ethics, Standards of Research Performance, and Institutional Standards. An archeologist may be certified without becoming a SOPA member. A graduate degree from an accredited institution is required, with a major in an appropriate discipline (e.g., archeology, anthropology, classics, history) and a specialty in archeology. The other requisites are 12 weeks of supervised field experience, four weeks of supervised laboratory experience, and a scholarly archeological study.

**Ethics and Standards**

Too lengthy to include here, the SOPA Code of Professional Ethics defines the archeologist’s responsibility to the public, to her/his colleagues, and to his/her employers and clients. The Standards of Research Performance offer guidelines and minimal standards for preparing and conducting research, for processing and curating specimens and field notes, and for disseminating the results of research. There also is a set of institutional standards that specifies the minimal support facilities and services required for full-scale field projects.

SOPA has established meticulous procedures for investigating alleged violations of the Code of Ethics or Standards of Research Performance by its members or certified archeologists. The procedures ensure that allegations are thoroughly investigated, that due process is protected.

Alleged violations are investigated by a grievance committee consisting of the grievance coordinator (an elective person) and two ad hoc members appointed by the grievance coordinator. If an investigation exposes an apparent serious violation, the grievance committee files charges against the alleged violator and the case is reviewed by the Standards Board, consisting of three elected members. For less serious violations, the grievance committee may invite the violator to accept admonishment or censure. If he or she accepts admonishment, the file is closed and the matter remains confidential. But when censure is accepted, the person’s name and the section(s) of the code and/or standards that were violated are published in SOPA’s newsletter.

Since 1976 SOPA has investigated 30 to 40 cases of alleged violations of the code of standards. One member has been expelled and several have been admonished. Two members resigned rather than go through a full investigation, at which point their cases were closed.

**Certification and Membership**

Archeologists are eligible for certification and membership if they meet SOPA’s qualifications of education and experiences set forth and subscribe to its Code of Professional Ethics, Standards of Research Performance, and Institutional Standards. An archeologist may be certified without becoming a SOPA member. A graduate degree from an accredited institution is required, with a major in an appropriate discipline (e.g., archeology, anthropology, classics, history) and a specialty in archeology. The other requisites are 12 weeks of supervised field experience, four weeks of supervised laboratory experience, and a scholarly archeological study.
without full review. To remove that possibility in the future, recent revisions in the grievance procedures provide that if a member resigns from SOPA while an alleged violation is under investigation, the case will be prosecuted before the Standards Board anyway. If the board finds that the accused was guilty of any violations, his or her name and the nature of the violations still will be published in the newsletter.

On two occasions, in order to protect archeology’s public image, the grievance coordinator, on his own initiative, investigated issues publicized in newspapers that involved alleged improprieties by archeologists unaffiliated with the society. The results of these investigations were published not only in SOPA’s newsletter, but also in national journals, including *Science* in one instance.

**Current Ethical Issues**

Some local governments have passed legislation requiring or recommending that only SOPA members, or archeologists meeting SOPA’s membership requirements, be authorized to conduct environmental impact studies required under federal or local statutes. According to recent reports, some archeologists in those states have become SOPA members primarily to become eligible for doing such contract archeology; then they deliberately underbid their competitors for contracts with land developers and turn a quick profit by conducting superficial, substandard studies, which, owing to perfunctory review procedures, are accepted as adequate. Knowingly performing substandard fieldwork is a violation of SOPA’s Standards of Research Performance. SOPA officers currently are investigating these reports. If they are found to be true, SOPA will take appropriate action.

A crucial problem facing SOPA and archeology in general is a recent increase in the destruction of archeological sites by commercial dealers in antiquities and primitive art. Pre-columbian pottery, artifacts from Spanish treasure ships, and other archeological objects have become highly prized by collectors. As market prices for antiquities have skyrocketed, the mining of sites for salable items has reached unprecedented proportions. Such activities have destroyed, and continue to destroy, many important archeological sites. These depredations are legal on private property in the United States so long as the digger has permission from the landowner. Sunken ships may be salvaged legally if the salvor has a permit.

This situation poses an ethical dilemma for SOPA members, as well as for all archeologists. Commercial relic hunters, including underwater salvors, sometimes retain archeologists in order to qualify for excavation permits or to lend an air of respectability to their activities. Because their primary objective is to sell the artifacts at a profit, these commercial diggers usually are unwilling to provide adequate funds and other resources so that archeologists can design and conduct proper field research, recovered data may be studied in a scholarly manner, or artifacts and field notes may be properly curated. If competent archeologists refuse to work for such people, the looted sites are destroyed and their research potential totally unrealized. But, on the other hand, archeologists who cooperate with such endeavors are in jeopardy of severe criticism by their colleagues. A SOPA committee currently is exploring possible avenues for effecting an acceptable compromise between archeologists working to preserve the important sites for scientific study and private interests (citizens and corporations) exercising their legal right to salvage sunken ships and to collect prehistoric relics on private property.

**Notes**

1SOPA’s membership was 730 in 1994.
Professional Responsibilities and the American Indian
ELDEN JOHNSON

The responsibilities of the professional archaeologist are numerous. There are those responsibilities we acknowledge and meet—to our profession, to our peers, to the institutions that employ us, to our students. There are also those responsibilities we acknowledge but do not always meet as well—to the serious amateur, to the public that frequently provides the financing of our work. “Four Statements for Archaeology” of the Society for American Archaeology published in this journal (American Antiquity 27: 137-138, 1961) sets standards for many of these major responsibilities and formal and informal sanctions applied by the members operate to insure a relatively high degree of conformity.

Is there another realm of professional responsibility that many of us have overlooked or considered to be solely a responsibility of the ethnographer? Scattered protests against archaeological research by contemporary American Indian groups have occurred during the past several years in the United States and Canada. These protests have focused on both field excavations of American Indian sites and on the disposition of archaeological data and they suggest, sometimes very strongly, that a few, some, or even many American Indians feel that we, as professional archaeologists, have a responsibility that we have not acknowledged.

These protesters say, in effect, that the responsibility acknowledged, but not always met, by the ethnographer toward the people studied is a responsibility that the professional archaeologist must also meet, and to meet it, the archaeologist must first recognize it.

The question is, thus, do we as archaeologists need to consult with American Indians who are the cultural and biological descendants, particular or general, of the past residents of the sites we excavate? Do we have a responsibility, like the ethnographer, to consider American Indian ethical views in our research designs, to communicate the results of our research to the American Indian peoples of the areas where we work, and to conscientiously work toward training American Indians to work within our profession? The answers to this multiple question will be variable among members of the profession, but perhaps the issues will be seen more clearly with a brief review of some of the themes of the protests and an examination of some of the common goals and interests the professional archaeologist and the American Indian hold.

The protest themes that seem to be recurrent are not numerous but they are important. One theme that recurs with great frequency is that expressing concern over the excavation of burials—both recent and ancient. Another recurrent theme is that the American Indian has too long been the subject of “scientific study,” that they are not laboratory or museum specimens to be manipulated by the members of the dominant society. “We are never consulted” is probably the most important theme. Comments on this lack of communication are very common even among nonparticipants in protests. A fourth theme is that archaeologists, somehow, are in collusion with the looters of sites and the peddlers of antiquities. Whether these views are accurate indictments or not, they do exist. And whether the views are those of a few or the views of many—no poll has been taken—they can strongly influence the future of archaeological research.

Reactions of professional archaeologists to a discussion of the issues raised have ranged from serious concern to complete indifference. I have heard the comment that our excavations are perfectly legal; we have the proper permits; the state or federal statutes define the limits of our activities; and therefore the protests are irrelevant. I have heard the comment that these protests are all a reflection of the “times” and the general anti-intellectual ethos of this society. I
have heard the comment that we must address ourselves seriously to the issues and “do something.” No doubt there are many other reactions.

We do share many goals and interests in common with American Indians. Professional archaeologists are seriously interested in stopping the illegal trade in antiquities and in stopping the looting of archaeological sites. We expend considerable effort toward preserving the cultural heritage of the American Indian against the general indifference of large segments of the general population and the single-mindedness of bureaucracies. We are intellectual colleagues of the American Indian who wants to enlarge his knowledge of his own culture history, and we realize that cultural historical data are a major product of our research whatever our theoretical orientation. Our sharing of some of these goals may, in some cases, grow out of self-interest, but, certainly, a genuine intellectual and emotional commitment predominates. This commitment should provide the basis for the resolution of the questions raised.

It is not my purpose, and certainly not within my capabilities to offer solutions to the questions raised here. It is my purpose, however, to suggest that the membership of the Society for American Archaeology concern themselves with these issues. It is my hope that these concerns will be dealt with collectively by responsible members of a professional society and that the issues will not continue to be met post hoc by individuals and single institutions as reactions to protests.
PART II: 
The Principles Proposed

The central objective of the Task Force on Ethics in Archaeology was to update SAA’s ethics policies. At a workshop convened in Reno, Nevada, in November 1993, members and advisers of the task force drafted six principles of archaeological ethics; these were subsequently presented to the SAA membership in a sponsored forum on “Principles of Archaeological Ethics,” at the 59th Annual Meeting of the Society for American Archaeology in Anaheim, California (April 1994). The first paper included in this section provides an overview of the process by which these draft principles were formulated, prepared by the co-chairs of the task force (Lynott and Wylie). The subsequent papers each focus on one of the draft principles and outline both the rationale for proposing them and various residual concerns on which the task force hoped to get input from the SAA membership. These papers were presented in the 1994 sponsored forum and represent the point of departure for what the task force hoped would be a broad process of consultation; along with the commentaries on these principles that follow in Part III, they constitute the program of the sponsored forum and the core of the first edition of *Ethics in American Archaeology*.

In the first paper of this section, a paper by Mark J. Lynott has been added to this second edition. It describes the process of consultation that was set in motion by the sponsored forum and the first edition of *Ethics in American Archaeology* (this paper originally appeared in *American Antiquity* in 1997). He summarizes the range of comments, criticisms, and suggestions for revision and expansion of the draft principles that were received by the task force, and outlines the various ways in which the task force responded to this input, rewording several principles and adding two new principles. The original principles appear at the beginning of the essays which discuss them; the eight final principles, as ratified by the SAA in 1996, precede Part I, along with the SAA’s editorial policy on looted data (adopted in 1991).
Ethical Principles and Archaeological Practice: Development of an Ethics Policy
MARK J. LYNOTT

The practice and profession of archaeology have changed a great deal in the last 25 years. Due largely to the growth of cultural resource management, the focus of archaeological activities has shifted from a predominantly academic setting, to one in which archaeologists are employed in an increasingly diverse range of positions. As the archaeological profession has expanded beyond academia, archaeologists have been faced with ethical dilemmas unforeseen by previous generations. Reaching a consensus on ethical problems has been further complicated by fragmentation of the discipline.

As we look forward to theoretical and methodological advances in archaeology in the next century, we must also prepare ourselves to address the ethical issues that will face the discipline. It is critical to promote a working dialogue about ethical issues and develop some common ethical positions among archaeological practitioners. This will require that we develop a formal mechanism for training archaeologists about ethical practices. While most graduate programs dedicate ample classroom time to archaeological method and theory, very few programs dedicate significant time to ethics and professional conduct. Indeed, very few archaeologists seem to be aware of the ethical policies/codes adopted by organizations such as the Society for American Archaeology, American Anthropological Association, Society for Historical Archaeology, and the Archaeological Institute of America. Consequently, most archaeologists develop their own ethical codes through informal observation of their faculty role models and postgraduate, on-the-job training. This approach has generally proven to be ineffective, and there is a growing recognition of the need for changes in academic training (Blanton 1995; Fagan 1993). The current urgency for ethical guidelines in archaeology may be traced to some of the same concerns that led to the founding of the Society of Professional Archeologists (SOPA) in 1976 (McGimsey 1995), plus a variety of new concerns that relate to the changing circumstances of contemporary archaeology. For many years, archaeology was performed by archaeologists in primarily academic positions. The main thrust of archaeological activity was research and teaching relating to problems and concerns identified by professional archaeologists. This is no longer the case. Archaeologists are employed in an increasingly diverse range of positions, and many nonarchaeologists now have an interest in the treatment and study of archaeological remains.

The most notable change in archaeology over the last 25 years is the explosive growth in the number of people who are paid to work at archaeology. The growth of employment opportunities in archaeology is clearly outside the traditional academic setting, with archaeologists now working at many levels of federal, state, and local government and in a variety of different types of jobs within the private sector. The diversity of these jobs and their associated nontraditional responsibilities have led many archaeologists to question the utility of their formal academic training (Zeder 1997:17). Within these rapidly developing employment spheres, archaeologists need ethical guidelines to help them navigate in new and rapidly changing work environments.

Coincident with the development of increased employment opportunities for archaeologists has been an increased expression of interest among native people or First Nations in the archaeological record and the practice of archaeology. The interest of native peoples in archaeological resources has in some nations been codified through repatriation legislation and regulations. The response of archaeologists to Native American interest in archaeology and the archaeological record has been highly variable. Some have
characterized repatriation legislation as anti-science (i.e., Clark 1996; Mason 1997), while others have been very supportive of these new developments (i.e., Powell et al. 1993; Zimmerman 1989). Although the passage of the Native American Graves Protection and Repatriation Act (NAGPRA) and similar state legislation has sent tremors through the discipline, there are abundant examples of cooperation between archaeologists and Native Americans (i.e., Bruseth et al 1994: Knecht 1994; Mills 1996). Additionally, the interest of Native Americans in the archaeological record is documented by the development of tribal archaeology programs (i.e., Anyon and Ferguson 1995; Ferguson et al. 1993; TwoBears 1995). This increased interest in archaeology on the part of native peoples serves as an incentive for archaeologists to seek new partnerships in the study and protection of the archaeological record (Goldstein 1992) and requires substantial changes in the practice of archaeology.

Commercial interests in objects from the archaeological record have threatened the integrity of archaeological resources throughout this century, but the increasing commercial value of archaeological objects within the art market has led to a significant expansion in the market and the looting of archaeological sites (i.e., Harrington 1991; Pendergast 1991; Tubb 1995). Ethical questions regarding the use of data from looted sites or commercial excavations have been raised from a variety of contexts ranging from Moche tombs to shipwrecks (i.e., Alexander 1990; Elia 1992; Wylie 1995). Wylie (1996a) uses four practical examples in archaeology to illustrate how the entanglement of professional activities with commercial exploitation of the archaeological record makes it increasingly difficult to maintain a clear distinction between scientific and non-scientific practice. These examples also illustrate how “practices that are morally exemplary by conventional wisdom may have deplorable consequences in one context, while, in another, practices that have been censured, often because of their consequences, may find (limited) justification under the very guidelines that prohibit them” (Wylie 1996:178). Wylie further notes that the contexts of archaeological activities are so complex, that “the dilemmas posed by competing commitments will not be resolved by establishing a simple rule for or against certain kinds of controversial practice (Wylie 1996:179). Resolution of these conflicts may only be achieved by integrating discussions about ethical considerations into the design and implementation of archaeological research, rather than as an addendum to research.

As archaeology matures as a profession, there is an increasing self-interest in developing standards to distinguish professional practitioners of the discipline from avocationalists and others with an interest in archaeology. The distinction between professional and nonprofessional interests is important in determining who receives public funding and who receives permits to conduct research on public lands. The development of standards to recognize archaeological professionals may also serve the needs of archaeologists to better define their profession, as reflected in the Society of Professional Archaeologists and the Institute of Field Archaeologists.

The Society of Professional Archaeologists (SOPA) was founded in 1976 to meet a perceived need by the archaeological community and federal agencies to identify standards of professional conduct and recognize the archaeologists that meet those standards (Jelks 1995). Plans for a registry of professional archaeologists were developed by a committee of the Society for American Archaeology (SAA), but concerns over legal liability eventually led that committee to establish SOPA as an independent organization (McGimsey 1995). Although SAA encouraged all qualified members to join the registry, some individuals felt that the need for certification only applied to archaeologists working in the cultural resource management sector.

For nearly 20 years, SOPA has taken the lead in advising the profession on ethical issues in archaeology. Its Standards of Research Performance and Code of Ethics have proven to be highly effective. The organization has also maintained a dialogue on ethical issues in its newsletter and has published a collection of papers about current ethical issues in North American archaeology (Woodall 1990). However, SOPA’s impact has been limited by the relatively small size of its membership.

Changes in the practice of archaeology and the worldview of archaeologists are not restricted to the United States, but are being felt around the world (i.e., Cooper et al 1995; Greenfield 1989; Hunter and Ralston 1994; Murray and Allen 1995). These pressures and forces have had a notably unsettling effect on archaeology, and
within this setting, in 1991, the Society for American Archaeology began a process of reexamining its ethical policy.

**Ethics in Archaeology Task Force**

Recognizing that publishing descriptions of looted materials would increase the value of the objects in the art market, the *American Journal of Archaeology* adopted a policy that forbade the initial description of artifacts and archaeological materials from looted contexts (Kleiner 1990). Shortly after that, the first editor of SAA’s new journal, *Latin American Antiquity*, Prudence Rice, adopted a policy that prohibited publication of papers based on looted data, and J. Jefferson Reid, then editor of *American Antiquity*, adopted the same policy. In May 1991, Alison Wylie made a presentation to the SAA Executive Board about the ethical issues associated with publishing research results derived from looted data (Wylie 1995). Recognizing that the existing SAA policy on ethics in archaeology was outdated, and that the editorial policies of the journals might not be fully compatible with the bylaws of the society, SAA’s Executive Board appointed Mark Lynott and Alison Wylie as cochairs of a task force on ethics in archaeology.1 From the beginning, Lynott and Wylie were convinced that an ethics policy could not be developed during short committee meetings at the society’s Annual Meeting. Consequently, they developed proposals for a workshop to identify the important ethical issues facing archaeology today.

With funding from the National Science Foundation and the National Park Service, the Ethics in Archaeology Task Force organized a three-day workshop, November 5-7, 1993, at the CRM Policy Institute, University of Nevada-Reno. Participants from the workshop were selected to provide a broad and diverse background.2 Workshop participants, through highly productive and stimulating discussions, drafted six principles of archaeological ethics and identified a process for presenting them to the SAA membership. These six principles focused on issues of stewardship, accountability, commercialization, public education and outreach, intellectual property, and records preservation.

The six draft principles were made public that next spring at a forum at the 59th Annual Meeting of the Society for American Archaeology in Anaheim, California, where they were presented along with an introduction, six position papers on the draft principles, and commentaries from five discussants. The proceedings from the forum were compiled, edited, and published by the Society for American Archaeology as a Special Report (Lynott and Wylie 1995b).

In the report, Lynott and Wylie emphasized that the principles were presented in draft form, and asked for comments and suggestions as to how they might be modified or improved. In an effort to ensure that everyone with an interest in commenting on the draft principles had an opportunity to do so, papers were presented at several regional archaeological conferences, comments were solicited from SAA members through the SAA Bulletin, and Lynott held two discussion sessions at the 60th Annual Meeting in Minneapolis (1995), where members had the opportunity to voice concerns or make suggestions about the draft principles. Through these venues, written comments were received from 15 people, and verbal comments were offered to the cochairs from nine more.

After reviewing the comments, the cochairs and the Ethics in Archaeology Task Force made editorial and other minor changes and developed a seventh principle dealing with public reporting and publication (Principle No. 6). The principles then were submitted to the Executive Board for approval in September 1995. At the same time, the task force recommended that SAA revise its bylaws to create a standing Ethics Committee, charged with promoting discussion and education about ethical issues in archaeology, and proposing revisions, as necessary, of the Principles of Archaeological Ethics. The task force also recommended that SAA add a 10th objective to the SAA bylaws: To promote discussion and education about the ethical practice of archaeology.

At its fall meeting in 1995, the Executive Committee adopted both recommendations regarding changes in the bylaws and instructed the Bylaws Committee to offer this language for vote by the membership on the next possible ballot. However, the Executive Board also expressed concern about Principles No. 3 (commercialization) and No. 5 (intellectual property) and recommended that an additional principle be developed (Principle No. 8: Training and Resources).

During the period when the draft principles were being reviewed by the SAA membership, the author served as the primary point of contact for questions and comments about the principles.
This paper attempts to explain why the first six draft principles were modified and why two additional principles were developed. It is not intended as an overview of the current status of ethics in archaeology or as a complete review of all comments received on the draft principles, but focuses instead on those issues that stimulated the most comments and that led to changes in the principles.

Principles of Archaeological Ethics

Principle No. 1: Stewardship

The archaeological record, that is, *in situ* archaeological material and sites, archaeological collections, records and reports, is irreplaceable. It is the responsibility of all archaeologists to work for the long-term conservation and protection of the archaeological record by practicing and promoting stewardship of the archaeological record. Stewards are both caretakers of and advocates for the archaeological record. In the interests of stewardship, archaeologists should use and advocate use of the archaeological record for the benefit of all people; as they investigate and interpret the record, they should use the specialized knowledge they gain to promote public understanding and support for its long-term preservation.

Principle No. 2: Accountability

Responsible archaeological research, including all levels of professional activity, requires an acknowledgment of public accountability and a commitment to make every reasonable effort, in good faith, to consult actively with affected group(s), with the goal of establishing a working relationship that can be beneficial to all parties involved.

Principle No. 3: Commercialization

The Society for American Archaeology has long recognized that the buying and selling of objects out of archaeological context is contributing to the destruction of the archaeological record on the American continents and around the world. The commercialization of archaeological objects—their use as commodities to be exploited for personal enjoyment or profit—results in the destruction of archaeological sites and of contextual information that is essential to understanding the archaeological record. Archaeologists should therefore carefully weigh the benefits to scholarship of a project against the costs of potentially enhancing the commercial value of archaeological objects. Wherever possible, they should discourage, and should themselves avoid, activities that enhance the commercial value of archaeological objects, especially objects that are not curated in public institutions, or readily available for scientific study, public interpretation, and display.

Principle No. 4: Public Education and Outreach

Archaeologists should reach out to, and participate in, cooperative efforts with others interested in the archaeological record with the aim of improving the preservation, protection, and interpretation of the record. In particular, archaeologists should undertake to: (1) enlist public support for the stewardship of the archaeological record; (2) explain and promote the use of archaeological methods and techniques in understanding human behavior and culture; and (3) communicate archaeological interpretations of the past. Many publics exist for archaeology including students and teachers; Native Americans and other ethnic, religious, and cultural groups who find in the archaeological record important aspects of their cultural heritage; lawmakers and government officials; reporters, journalists, and others involved in the media; and the general public. Archaeologists who are unable to undertake public education and outreach directly should encourage and support the efforts of others in these activities.

Principle No. 5: Intellectual Property

Intellectual property, as contained in the knowledge and documents created through the study of archaeological resources, is part of the archaeological record. As such, it should be treated in accord with the principles of stewardship rather than as a matter of personal possession. If there is a compelling reason, and no legal restrictions or strong countervailing interests, a researcher may have primary access to original materials and documents for a limited and reasonable time, after which these materials and documents must be made available to others.

Principle No. 6: Public Reporting and Publication

Within a reasonable time, the knowledge archaeologists gain from investigation of the archaeological record must be presented in accessible
form (through publication or other means) to as wide a range of interested publics as possible. The documents and materials on which publication and other forms of public reporting are based should be deposited in a suitable place for permanent safekeeping. An interest in preserving and protecting in situ archaeological sites must be taken into account when publishing and distributing information about their nature and location.

**Principle No. 7: Records and Preservation**

Archaeologists should work actively for the preservation of, and long-term access to, archaeological collections, records, and reports. To this end, they should encourage colleagues, students, and others to make responsible use of collections, records, and reports in their research as one means of preserving the in situ archaeological record, and of increasing the care and attention given to that portion of the archaeological record which has been removed and incorporated into archaeological collections, records, and reports.

**Principle No. 8: Training and Resources**

Given the destructive nature of most archaeological investigations, archaeologists must ensure that they have adequate training, experience, facilities, and other support necessary to conduct any program of research they initiate in a manner consistent with the foregoing principles and contemporary standards of professional practice.

The Principles of Archaeological Ethics are intended to identify ethical ideals or goals. It is understood that these ideals for archaeological activities might not be easily attained amid the complexities of everyday life. However, they are designed to serve as a directional beacon by which individuals might steer their professional activities. Wylie (1996a) has described the principles as “ceilings” of ethical behavior, as opposed to “floors” of professional conduct.

As generalized ideals or goals, the principles do not offer prescriptions on how various ideals of professional behavior are to be attained. During the development of the principles, the task force and advisers consciously avoided the creation of a code of conduct (such as maintained by SOPA) that specifies minimum standards of professional behavior. The principles are not intended to be enforceable, but are designed to serve as ethical guidelines.

**Stewardship**

The concept of stewardship has emerged in archaeology through the growth and development of cultural resource management. The term “stewardship” became widely used after a booklet, titled “These Are the Stewards of the Past” by Charles R. McGimsey III, Hester A. Davis, and Carl Chapman (1970), was published and distributed in the 1970s. The role of archaeologists in the treatment of the archaeological record was further defined by Lipe (1974) in a landmark paper in which he offered many excellent and rational reasons why archaeologists should work to protect and preserve an in situ body of archaeological data. More recently, Chippindale (1994) has published an eloquent dialogue on the merits of holding archaeological resources in “common” for everyone. Although archaeological training tends to promote the assumption that professionally trained archaeologists are the only people with a legitimate interest in the archaeological record, archaeologists are becoming increasingly aware of the interest that the general public and specific interest groups have in the use and management of archaeological sites and objects.

Within the Principles of Archaeological Ethics, stewardship is the central concept from which all the other ethical principles are derived. Although many different people may contribute to the stewardship of the archaeological record, archaeologists have a special role in the effort to understand the record and preserve it for the benefit of future generations. The responsibilities of archaeologists within the stewardship concept are clearly geared toward encouraging careful and thoughtful treatment of the archaeological record, including in situ materials and the records and collections resulting from archaeological research.

The discussion and comments about Principle No. 1: Stewardship were highly polarized and focused largely on whether we (Lynott and Wylie 1995a) intended to discourage research on sites that were not threatened by development or other devastating forces. There also were comments about whether the principles as a group were intended to allow archaeologists to use the stewardship concept to claim some special privilege to speak for other interest groups or stakeholders in the use of, or access to, archaeological resources.
First and foremost, for archaeologists, the primary value of archeological resources is the information they contain (Lipe 1974). Carver (1996) argues that the value of any part of the archaeological record is measured by the character of the archaeological deposits and contemporary research agendas. Since research agendas continually change through time, it is to be expected that the relative value of different sites will also change (Lynott 1980). As good stewards of the archaeological record, archaeologists should direct their efforts toward the in situ preservation of the archaeological record.

Although, no site can last forever, our observations and interpretations of the archaeological record should last forever. When we do use our specialized knowledge and skills to study the archaeological record, our field research must be aimed at significant research problems and should damage only as much of a site as is necessary to collect the data required by the research design. Every project must include a technical report that documents the field and laboratory investigations, and establishes the basis for any interpretations that are offered (Principle No. 6). Archaeologists do not control access to the archaeological record, but we should be strong advocates for careful and thorough study of archaeological resources and the long-term preservation of the archaeological record.

The concept of stewardship does not, and should not, prohibit important research on protected sites. However, we must realize that the relative merits of any particular research problem may be highly subjective, so extensive excavations, and large-scale destructive research methods must be extremely well justified. Protected sites, such as those owned by the Archaeological Conservancy or the U.S. National Park Service, although generally safe and preserved, do contain information that is critical to specific research problems. If a researcher prepares a good research design to address a significant research problem, it would seem appropriate to permit minimally destructive investigations. The National Park Service does testing at many sites. These studies are critical to the continuing growth and development of archaeology as a scientific discipline. However, as an ideal, whenever possible we must restrict more consumptive research to sites that are not actively protected. It might even be argued that consumptive research on protected sites should be delayed until the results of previous excavations on those particular sites have been properly reported. Considering the museum storage crisis (Childs 1995), most of us will agree that massive excavations should be avoided whenever possible.

Concern was also raised that the stewardship concept was being used to justify or claim special privilege, or access to, the archeological record, for the profession of archaeology and archaeologists. By the nature of their training and specialized education, archaeologists have special skills in interpreting and understanding the archaeological record. In the past, these special skills have allowed archaeologists to act as the primary voice of concern for archaeological resources. However, the stewardship concept requires that archaeologists become aware of and respect the wide range of other legitimate interests in the possible uses of archeological sites. We must accept that in some cases, such as cultural heritage tourism, these uses of the archaeological record may not always be fully compatible with the interests of archaeology. Having said this, the stewardship concept is not in any way intended to acknowledge or legitimize the interests of looters or private art collectors who use the archaeological record for personal gain or gratification. The stewardship principle is not intended to provide archaeologists with a claim for priority of access to archaeological resources. More than 20 years ago, Lipe (1974) argued persuasively that stewardship is in the best interests of archaeology. It is in the best interests of our profession to protect and preserve the resources we study, and to use them wisely when we do study them. While we may not be in agreement with others who have an interest in the archaeological record, we must take those interests into consideration when we plan and undertake research. The SOPA Code of Ethics states that an archaeologist shall be “sensitive to, and respect the legitimate concerns of groups whose culture histories are the subject of archeological investigations” (SOPA 1997:6:1.1.1.c.). One of the primary factors that sets professional archaeologists apart from looters is that our specialized knowledge and skills may be used to serve a wider range of publics and interests. Due largely to this ability to study and enrich our collective understanding of the past, we must consider the broad, and
sometimes diverse, interests the public has in the archaeological record (McManamon 1991).

**Looting**

Editorial proscriptions against the use of data from looted contexts is the issue that pushed SAA into developing the Principles of Archaeological Ethics. Discussions about this issue have been wide-ranging and very stimulating, particularly those on the international scope of the antiquities market and the impact that our research and publications has on that market. Wylie (1996a) presents a thorough discussion of the issues that have been raised about using data from looted or commercial contexts in research and publication. Although we cannot fully document or quantify the impact our research has on looting and the antiquities market, we have a responsibility to consider the impact. We cannot stop looting, sale of artifacts, or collecting of artifacts, but we must continue to discuss what impact our work has on the antiquities market to avoid unnecessarily encouraging further damage to the archaeological record.

SAA has been a leader in promoting public and professional discussion about the impact of looting. Before publishing data from looted contexts, we must weigh the value of the information that is obtained from a looted collection against the potential harm that is generated by the implied endorsement of looting. Determining the most appropriate way to deal with artifacts and information from non-scientific contexts can be very difficult. Should collections from sites that were looted more than 50 years ago and now reside in a museum be treated differently from collections now held by antiquities/art collectors? Like most ethical concerns, the answers are rarely black and white, and resolution is best achieved through an open and honest appraisal of each individual situation.

The ethical problems faced by the medical profession in regard to medical data that were collected by Nazi experiments on human subjects in World War II may offer some useful instructions on the process needed to address the potential publication of looted data. The use of hypothermia data from the Nazi concentration camps serves as an example (Moe 1984). The Nazi medical experiments with hypothermia were hideous, but yielded data that led to the development of cold-water survival clothing.

Following extensive debate over the situation, the use of the concentration camp medical data for developing the survival gear was ultimately justified for the overall good that resulted. However, in published accounts using medical data from concentration camps, the authors express emphatically their opposition to the manner in which the data was collected. This extra step to avoid an endorsement of concentration camps and horrible experiments with human subjects might be useful to our situation. While I do not intend to imply that site looting is in any way equivalent to the Nazi atrocities, this process may be useful for archaeology. If a researcher were to incorporate data from looted contexts into publications, perhaps she or he should also speak about the damage looting does to future research and the archaeological record. Authors who feel compelled to use data from looted or non-scientific contexts in research should demonstrate that they have considered these issues and offer a clear explanation why use of the data is justified. However, as an ethical ideal, the use of looted data in research and publication should be avoided.

We cannot ignore the commercial value of the archaeological record. As William Lipe noted in a letter commenting on the draft principles, archaeologists earn a living studying it, the tourist industry makes substantial money promoting it, and art dealers earn money by selling objects from it. The primary responsibilities that archaeologists have is to conduct high-quality research that minimizes damage to the record, and to work to educate the public about the content and potential significance of the record.

Tom King (1985a, 1985b) has suggested that since the value of archeological resources lies in their information potential, we should revise our ethical positions to permit excavation of sites funded by entrepreneurs, who would be permitted to sell the artifacts after field and laboratory investigations are complete. King’s position has more recently been supported by Hamilton (1995). However, a basic tenet of science requires that research results be described in a manner permitting a colleague to replicate those results in a similar setting. In archaeology, the nature of each site is unique, and we destroy the archaeological record as we excavate. Consequently, the records and collections from our investigations must be complete and sufficiently
detailed to permit colleagues to examine those records and collections and conclude that they agree with our interpretations. This is the basis for Principle No. 7: Records and Preservation, and the primary reason why we cannot follow the suggestion offered by King and others who have endorsed working with marine salvors.

Preservation of records and collections is one of the most important distinctions between scientific and nonscientific use of the archaeological record. Claims that archaeology is a science require that we emphasize the preservation of records and collections resulting from our research.

Intellectual Property, Public Reporting, and Publication

In its comments on the draft principles, the SAA Executive Board urged us to reconsider Principle No. 5 dealing with intellectual property. We were urged to redraft this principle in a manner that is more sympathetic to Native American interests and consistent with the implementation of the Native American Graves Protection and Repatriation Act. Consequently, the principle was revised to support a researcher’s primary access to original materials, rather than exclusive access to those materials. This change is warranted because the products of our research belong to everyone and should be shared with the public and our colleagues whenever it is reasonable and prudent.

Brian Fagan reminded us in his comments that we failed to make explicit the archaeologists’ responsibility to prepare reports on our investigations. Since most aspects of field archaeology damage or destroy the archaeological record, this is a clear professional responsibility. Consequently, we have developed Principle No. 6. As a group, archaeologists have always emphasized the importance of writing reports about their research (Champe et al. 1961), but we have often failed to live up to this goal (Fagan 1995). It is important that this principle be articulated as a central tenet of archaeological practice.

As we have attempted to articulate in Principle No. 7, we must take individual and institutional responsibility to ensure that the records and collections resulting from our research are available for future study. This message is at the heart of most courses that provide an introduction to archaeology and is a focus of all field methods courses. However, as a profession we often fail to follow our own teachings. Are the collections and records from contract investigations being curated in a manner and location that will ensure they are available for future study? All too often, the answer is no. There are abundant stories of rental storage units filled with archaeological collections and records. Universities and museum collections are not immune from criticism either. In fact, the crisis in archaeological archive and collections storage is immense. Most of us tend to view this as an institutional issue. However, we each have an individual responsibility to work to see that the records and collections resulting from our own research are preserved for future study.

Training and Resources

The SAA Executive Board also requested that the Ethics in Archaeology Task Force consider developing a principle that would address the responsibilities of archaeologists to seek adequate training, experiences, and facilities before initiating field or other destructive investigations. This responsibility is clearly addressed by the Society of Professional Archeologists’ Standards of Research Performance (SOPA 1997). Since most of the research performed by archaeologists is destructive, we must ensure that we have appropriate training, experience, preparation, and facilities before undertaking archaeological investigations. Although this principle does not directly address the importance of having adequate financial support to undertake a project or study properly, this concept is implied in Principle No. 8.

Future Considerations

In March 1996, after making revisions based on comments received about the draft principles, the Ethics in Archaeology Task Force resubmitted the principles to the SAA Executive Board; they were accepted at the April 1996 Board Meeting (Kintigh 1996). These principles are not intended to be the final word on archaeological ethics. Just as archaeology has changed greatly in the last two decades, further change is inevitable. The principles will need frequent attention and periodic review to meet the needs of archaeological practitioners. This has been accomplished through the establishment of a standing Committee on Ethics. That committee will maintain the
principles, make revisions as needed, and promote discussion and education about ethical issues among the membership. The Ethics in Archaeology Task Force recommended that SAA not empower the proposed Committee on Ethics with enforcement responsibilities, but the task force encouraged discussions about the possible creation of a Registry of Professional Archaeologists (McGimsey et al. 1995).

The principles have been defined as ideals. The task force consciously chose to identify ethical ceilings or ideals that should serve as the goals for professional behavior, rather than to define standards of minimally acceptable conduct among archaeologists (Wylie 1996). We hope that these ideals will be responsive to the changing realities of archaeological practice and offer some guidelines to operate in the practical real-world situations being encountered daily by archaeologists.

The archaeological record is a part of our cultural heritage and belongs to all of humanity. Archaeologists, by the merits of their specialized education and training, serve as researchers and educators about the archaeological record, and to a degree even define what is significant within the record (Carver 1996). We cannot ensure or guarantee the preservation of every archaeological site, but we can advise our fellow citizens about the importance of the archaeological record and the need to protect it for future generations. Within this context, the Principles of Archaeological Ethics have been developed as guidelines to help professional archaeologists navigate in a rapidly changing world.

Acknowledgments. The development of the Principles of Archaeological Ethics has been a truly collaborative effort. Throughout this entire process, Alison Wylie served as task force cochair and has been a leader and facilitator. Her thoughtful participation made this project more rewarding and pleasant. Members of the Ethics in Archaeology Task Force included Richard E. W. Adams, Christopher Chippindale, Ellen Herscher, Larry Murphy, David Pendergast, and Karen D. Vitelli. In addition to the task force members, participants in the Reno workshop included Mary Beaudry, James Brown, Don Fowler, Lynne Goldstein, Christopher Hamilton, Ralph Johnson, Leigh Jenkins, Frank McManamon, Nancy Parezo, and Joe Watkins. Ricardo J. Elia, Christopher Hamilton, Phyllis Mauch Messenger, Larry Zimmerman, and K. Anne Pyburn and Richard R. Wilk prepared comments for the sponsored forum at the 59th Annual Meeting of the Society for American Archaeology. Charles R. McGimsey III and Janet E. Levy prepared papers, and Christopher Chippindale and Edward B. Kelks permitted us to reprint previously published papers, for the Special Report, Ethics in American Archaeology: Challenges for the 1990s. The development of the Principles of Archaeological Ethics also benefited greatly from contributions provided by Roger Anyon, Brian Fagan, Janet E. Levy, William D. Lipe, Charles R. McGimsey III, and Tristine Lee Smart, who were regular commentators throughout this process. The support and encouragement of the Executive Board, particularly past SAA Presidents Prudence Rice, Bruce Smith, and William Lipe, have been greatly appreciated. Former Executive Director Ralph Johnson and Managing Editor Janet Walker played critical roles in making this project successful. Funding for the project was provided by the National Science Foundation, the National Park Service, and the Society for American Archaeology. The author appreciates the thoughtful and helpful comments provided by four anonymous reviewers on an earlier draft of this paper. The opinions expressed in this paper about the Principles of Archaeological Ethics are solely those of the author, and do not represent the official position of SAA or the Committee on Ethics. And, finally, thanks to Maria Nieves Zedeño for translating the abstract.

Notes

1. Other members of the task force were Richard Adams, Christopher Chippindale, Ellen Herscher, Larry Murphy, David Pendergast, and Karen Vitelli.

2. Participants in the Reno workshop were Richard Adams, Mary Beaudry, James Brown, Christopher Chippindale, Don Fowler (director, CRM Policy Institute, University of Nevada-Reno), Lynne Goldstein, Christopher Hamilton, Ellen Herscher, Ralph Johnson (former SAA executive director), Leigh Jenkins, Mark Lynott (cochair), Frank McManamon, Larry Murphy, Nancy Parezo, Leanne Stone (coordinator, CRM Policy Institute, University of Nevada-Reno), Karen Vitelli, Joe Watkins, and Alison Wylie (cochair).
Stewardship:
The Central Principle of Archaeological Ethics

MARK J. LYNOTT AND ALISON WYLIE

Principle No. 1: Stewardship. The archaeological record, that is, in situ archaeological material and sites, archaeological collections, records, and reports, is a public trust. The use of the archaeological record should be for the benefit of all people. As part of the important record of the human cultural past, archaeological materials are not commodities to be exploited for personal enjoyment or profit. It is the responsibility of all archaeologists to work for the long-term preservation and protection of the archaeological record. Although archaeologists rarely have legal ownership of archaeological resources, they should practice and promote stewardship of the archaeological record. Stewards are both caretakers and advocates for the archaeological record. As they investigate and interpret the record, archaeologists should also promote its long-term conservation. Archaeologists should use their specialized knowledge to promote public understanding and support for the long-term preservation of the archaeological record.

When Mark Lynott joined the National Park Service in 1978, the associate regional director for planning and resource preservation told him that it was his job to be the advocate for archaeology in the Midwest Region. “If you don’t do it, nobody will.” While 16 years have passed, this is precisely the situation we all face today. If archaeologists do not actively serve as advocates for long-term resource preservation and responsible use of the archaeological record, nobody else is likely to do it. While archaeology has substantial appeal for a wide range of individuals and interest groups, archaeologists have the knowledge and credibility to be leaders in convincing local, state, and national government to adopt laws and policies to protect archaeological resources.

This commitment to the protection and conservation of archaeological resources has long been a feature of archaeological practice and figures centrally in SAA’s existing statements on ethics. The second of nine society “objectives” cited in the SAA bylaws is to “advocate and aid in the conservation of archaeological resources” (SAA 1989). In this spirit, archaeologists have been at the forefront, indeed, they have been the architects, of a great many programs of education and advocacy designed to increase awareness of the value of archaeological resources and ensure their long-term preservation. The need for such activism is more urgent now than ever before, given the rate at which sites are being destroyed. In proposing that “stewardship” be the centerpiece of the drafted principles presented here, we intended to emphasize, and to reaffirm, a commitment to conservation that is already central to the ethos of the discipline and SAA.

In addition, however, we mean to broaden the scope of this principle, and to give it priority as the core or foundation from which the other principles—to do with commercialization, education, accountability to nonarchaeological interest groups—are derived. For one thing, where breadth is concerned, the “archaeological record” is understood to include not just in situ archaeological deposits, but the entire array of collections, notes, records, and reports that constitute the documentary record created by the activities of archaeologists (and others). Archaeologists have a responsibility to protect not just the primary record, but this extended record as well; the fifth and sixth principles (“intellectual property” and “preservation”) address this in detail.

Most important, however, the “stewardship” principle we propose here characterizes this extended archaeological record as a public trust, not a private preserve to be exploited for “personal enjoyment or profit.” It is a human, cultural heritage that has wide significance: “as one important record of the human past, archaeological-
cal materials should be used for the benefit of all people.” On one hand this clearly warns against commercial exploitation of the record that serves a narrow range of interests for a very few people and emphasizes the principles bearing on “commercialization” and “public outreach and education” (the third and fourth principles). On the other hand, this commitment to stewardship has important implications for archaeological practice. It very significantly expands the scope of archaeologists’ responsibilities to the record and to the publics who have an interest in it as their heritage.

As advocates for the record, so conceived, archaeologists must be concerned not only with the interests of their colleagues and the discipline of archaeology as we now know it (specifically, its scientific research goals as now defined), but also with the interests of the full range of publics, some of whose heritage is bound up in this record. This stance will often be difficult, because conflicts between stakeholders are bound to arise. Archaeologists do have special expertise to offer in identifying, valuing, and interpreting archaeological material as a record of the cultural past, but the exercise of this expertise is not an end in itself. Because archaeological resources are an important record of humanity’s past, no single person or group should have exclusive access to, or control of, these resources. As one group specifically qualified to study the archaeological record, archaeologists must take steps to ensure that all valid interests in the archaeological record are considered when it is used in research.

Crucially, this expertise and the stewardship responsibilities it carries with it do not establish any presumption of ownership or control over archaeological resources. When archaeologists use these resources for their own purposes they have a responsibility to ensure that their research benefits the public(s) in whose trust archaeological material is held, documented, preserved and sometimes exploited. That is to say, archaeologists have an ethical responsibility to serve as good scholars, strong advocates for preservation, and educators about the importance and value of archaeological resources, both for the purposes of promoting the current interests of archaeology as a discipline and as “caretakers and advocates” for the record itself.

The Implications of Stewardship

This general principle has a number of implications, which will be drawn out in connection with other proposed principles. What follows is an attempt to stimulate discussion about the priorities and practice of archaeological research.

Research Priorities

For most archaeologists, the archaeological record (specifically the primary record—archaeological deposits) is a fragile and irreplaceable resource for the understanding of human populations, cultures, communities, and sometimes agents, whose lives are very largely unknown or inaccessible by any other means. From the perspective of archaeological science, the value of archaeological research is measured by the information it yields about the past. In recovering this information, archaeological inquiry may be directed at a variety of levels, and at a diverse range of subjects. When made accessible, the results of archaeological investigations frequently can be justified as serving a very wide range of publics, at least insofar as these publics share an interest (at least potentially) in understanding past events and conditions of life in the terms now accessible to scientific empirical research. This is obviously not true across the board. Where archaeological deposits are sacred or have cultural significance in their own right—for example, as in situ deposits that have special significance for groups who claim them as their direct heritage—archaeological research may not serve the interests of at least some of the relevant publics and may not be justifiable. But where it is the case that archaeological research has wide potential relevance, as an especially powerful means of expanding or enriching what we understand of our various cultural heritages, the possibility of contributing to this understanding depends on the availability of archaeological resources for study, most especially the primary record. Given that the archaeological record is imperiled throughout the world by looting, vandalism, urban development, agriculture and other land development activities, our first priority must be to work for the preservation of these resources. This may be accomplished through nongovernmental organizations such as the Archaeological Conservancy, or through government historic preservation agencies in the
United States, Canada, and throughout Latin America.

It is a further implication of the commitment to promote stewardship of archaeological resources, in the sense proposed here, that archaeologists must apply conservationist principles to their own practice. Arguing that it is in the best interests of the archaeological profession to maintain an intact body of sites for future study (a conservation ethic we propose to expand in the ways indicated), William Lipe (1974) proposed a conservation model for archaeology that suggested how these priorities might be set. He argued that the number of archaeological sites relating to a given culture, time period, or subject is finite, and that they represent a nonrenewable resource. As the relevant cultural processes change or disappear, no further sites of a given type will be created, and once they are disturbed, they cannot be reconstructed to their original configuration. If productive archaeological inquiry is to continue into the next century, archaeologists must be prepared to protect a representative body of intact archaeological sites not just from looting and development, but from exploitation for present archaeological purposes.

If preserving archaeological resources for future study is a legitimate goal, it follows that the priorities governing the research we do undertake should also be reassessed. Increasingly, we must focus our research efforts on sites that are threatened by land development or vandalism. Sites that are not threatened should be excavated only when a case can be made that they contain data of very special significance unobtainable from any threatened sites, or from the collections and documentary records of sites that have already been excavated. It is very difficult to justify traditional excavation of sites located in publicly owned parks or preserves when nearby sites are being lost to urban or agricultural developments. It is especially difficult to justify opening new sites when enormous stores of archaeological material from sites that have already been excavated or collected lie unexamined in warehouses and museums.

In the best interests of archaeology, and in the interest of serving as effective advocates for preservation of the archaeological record, it will be necessary to redirect more of our personal research efforts toward problems that can be solved through the study of threatened sites. To an extent, this is already happening through the growth of cultural resource management programs. Where large-scale block excavations at major sites were once the dominant research activity, testing and sampling procedures have become an accepted part of the growing cultural resource management research domain. This does not mean that we should abandon problem-driven field investigations. In fact, we should encourage more and stronger problem-oriented research. However, where possible, these studies should be directed at threatened sites. Research occurring at protected sites must emphasize techniques that will minimize damage to the resource. In this same spirit, perhaps we should put a premium on research problems, and the development of research techniques, which will allow us to make full use of existing collections and archaeological records (in the extended, documentary sense).

Research Practice

For archaeologists, the primary value of archaeological resources lies in their information content. Preserving sites for future study has clear value for their discipline. However, when excavation is warranted, given a clear articulation of the problems to be addressed and a demonstration that these problems cannot be addressed in any other way, the responsibilities of the archaeologist as a “steward” of the record entail that everything possible be done to preserve and record as much of the archaeological resource as possible. Archaeological investigations, by their very nature, damage or destroy the primary archaeological record in the process of recovering archaeological collections and creating a documentary record; excavations, and even surface collecting, remove objects from their archaeological contexts. In recognition of this, archaeologists have long insisted that responsible research requires careful record keeping to document the provenience of archaeological materials. The most detailed discussion in the 1961 report of the SAA Committee on Ethics and Standards (Champe et al.) concerns “methods in archaeology” and includes an extended (five point) account of the sorts of records archaeologists should keep, given that “archaeological research depends on systematic collection... together with adequate records of the circum-
stances of finds...” (Champe et al. 1961:137). In particular, this early ethics committee urged that archaeologists should never “discard classes of information in favor of a special interest” (Champe et. al. 1961:137), a principle that follows not just from an interest in furthering scientific understanding (the primary “objective” of the SAA endorsed in this and later statements), but also from the principle of stewardship proposed here.

However, even the most careful excavation, and the most meticulous recording of field data, cannot collect all the information that is present in a site deposit. At the very least, our work is technologically limited. Just as the methods used by archaeologists a century ago seem primitive to us today, our current methods and techniques will seem primitive to archaeologists of the next century. It is to be expected that, as we refine our techniques of data recovery and data analysis, it will become possible to extract entirely new sorts of information from the archaeological record, at least some of which will be lost to us given present practices. This reinforces the principle, which has long governed archaeological practice, that research should not only be thorough and as technically sophisticated as we can make it, but that it should disturb only as much of the resource as is absolutely necessary to acquire the data relevant for solving the research problems at hand.

Finally, whenever we undertake excavation or collection on all or part of a site—whenever we exploit part of the archaeological record—we must accept responsibility for ensuring the long-term curation of collections and research records, and for preparing reports that document the nature of the archaeological resources that were expended. The responsibilities of stewardship require that archaeologists must serve not only as advocates for site preservation, but also for the preservation of the collections, records, and reports that result from research. This extended record is a crucial part of the cultural heritage that is held as a public trust, and it is an especially crucial resource for archaeology as a research discipline committed as it is to the verification of its results (requiring restudy).

**Partnerships**

As stewards of the archaeological record, in the broad sense(s) described here, archaeologists have a responsibility not just to conduct careful, responsibly conceived research, but to make the results of their work as widely accessible as possible. This includes a responsibility to share the specialized knowledge we produce with the various publics whose heritage is the subject of inquiry and/or who provide the funding (directly or indirectly) that supports archaeological research. This may include writing papers and books that interpret the archaeological record in a nontechnical manner, presenting public lectures, or training teachers and interpreters about archaeology. This sort of reporting and educational outreach is also critically important if archaeologists are to be effective in making a case for the value of archaeological resources and the need to actively preserve them for future generations. We cannot be effective stewards in isolation.

By extension of this commitment to education and public outreach, the values of stewardship have implications for archaeological research in all the rapidly expanding range of venues in which archaeologists are now employed. Where archaeologists have become increasingly involved in land-use planning activities, with the expansion of cultural resource management research and historic preservation programs, they are often in a position to use their specialized knowledge and influence to advocate the protection and preservation of the most significant sites. Given that archaeologists are rarely in the position of legally owning archaeological resources, the development of effective partnerships with landowners is crucial. This is one role in which archaeologists can, and must, act as advocates and educators to encourage the preservation of archaeological resources for public benefit.

**Conclusion**

In the management of archaeological resources, archaeologists must serve as technical advisers and advocates for the scientific study and long-term preservation of the archaeological record. When the stewardship principle was
articulated at the Reno workshop, there was considerable discussion about the need to avoid any impression that stewardship can be conceived as a claim of control over the archaeological record. We all recognized that competing interests and conflicts over use of the archaeological record have arisen, and will continue to arise, as these resources become more scarce. We offer these principles as guidelines in dealing with some of these conflicts. The stewardship principal is proposed as the core of an ethical system that places the highest value on the preservation of the archaeological record.

Brian Fagan has recently argued that although “basic research is important to the vitality of our discipline” a fundamental reorientation of research priorities is absolutely critical at this juncture: “Do we need so many, ever more trivial studies when fundamental, admittedly less glamorous, issues need our attention?” (1993:16). He urges that archaeologists critically scrutinize a “skewed value system” that values narrowly specialized (academic) research—“excavation, new discoveries, and publication”—as the “pinnacle of achievement,” and pay only lip service to “teaching, conservation, . . . resource management, and the administering of the archaeological record” (1993:15). The really pressing (“if less glamorous”) issues that demand archaeologists’ attention—these “issues of conservation, ethics, and basic archaeological values”—are precisely the issues and the values embodied by the newly drafted Principles of Archaeological Ethics, especially where they give central place to a principle of stewardship.

As Fagan demonstrates in clear and compelling terms, however, a serious commitment to the conservation ethic embodied in these principles requires a fundamental reorientation of archaeological practice at many levels. He is particularly concerned that the issues and basic values of conservation become a standard part of archaeological curricula, and that priority should be given to “fundamental research” addressing questions about the conditions responsible for the destruction of archaeological resources, about looting practices, and about the effectiveness of various educational and legal strategies for protecting these resources. Those involved in drafting the stewardship principle at the Reno workshop emphasized, more broadly, the need to assess all aspects of archaeological practice with an eye to determining whether it is consistent with principles of stewardship and conservation, construed as a responsibility that extends well beyond the limits of the discipline of archaeology. As a record of past human life, archaeological resources should be managed for the benefit of all people. As a body of expertise relevant for identifying, interpreting, and conserving this resource, archaeological skills and knowledge should likewise be used for the benefit of all people. This means, above all, working for the preservation of the archaeological record, and respecting the beliefs of those whose collective heritage we study.
Accountability: Responsibilities of Archaeologists to Other Interest Groups

JOE WATKINS, LYNNE GOLDSTEIN, KAREN VITELLI, AND LEIGH JENKINS

Principle No. 2: Accountability. Responsible archaeological research, including all levels of professional activities, requires an acknowledgment of public accountability and a commitment by the archaeologist to make every reasonable effort, in good faith, to consult actively with affected group(s), with the goal of establishing a working relationship that can be beneficial to the discipline and to all parties involved.

Archaeology is beginning to matter in the world beyond archaeologists. As our work gains the attention and affects the lives of more and more people, this increasing “success” demands a greater awareness of our responsibilities to our public, as well as to our colleagues and the discipline.

At the workshop in Reno, participants discussed the numerous concerns about the way archaeologists do business—not only in terms of our day-to-day activities, but also in the way we deal with the people with whom we come into contact. The discussions raised numerous points of concern, and this paper focuses on the discipline’s involvement with nonarchaeological interest groups.

This principle is explored in this paper and various key terms and concepts are presented, identified, discussed, and illustrated with examples as necessary.

“Responsible archaeological research. . .”

Archaeologists cannot perform their work with impunity, or without extensive discussions with those who may be affected by this work. If archaeology is anthropology, we must recognize that, as anthropologists, one of our primary responsibilities is to the people we study (American Anthropological Association Code of Professional Responsibility) or whose culture history we study (Society of Professional Archeologists Code). All levels of our research should carry the same level of scrutiny that our actions in dealing with people directly carry.

“. . .all levels of professional activities. . .”

Our initial tendency was to spell out all possible levels of professional activities (i.e., cultural resource inventories, scholarly reports, individual research). However, to do so would be to limit our thinking. We are dealing not only with archaeological surveys and reports, but also meetings, contracts, consultations, and many other day-to-day activities that define our profession. We must think of the process, not just the product.

“. . .public accountability. . .”

There are really two aspects to public accountability:

1) We no longer operate within a vacuum or an ivory tower, producing reports only for other archaeologists. The research we produce now may have far-reaching effects on society, both positive and negative. An archaeological report may be used to influence land claims, or a study may be used to help mitigate the impact of a construction project on the social or spiritual structure of a group. It becomes necessary to realize that the products of our research belong to the public, and we must be prepared to accept the fact that we can and do exert influences other than those of which we are immediately aware.

2) Although reports written for other archaeologists will remain important, we must also prepare reports of our research for a broader audience. We need to produce more articles, books, films, and talks for the public. To do this is not just something nice that we chalk up to “service,” it has to be seen as part of our professional responsibilities.
Although we can outline what we think is necessary to address the ethical concerns raised by the workshop attendees, there must be a commitment by all archaeologists to take these recommendations to heart and to try to work within the spirit of them.

“...every reasonable effort...”

We may not be able to contact every particular individual within a tribe, and we should not be expected to do so, but we can and should contact the elected leaders and, perhaps, the traditional leaders, of a group whose lands (aboriginal and present) or culture are the focus of our research. The key word, of course, is reasonable. Many of us can give examples of the troubles we’ve encountered trying to find a contact within a tribe or social group, but when we finally found that contact, the project usually got easier.

It is also important to realize that the group or groups involved may not be Native American tribes—they may be the people who live in the community, a historically associated group, or the people who work in the area. The point is that a responsible archaeologist will identify potentially affected groups and will make every effort to establish contact with these people.

“...in good faith...”

This again is primarily a nudging of the group conscience. It’s easy to say “Well, I tried...” and then go on to do whatever one wished. We should make sure we try to do what’s best for the discipline and the growth of good public relations.

“...consult actively...”

It should not be up to the people we study to ask us to consult with them. Rather, it should be a part of our everyday procedures and pre-research checklist to see to it that we approach those affected groups. We should want to get them involved in our research before and during the work, rather than trying to get them interested after the research has been completed. Again, the key word is “actively,” implying an aggressive attempt.

“...affected group(s)...”

It would not be possible to develop an all-inclusive list of groups with whom we deal, and we did not wish to limit ourselves to tribal or ethnic groups. We wanted to make it clear that archaeologists should consider every group of people our work might impact, including townspeople, religious groups, or social groups, as well as the more common ethnic or minority-based groups.

“...working relationship...”

This was written to emphasize the fact that we should be developing relationships—not static, one-way communication, but a continuous, open dialogue, moving back and forth between archaeologists and the groups impacted by archaeology. More significantly, a working relationship means that you don’t simply make contact when you want to do something, but you try to establish long-term ties.

“...beneficial to the discipline and all parties involved”

Ultimately, the relationships we forge must be beneficial to all parties involved. We shouldn’t remain in a relationship that is all give and no take, or the relationship sours. If we listen to the concerns of the people we study and tell them ours, perhaps we can develop an affiliation that will work.

Before closing, we’d like to present several examples to think about, none of which provides answers, but all of which outline some of the problems we face.

A Greek Example

In the Beginning, and a long time before the Beginning, God played solitaire, seldom winning, and ruining his eyes, because there was no light.

“Let there be Light!” God cried, and there was light, and it was good.

And in the morning after the light came a bill for its use, and with the bill came the need for money to pay it, and the need for a job to earn the money to pay the bill, and...
in the 40s and 50s at times, had on a small Greek fishing village during the early 1970s.

In the Beginning (if you will), the village served only the needs of its local residents—two or three streets running parallel to the coast, a small dry goods store, a coffee shop that served an occasional meal on weekends and holidays, and a church. Street vendors sold produce in season from the backs of donkeys. Enter the crew and their needs for housing and food. Initially they rented rooms behind the coffee shop and in neighboring houses; then later, they rented rooms in specially constructed additions, paid for by the rent money. The coffee shop became the dining room, and later a full-scale restaurant.

Workmen were hired at the local rate, which soon increased with the ongoing construction work. This rising cost of labor soon forced the crew to do more of the manual labor, much to the dismay of local workers who had begun to count on employment with the crew.

Lab space was also rented, and the entire operation put a strain on the local water and sewage systems.

The scene was repeated for eight years, with the crew arriving in late spring and taking off in August. Then the project was completed, the finds moved to a museum several hours away, and the archaeologists stopped coming back.

The village has returned to its sleepiness, with an overabundance of rooms to let, several restaurants that are usually empty, and an influential experience of archaeology.

The Hopi Cultural Preservation Office

The following discussion is excerpted from a paper entitled “Ethics of Field Research for the Hopi Tribe” written by Kurt Dongoske (tribal archaeologist for the Hopi Cultural Preservation Office), T. J. Ferguson (ethnohistorian, Institute of the North American West), and Michael Yeatts (staff archaeologist, Hopi Cultural Preservation Office), and presented at the ethics workshop in Reno by Leigh Jenkins (director, Hopi Cultural Preservation Office).

The Hopi Cultural Preservation Office is a tribal program whose mission is to preserve Hopi culture through cultural resources management, recover stolen sacred artifacts, sustain farming, and preserve the Hopi language. It is supported through a combination of direct funding from the Hopi tribe and supplemental funding from project sponsors who need the services it can provide.

The office employs seven Hopis in research and administration positions and four non-Indians (four full-time archaeologists and one ethnohistorian engaged in project-specific contracts). The Hopi tribe uses the skills and knowledge of these professionals to attain its own locally defined goals and objectives, but many of the specific behaviors entailed in the conduct of field research are subject to negotiation to ensure that anthropologists meet their responsibility to respect, protect, and promote the rights and welfare of those affected by their work.

One of the primary methods the office has used to address the role of and dissemination of anthropological research is through a Cultural Resources Adviser Task Team. The team is composed of about 18 clan elders and priests who function as an internal review board to comment on research designs, participate in research, help make contacts in the villages, review and evaluate research findings, and provide guidance on how that research should be disseminated. Thus, all anthropological research undertaken by the Hopi Cultural Preservation Office entails active participation of tribal members at the village level as well as at the tribal governmental level.

Ultimately, the legal rights of the Hopi Tribe vis á vis anthropological research are enumerated in the research contracts let to consultants, and this helps to clarify ethical issues so that all parties understand what is expected and why. As important as legal contracts, however, are the close personal relationships that are cultivated between anthropologists and Hopis who work together to meet the objectives of the Hopi Cultural Preservation Office.

A Russian American Cemetery in California

For several years, the University of Wisconsin-Milwaukee conducted excavations of the historic Russian American cemetery at Fort Ross Historic Park, Sonoma County, California. Settlement at Fort Ross by the Russians was from 1812 to 1841, and included a number of Native Alaskans who accompanied the Russians, as well as some local Kashaya Pomo and Bodega Miwok natives. The location of the cemetery associated
with the settlement was not clear, and posed problems for interpretation from the perspective of the park and for appropriate treatment from the perspective of the two branches of the Russian Orthodox Church. From an archaeological perspective, the cemetery could provide answers to a variety of questions that could not otherwise be addressed about the settlement.

This was not a project where the cemetery was directly or immediately threatened, but it was a project in which each party had a specific agenda and specific goals. These goals were not necessarily in conflict but they did not completely overlap.

The first step in fulfilling professional responsibility was getting permission to excavate the cemetery. In the case of Fort Ross, getting permission meant getting permission from several offices in the state parks department, the county coroner’s office, the Native American Heritage Commission, local Pomo and Miwok tribes, Native Alaskan groups, and two branches of the church. Any one group could have stopped the entire project. Getting permission took 18 months. While one may have felt or argued that was the limit of the archaeologists’ professional responsibility, this was not the case. Each representative from each group was invited to visit, as well as participate or direct the reburial ceremonies. A written report was presented to each representative for each year, along with photographs of the excavations. Several public lectures were presented, and popular articles were prepared. Park staff were briefed and given advice on interpretive possibilities.

Technically, it was not the responsibility of the archaeologist to rebury the remains or to be concerned with cemetery reconstruction—this was the purview of the state parks system. However, the day-to-day working relationships in the project were established by the archaeologist, and the community representatives looked to the archaeologist for assistance. This is especially relevant because the state parks system underwent massive reorganization during the course of the project. To a very real extent, the archaeologist was the only common denominator in personnel. While it is likely that what needed to be done would have been done by the folks responsible in the parks system, action would have likely been delayed and people would have been upset. Because the archaeologist took the responsibility to accommodate all representatives, the project went more smoothly and long-term relationships were developed and strengthened.

The cemetery project represents successful cooperation between a diverse set of individuals and institutions whose common denominator was an interest in the archaeology of the cemetery, regardless of other separate agendas. Even though the nature of the interests was very different, the focus of the project, its completion, and what could be learned provided a way that all groups could work together.

Minnetrista Council for Great Lakes Native American Studies

The final example of professional responsibility is provided by a recent experience in the midwestern United States. A group of about 10 archaeologists and cultural anthropologists were invited to participate in a discussion with the Minnetrista Council for Great Lakes Native American Studies. The council is a consortium of over 20 Woodland Indian tribes who meet quarterly to work to preserve and promote the cultures of Great Lakes Woodland Indian people. Each of the 10 professionals gave a 10-minute overview of their research; then the floor was open for questions. The audience included nearly 100 people, many of whom were tribal leaders and elders. Several hours of questions, answers, and discussion took place, and people attending the session felt that it was a positive experience. Not all of the questions were friendly and not all of the answers were what people wanted to hear. However, the discussion was open, honest, and conducted in an atmosphere of mutual respect. This particular meeting and future discussions will not likely resolve any specific issue; however, the discussions may educate both Indian people and archaeologists in terms of knowledge about Woodland cultures and of what one may learn from the other. Such workshops cannot help but benefit everyone.

The Minnetrista Council is dedicated to preserving and promoting Woodland Indian culture, and because of this, they recognize that archaeology has an important role to play. Fortunately, archaeologists are beginning to realize their responsibility in helping Minnetrista achieve that goal.
These examples don't all have happy endings, and there are certainly as many examples in which an archaeologist tried to be responsible and accountable and was rebuffed by the people affected. It is not realistic to assume that every case will result in greater understanding and lasting relationships. However, it is important that archaeologists incorporate the process of consultation and cooperation. For an archaeologist to conduct responsible archaeological research requires that the archaeologist take the notions of professional responsibility and public accountability seriously. We hope that these examples provide a context and some diversity in outlining the scope of professional responsibilities to nonarchaeological interest groups.
Commercialization: Beyond the Law or Above It? Ethics and the Selling of the Archaeological Record

LARRY E. MURPHY, MARY C. BEAUDRY, RICHARD E. W. ADAMS, AND JAMES A. BROWN

Principle No. 3: Commercialization. The Society for American Archaeology has recognized that the buying and selling of objects from archaeological contexts is contributing to the destruction of the archaeological record on the American continent and around the world. Commercialization of objects from the archaeological record results in these objects being unscientifically removed from sites, destroying contextual information that is essential to understanding archaeological resources. Archaeologists should abstain from any activity that enhances the commercial value of archaeological objects not curated in public institutions, or readily available for scientific study, public interpretation, and display.

In November 1993 the Society for American Archaeology archaeological ethics working committee reached a consensus in November 1993 and generated a set of ethical principles to serve as guidelines for responsible archaeological research for society members. The first principle from which the others follow recognizes increasing worldwide threats to rapidly diminishing archaeological resources, extends the concept of the archaeological record to include all associated materials and documents, and, most important, emphasizes the primary role of archaeologists as stewards of the entirety of the archaeological record as a public trust. Stewardship primacy focuses archaeologists’ ethical decisions upon preservation in the conduct of research, advocacy, public education, and associated activities. Fundamentally, stewardship incorporates professional responsibility to actively and broadly engage in protection and conservation of the archaeological record and to ensure public ownership and access.

Increasing archaeological degradation fueled by mounting pressure for diverse commercial disposition of artifacts as international commodities forces a reevaluation of past ethical positions. Growing public and professional concern coupled with multiple, sometimes conflicting group interests, has prompted reconsideration of the society’s 1961 ethical statement that restricted society members from engaging in direct commercial exploitation of archaeological materials stating “inasmuch as buying and selling of artifacts usually results in the loss of context and cultural associations, the practice is censured” (Champe et al.:137) and, more recently, the bylaws in a more general approach encourage elimination of commercialism (SAA bylaws:Article II.7).

Principle No. 3 formulated by the SAA Ethics in Archaeology Committee builds upon and augments the 1961 statement as follows:

The Society for American Archaeology has recognized that buying and selling of objects from archaeological contexts is contributing to the destruction of the archaeological record on the American continent and around the world. Commercialization of objects from the archaeological record results in such materials being unscientifically removed from sites, destroying contextual information that is essential to understanding archaeological resources. Archaeologists must abstain from any activity that is related to, or promotes, the wanton destruction of the archaeological record. Archaeologists should also abstain from any activity that enhances the commercial value of archaeological objects not curated in public institutions, or readily available for scientific study, public interpretation, and display.
Commodification

Inherent in this statement of principle is the understanding that commercialization of archaeological objects is not simply an act of buying and selling, but a much more complex process that can be called commodification. Commodification is the process through which objects of archaeological value are transformed through market activities into commodities with monetary value and transferred from public ownership to private. The transfer from public to private ownership removes materials from the archaeological record as defined by the principle of stewardship. Even if materials are competently described, unless they are readily available for reexamination, they do not comprise part of the scientific archaeological data base and cannot be seriously considered for scholarly purposes.

Commercialization in the widest sense includes activities that in any way enhance or facilitate the market for archaeological materials or commercialization of archaeological sites, and they can fall anywhere on the logical continuum from direct and deliberate to indirect and inadvertent. Direct involvement is usually obvious, while indirect involvement can be subtle, but just as detrimental to the archaeological record. Indirect involvement includes service activities such as monetary appraisals, conservation, authentication, dating, and validation of archaeological materials intended for sale.

International art dealers, auction houses, and intermediate dealers rely heavily on archaeological expertise, which establishes and enhances market value, in order to create or enhance demand and raise prices, consequently increasing site looting. Some public museums attempting to counter their indirect impact on market prices and structure are discussing the possibility of declaring their collections worth zero dollars for insurance purposes because they are irreplaceable. In such situations the current cost of duplicating the original research and curation is used for insurance purposes.

There can also be unforeseen and perhaps unavoidable consequences of scholarly research that increase demand for artifacts or precipitate commercial interests in new material—it is incumbent upon professional archaeologists to become fully aware of the commodification process and anticipate and avoid possible market consequences of their activities. Recently, some archaeologists have refrained from publishing artifact descriptions for items demanded by an aggressive market and particularly effective site and feature location models, relying instead on collegial discussion among professional archaeologists for information exchange. Occasionally, stewardship concerns must take precedence over publication.

Advocacy

Archaeologists are and must be the principal advocates for the archaeological record. Archaeological advocacy must extend to the entirety of the archaeological record wherever it occurs. A reflection of this advocacy position is the professional restriction long held against site looting, which is obviously destructive to the archaeological record, and the trade in illicit artifacts, which clearly contributes to site looting. There is little question that looting is unethical. There is, however an important distinction between ethical and legal considerations. Many countries have enacted increasingly restrictive legislation banning looting and illicit export of cultural materials. In the Mediterranean and Near Eastern countries where antiquities trade has been outlawed, the volume of illegal trade has diminished demonstrably. No country of the world has rescinded laws prohibiting the antiquities trade (Ilan, Dahari, and Avni 1989). Not all countries currently have restrictive antiquities legislation: some allow or even encourage destructive commercial exploitation, contrary to the tenets of stewardship. Consequently, it is unethical for archaeologists to participate in any way in that exploitation, even if legal in a foreign country.

In the United States, a situation exists that has some similarities with the international example. Commercial shipwreck exploitation is allowed in many coastal states, and in some cases actively encouraged. Typically, the state retains some of the recovered material, the remainder going to the salvor for disposition to investors. There are some attempts to incorporate archaeological documentation in the salvage operation, and a professional’s participation is sometimes a requirement of the permitting process. In this case, the collaborative participation of the archaeologist is necessary for the commercial exploitation to take place. This system has met with little success in documenting archaeological
materials, but has led to the wholesale destruction of many submerged historical sites. Professional archaeological involvement in this process is unethical because it violates the principle of stewardship, although it is technically legal. At present, submerged historical sites do not have parity with terrestrial sites, and practices allowed on shipwrecks are illegal on terrestrial sites. Those few archaeologists actively involved in commercial salvage and exploitation of shipwrecks and other sites rely on three justifications: It’s legal; it constitutes site impact mitigation; and some data are always better than no data.

Legality does not and cannot determine professional archaeological ethics if stewardship is presupposed. Either SAA sets its ethical standards based on specific archaeological principles, or it accepts a legal least-common denominator approach. If stewardship is accepted as the primary principle, then professional ethics clearly take precedence when activities are contemplated that are destructive to the archaeological record or contribute to commodification of archaeological materials. Advocacy here takes the form of actively lobbying to change the offending laws to ensure preservation of the archaeological record.

The argument that participation in commercial activities is a CRM mitigation effort is a variation on the legal argument, but with a contradiction. CRM legislation and practices were developed to offset unavoidable archaeological damage occurring secondarily to socially determined construction projects. With commercial salvage, a private firm has decided that it will directly impact an archaeological site solely for marketable materials, and the archaeological activity is carried out to mitigate the salvage impact — thus the participating archaeologists are mitigating their own impact!

The final justification appears in many contexts. The “some data are better than no data” argument, which Wylie has termed the “salvage principle” (1991:2), is frequently cited. The argument generally insists that archaeologists’ first responsibility is to recover or save whatever information they can rather than compound site destruction by also losing data potentially useful for research purposes. Generally, archaeologists have salvaged little valuable information from materials out of context or from commercial salvage operations, and data usefulness and scientific value ultimately depend upon the research questions posed. There are no compelling examples of successful collaboration between archaeologists and commercial salvage companies or looters. There can be some useful data generated from looted or commercially recovered materials in the short term, but the participation of an archaeologist has the direct effect of legitimating and enhancing the value of looting and commercially destructive processes. This legitimation ultimately leads to further site destruction and seriously violates the principles of stewardship in several ways: by conducting research for other than solving specific research problems; by conducting full excavation when partial excavation would likely otherwise be necessary; and by dispersal of the archaeological materials into private ownership, removing them from the archaeological record available for study. Use of data generated through this process is unethical because it also contributes to the destruction processes through professional legitimation. The justification that one may as well use the data from an unethically excavated site shares much with the argument that we may as well use illegally obtained African ivory because the elephant is already dead. In sum, it is better to lose some information than actively to participate in destruction of the archaeological record.

One of the most frightening side effects of the willingness of some archaeologists to collaborate with commercial interests is that the profession as a whole has been put on the spot and forced to justify itself, when it should properly be the despoilers of our collective heritage that should be justifying themselves. Collaborators seek to cloud the essential issue by claiming that they, in fact, are following principles of stewardship by salvaging data that would be otherwise utterly lost.

The notion that archaeology is only about data recovery—any data, at any cost—is insidious and retrograde, because it offers a complacent formulation that so long as something—anything—is learned from activities that otherwise constitute abhorrent violations of the principle of stewardship, the goals of archaeological stewardship have been met. This formulation is myopic and self-justifying. Concern is for immediate impact to specific resources, with little attention to potential long-term effects to the profession and the resource base as a whole. Any form of archaeology, however well done, that contributes
to down-the-line destruction of archaeological resources, for instance by legitimating commercial exploitation because participating archaeologists are satisfied with just getting the information, cannot be tolerated in view of the rapid attrition of worldwide archaeological resources.

Collections

Archaeological collections are important repositories of material data that can be tapped again and again by researchers contributing directly to the scientific and cumulative nature of archaeology. Continued curation and access can normally only be accommodated by public institutions. Museums and other public repositories of segments of the archaeological record must be cautious lest their acquisitions contribute to commercialization and site destruction. Institutional acquisitions may inadvertently enhance market value of classes of material that contribute to increase in looting in ways similar to activities of archaeologists. For example, receipt of unprovenienced, looted, or unethically excavated material can directly legitimize those activities. In a recent instance, a commercial treasure hunter donated (for a tax benefit) the so-called base artifacts to a museum, and used this fact in promotional literature soliciting additional investors. Acceptance of private collections of archaeological materials must be carefully examined in relation to the principle of stewardship.

Conclusion

Archaeological ethics involves concern for legitimate stakeholders, which in this context, can be defined as all whose interests are congruent with stewardship. It does not, however, admit as legitimate stakeholders constituencies whose actions and values run contrary to the stewardship principle. This crucial distinction lies behind the need to establish a set of ethical standards for the society that surpasses the minimum legal approach. Under the principle of stewardship, members of the profession (as defined through SAA membership) must take on the active role of advocates for the resource base and its long-term protection as the primary operational ethical principle and abstain from participation in any aspect of commercialization of the sites, objects, and materials that constitute the archaeological record.
Public Education and Outreach: The Obligation to Educate

ELLEN HERSHEY AND FRANCIS P. McMANAMON

Principle No. 4: Public Education and Outreach. Archaeologists shall reach out to the public to: (1) enlist its support for the stewardship of the archaeological record, (2) explain and promote the use of methods and techniques of archaeology in understanding human behavior and culture, and (3) explain archaeological interpretations of the past. A variety of audiences exist for these education and outreach efforts, including students, teachers, lawmakers, Native Americans, government officials, environmentalists, service organizations, retirees, reporters, and journalists. Archaeologists who are unable to undertake public education and outreach directly shall encourage and support the efforts of others in these activities. Archaeologists should participate in cooperative efforts with others interested in the archaeological record so that preservation, protection, and interpretation of the record may be improved.

Many archaeological organizations and public agencies concerned with archaeology are increasingly highlighting public education and outreach in their programs. The Society for American Archaeology (SAA), the Society for Historical Archaeology (SHA), and the Archaeological Institute of America (AIA) all have active professional committees on public education. The Save the Past for the Future project, a cooperative effort of SAA and a variety of public agencies and private organizations, developed an action plan calling for a series of public education activities of many sorts (SAA 1990). This has led to educational programs for teachers, a public traveling exhibit of archaeological education publications, and a national network of archaeologists and educators interested in public education and outreach.

Recent annual meetings of SHA have included several symposia on the topic of public education and outreach. AIA has long been involved in public education through its popular magazine, Archaeology, and its local society lecture series. It is a partner in the development of the Learning Channel series, “Archaeology,” and has been expanding to other venues a St. Louis–based program for public school children. Through its annual publication, Fieldwork Opportunities Bulletin, AIA facilitates public and student participation in archaeological research; it also sponsors archaeological tours worldwide. The American Schools of Oriental Research (ASOR) regularly has a session on archaeology for school teachers at its annual meeting.

At the federal level, the Bureau of Land Management has developed a nationwide public education and outreach program. The Forest Service has for several years been providing opportunities for the public to visit or take part in professionally run archaeological investigations through its Passports in Time program. The National Park Service has been providing public interpretations at its archaeological units for many of its 75 years, and these are in a continual process of upgrading. Over two dozen states have statewide Archaeology Weeks; two states, Arizona and Virginia, have expanded these into Archaeology Months! Other agencies at the national, state, tribal, and local levels are undertaking similar public education efforts. The number and range of such educational activities are reflected in the Listing of Education in Archeological Programs (LEAP), maintained by the National Park Service’s Archeological Assistance Division, which currently includes nearly 2,000 entries.

The rationale given for such educational activities has generally been twofold: the need to ensure continuing public support (i.e., funding) for archaeology, and the need to enlist public cooperation in efforts to protect archaeological sites from looting, vandalism, and economic development. Formulated in this manner, the
motivation for public education, especially among North American archaeologists, would appear to be primarily one of self-interest, rather than the prescript of an ethical principle. Governmental agencies' direct dependence on public support also suggests one reason why various federal, state, and local bodies have long been in the forefront of educational activities. However, many Old World archaeologists, who often rely heavily on private sector support, have also conducted effective public outreach specifically for fund-raising purposes.\(^1\)

Wider professional concern appears to have developed more recently, mainly in response to the crisis of looting and site vandalism, as archaeologists in all parts of the world have seen "their" resource base disappearing. Public education as a protective strategy received codification in the 1988 amendments to the Archaeological Resources Protection Act (ARPA), Section 10(c), which called for federal agencies to establish outreach programs "to increase public awareness of the significance of the archaeological resources located on public and Indian lands and the need to protect such resources" (McManamon 1991).

The concept of stewardship, however, puts a different perspective on the need for public education and outreach. If the archaeological record is considered a public trust, communicating to the public an understanding of its heritage becomes an essential element of the archaeologist's role as steward. While some archaeologists may be more skilled than others at public outreach, all in the profession can surely contribute in some way. Furthermore, institutions, professional associations, and other archaeological organizations must find ways to actively encourage and reward education and outreach endeavors (e.g., Milanich 1991; Redman 1989; Smith 1993).

It is also true that the public understanding of the archaeological record is too important to leave to others. If archaeologists do not weigh in on how archaeology helps us understand the past and present, others will define archaeological sites as only useful as development locations or gold mines.

It is perhaps in academia that the acknowledgment of this responsibility has been slowest (e.g., Fagan 1993). The way in which public outreach activities are taken into account in performance evaluation and tenure decisions is one area that needs to be examined. Is due credit given for public lecturing, talks to schools, leading tours, writing guidebooks or articles for *Archaeology* magazine? At the graduate level, communication with the general public should be taught, and students' communication skills assessed and rewarded. Many departments need to reconsider the way in which undergraduate introductory level archaeology courses are assigned and taught: such courses are frequently very popular, and they may be the only formal exposure to archaeology that many future members of the educated public ever receive. They need to be taught by the best instructors, not relegated as the undesirable necessity to those with the lowest seniority.

Outside the academic community, many different "publics" exist who need to be reached. To be most effective, the archaeological "message" needs to be related to the existing interests of these groups. Within the general public, there are groups such as Boy Scouts, Girl Scouts, community service organizations, nature resource conservation organizations, outdoor recreation enthusiasts, and travel buffs, who may well have a natural affinity (McManamon 1991b). Others may simply be interested in knowing more about their local community.

One important group, the travel and tourism industry, may have a commercial interest in archaeology which can be developed in a more positive direction by better direct communication with professional archaeologists. Cultural tourism holds certain pitfalls, for example when the effects of hordes of visitors threaten the preservation of the most popular sites (such as the Parthenon and the Valley of the Kings). Outreach to this industry could demonstrate the interest and appeal of lesser-known sites, thus dispersing the impact of tourism while broadening the public understanding and appreciation of archaeological remains.

Another important public is pre-college students and their teachers. It is probably unlikely that formal courses in archaeology, or even extended units, will ever become common in American schools, but archaeology is uniquely suited for integration in the existing curricula of elementary and secondary schools. It utilizes a wide range of disciplines in the humanities and the social, biological, mathematical, and physical
sciences. This interdisciplinary approach, and archaeology’s emphasis on problem solving, and hypothesis building and testing, correspond to increasingly high priorities in education. The Arizona Archaeology Council has made pioneering efforts in this area, developing supplemental archaeological activities that can be utilized within the subjects that teachers are already required to cover. The need for archaeologists to work closely with teachers in developing methods and materials must be stressed, so that all involved understand that digging up the schoolyard by unqualified individuals is not “archaeology.”

SAA’s Public Education Committee is already actively involved in these efforts, but public education and outreach need to be regarded as the responsibility of all SAA members. Public outreach as one of the ethical principles will help promote this awareness. SAA might also consider other ways of enhancing the status of public outreach within the profession, perhaps by establishing an annual award to a member who has made outstanding contributions in this area.

Since much of what the public knows about archaeology comes from the popular media, individual archaeologists and professional organizations such as SAA should provide continual feedback, both positive and negative, to the sources regarding the content of these reports. Supporting materials, such as letters to the editor, should be sent when high-caliber articles and programs appear, while objections should be raised when stories glamorize collecting or characterize archaeology as treasure hunting. SAA’s award for outstanding coverage of archaeology in newspapers or magazines, the Gene S. Stuart Award (established in 1994), is one way of recognizing and encouraging such journalism.

There is also a need for better coordination and cooperation among the various groups engaged in archaeological outreach. There is considerable activity throughout the country, but little coordination at the national level. LEAP is an important step toward increasing awareness of what others are doing and what is available, and is thus helpful in discouraging duplication of efforts. The National Park Service is currently planning an evaluation of LEAP, with the aim of improving its effectiveness even more. But SAA and other national professional associations need to work together to coordinate their efforts and support the activities of one another. In the eyes of the public, “Archaeology” is not broken down into our various disciplinary specialties, but is one fascinating field. We must build on this interest: our resources are too few and the task at hand too great to undertake without a united front.

Notes

Chippindale and Pendergast (in this volume) make the point that most archaeological work ultimately depends on public resources, either directly or indirectly.
Intellectual Property: Ethics, Knowledge, and Publication

CHRISTOPHER CHIPPINDALE AND DAVID M. PENDERGAST

Principle No. 5: Intellectual Property.

Intellectual property, as contained in knowledge and documents created through the study of archaeological resources, is part of the archaeological record and, therefore, is held in stewardship rather than as a matter of personal possession. If there is a compelling reason, and no legal restrictions, a researcher may have exclusive access to original materials and documents for a limited and reasonable time, after which these materials and documents must be made available to others. Knowledge must be made available, by publication or otherwise, within a reasonable time and documents deposited in a suitable place for permanent safekeeping. The preservation and protection of in situ archaeological sites must be considered in the publication or distribution of information about them.

As editors of journals, Antiquity and Latin American Antiquity, it has fallen upon us to address those ethical aspects that deal with publication and access to knowledge. We approach this in the broad framework of intellectual property, which encompasses also the broader issues of ownership of and responsibility for knowledge and ideas about the past.

In this aspect, as others that the working party has been examining for the Society for American Archaeology, we think it best to set down broad fundamentals that address the principles. We do not think it useful for the society to set down an ethical code for this and other areas in which those broad fundamentals are then equated with a detailed quasilegal set of regulations. Chippindale has experience both as complainer and as the target of complaints regarding ethical codes in Great Britain that are long, exacting, and quasilegal—such as those of the Museums Association and the Institute of Field Archaeologists (equivalent in Britain to SOPA)—and does not think them useful; as the amateur attorneys who write the detailed regulations cannot anticipate the exact circumstances of any case that will arise, the detailed rule is not to be relied on.

For the same reason, we do not attempt to define words such as “reasonable,” whose meaning in any specific circumstances must be a matter of judgment.

Ideas and the Public Domain

This section contains necessary preliminary remarks about knowledge, its private possession, and its public nature.

Knowledge, which is created by human beings, is not generally a matter of private possession. Each is free to hold private what he or she knows, but our culture’s custom is to regard knowledge and ideas as public once they are communicated from one person to an open community. North American and other western law zealously protects private material property, but does not provide for the private ownership of ideas. Once ideas are disseminated and in circulation, they belong to no one; any other individual is free to do as he or she will with ideas. This fundamental comes to many people as a surprise, especially when they see the little signs of private control and possession that increasingly infest printed books—the ™ for trademark, the ® for registered, the © for copyright. The proliferation of these signs, and the legal defense of what they stand for, shows not that knowledge is private, but that it tends to become and is more commonly public; the signs are printed by those who try to hold private many things that are being pulled strongly into the public domain.

Of these signs, the trademark and the registered mark are not our concern, as affecting commercial products only. Copyright is the relevant one for us.
Copyright protects creative workers, scientific researchers included, by reserving to them private rights to own their work and to control its use. Copyright exists in all written and graphic work, and belongs in the first instance to the person who created the work. It ensures that the work will remain the sole property of the creator for a defined period, typically the whole of the creator’s life, plus a defined period such as 50 years after death. While it is in copyright, the creator controls the work, and is free to refuse, permit, or license its reuse by others on whatever terms the creator sees fit. After this defined period, the copyright expires and the work passes into the public domain, where anyone is free to use it at will.

Central to copyright is the notion that it is the form of expression which is protected, not the underlying information or idea. Most important is the limited definition of “the work.” The work for copyright purposes is not the ideas and knowledge in the generality, but the particular words and pictures in which those ideas and knowledge are expressed. One of us, for example, recently published a paper on the collecting of prehistoric Greek figurines (Gill and Chippindale 1993). The wording of the paper is our copyright because we wrote it. The ideas are not, and anyone is free to use them, to the extent of their being free to publish a close synopsis of the same thing, provided only they do not use exactly our words and pictures. And we will as researchers be pleased if our knowledge of the subject, which itself depends on the work of our predecessors, is shared and propagated among colleagues. We will be delighted if our view, very much a minority opinion at present, is so taken up by colleagues that it becomes the common frame of knowledge about Cycladic collecting. It is in our interest, since we think our work has some merit, that it become common knowledge, rather than remain in our private grasp.

Other provisions, like patents and trademark laws, protect inventors and creators, but again in a narrow way. A patent protects the rights of the inventor of a particular mechanism, but not a very general idea; and patents run for a comparatively few years, after which the mechanism is in the public domain. Again, see how something is reserved in private possession for a brief period, before moving into a permanent place in the public arena.

Archaeology as Public Knowledge Held in Stewardship

We mention copyright initially, because it is central to regulating flow of information; we find it expresses in a relevant legal sphere just that view of the past that is central to the proposed SAA code of ethics. That is not happenstance. The very word “publication” means to make public, and once a work is made public, the private rights over it begin to come to an end. An individual’s creative work is not reserved for its creator for more than a limited number of years. This may surprise members who are not familiar with copyright law, but it is the unchallenged framework within which legal jurisdictions and public policy view these things in the western world. For once, both law and accepted public attitudes coincide with good archaeological and scholarly practice!

All members may want their work to be known to colleagues and to influence them, just as the archaeological community as a whole wants archaeological knowledge to be known and to be influential on the wide world, so a generous view of giving knowledge out rather than holding it in expresses well our common ambition.

The defining statement of our suggested code states, “Our responsibility is to hold in trust this common property, to keep it safe, and to pass it and our knowledge of it on to our successors.” In looking at particular aspects that concern intellectual property, then, we wish to ensure full respect for individual rights within an overall framework that knowledge about the past belongs normally in the public domain.

Therefore, intellectual property, as contained in knowledge and documents created during archaeological work, is part of the archaeological record and is held in stewardship, rather than regarded as a matter of private possession.

The rest of this short paper addresses aspects of this plain truth. It also addresses circumstances where individual rights may override that larger principle, or where one individual’s rights may run counter to another’s. Throughout we follow the principle that the private interest may allow knowledge or access to knowledge to be withdrawn from public stewardship with good cause and for limited periods.
Fieldwork, Destruction, and the Archaeological Record

Most archaeological fieldwork involves a measure of destruction of an archaeological resource, whether caused by the archaeological research itself or instigated in other ways, for which the collected artifacts, samples, and other materials with the archaeologist’s written and graphic account provide a mitigating substitute. Because that archaeological record was already in a public domain, it follows that the collected information which now has to substitute for the archaeological resource itself rightly belongs in the public domain. It is not right to substitute for that common good an abstract from it which is in private possession.

No special wording is needed to cover this point, which is sufficiently important to deserve notice here.

Public Funding and Archaeological Knowledge

Most archaeological work is funded from public resources, either directly via publicly supported universities and museums, or federal, state, and local government agencies, or indirectly via the benefits offered by government to patrons and nonprofit ventures. It is therefore incumbent on the researcher to return to the public the benefits, in the form of archaeological knowledge, that derive from that public support. Again, no special wording is needed.

Reserved Access to Materials

A researcher needs full and unhindered access to research materials and field records in order to develop from them a systematic knowledge. It is reasonable that a researcher reserve materials and records for a limited period before making them generally available to other researchers, when that special access makes it easier to develop knowledge.

When material and records are reserved in this way, then it is especially incumbent on the researcher to make available that knowledge which arises from the period of reserve.

It is not reasonable for a researcher to reserve materials and records for a lengthy period without actively working on them, or making knowledge about them available. (In this regard, a wish or intention to do such work or to make that knowledge available is not the same as actually doing the work or making knowledge available!) Therefore, a researcher may have exclusive access to original materials and records for a limited and reasonable time, after which they must be made available to others.

Making Knowledge Available and Securing It for the Long Term

Knowledge is transient and insecure when it only exists in the mind and memory of the researcher. It is essential that it be made available; publication is the conventional means of doing this. When publication is not appropriate, other means of making knowledge available are, such as maintaining records at a site register, museum, or other permanent institution. Because the physical materials lose value if they are separated from the records made of them and their origin, they need to be kept together.

Therefore, knowledge must be made available, by publication or otherwise, within a reasonable period, and documents deposited in a suitable place for permanent safekeeping along with the physical materials.

Knowledge with Commercial Value

There are two common circumstances where the commitment to disseminating knowledge is sometimes abridged or overruled. These circumstances involve commercial value and damage. Archaeological knowledge, especially from work under salvage conditions, may have some commercial and financial implications; often, the archaeological study was done under contract on a commercial basis. This is reasonable, but it amounts to the removing of the archaeological resource from the public into a private domain.

Therefore, archaeologists, when working under commercial contract, for a client who requires confidentiality, or with knowledge which has some commercial value, should maximize the degree to which that knowledge is publicly available (or will be available, after some reasonable and limited time, or when the cause for commercial value or confidentiality ends) and minimize the degree to which it is kept private indefinitely.
Knowledge Whose Availability May Be Damaging to the Archaeological Record

The free public circulation of some archaeological knowledge may endanger archaeological resources; for instance, the making public of find locations may lead looters to sites. As the preservation of the resource is more important, its safety is the overriding concern.

Therefore, when dissemination of archeological knowledge may put archaeological resources at risk, it should not be made public; instead it should be made available in a limited way that safeguards the resource.

In extreme circumstances, for instance if there is no secure institution where knowledge of site locations may be held in confidence, an archaeologist behaves ethically in keeping private the archaeological knowledge. It is better to lose the knowledge than to lose the resource.

Fair Dealing with Colleagues and the Knowledge They Create

The nature of copyright, which defends the way ideas are expressed rather than the ideas themselves, meshes well with the enduring commitment of researchers to maintain an open community in which knowledge is freely available. Copyright protects against direct theft: if some villain reproduces Gill and Chippindale’s Cycladic work by copying it wholesale in the self-same words under the pretense it is their own, then the villain breaches copyright law.

Recognition of plagiarism as a scholarly crime protects against the less direct theft that occurs when the work is copied and passed off as the copier’s own, but does not use quite the same words and is therefore not in direct breach of copyright.

A difficult area can concern knowledge generated by junior researchers, working on their own or in collaboration with supervisors or senior researchers, where pressures of status, patronage, or access to research resources may incline the senior to appropriate, or unfairly benefit from, work that is rightly the credit of the junior. This unethical practice is an old habit in some quarters, on the pretense that the work done by a research student somehow “belongs” to the research supervisor; it does not.

Finally, the issue of fair treatment arises in the uses to which publications may be put. It is clear that scholarly publications are properly the place for, and must be restricted to, presentation of data and conclusions derived from research. Such publications should not serve as a venue for political discussions, or for personal attacks on colleagues or on individuals beyond the academic sphere.

Therefore, an archaeologist should deal fairly in respect of others who create knowledge, and should not take possession of others’ work, and should not use scholarly publications for political or other purposes unrelated to the dissemination of knowledge.

In Conclusion

A more detailed, or quasilegal, code would find other aspects to knowledge and intellectual property worthy of specific notice. We hope these general statements, and the gloss provided in respect of some particularly contentious issues, suffice.

It is impossible to convey in an ethical code, with its inescapable attention to that which is wrong, much that is right and good. We think it is important to affirm the positive benefit of an open attitude to knowledge, save only those aspects of knowledge that put the archaeological resource at risk. We notice how much the archaeological and the wider communities benefit from those scholars who make their research materials and their work available in generous spirit, who share their knowledge in contrast with those amongst us who keep things back. We see how much the community benefits from that generosity, in matters large and small. We also see how those scholars who give much are often rewarded; there need be no conflict between the interest of the community and the interest of the individual in these matters.
NOTE

The originator of the copyright can transfer the copyright to another individual or body. In this case, we have transferred our copyright to the Archaeological Institute of America, by agreement with the institute as publisher of our paper. Employing institutions often take over the copyright in the creative work done by their employees, by virtue of having paid for its creation. Who or what controls the copyright in any one case, such as our journal paper, does not affect the issue under discussion.
Archaeological Records Preservation:
An Ethical Obligation

NANCY J. PAREZO AND DON D. FOWLER

Principle No. 6: Records and Preservation. Archaeologists shall work actively for the preservation of, and long-term access to, archaeological collections, records, and reports. Archaeologists shall also promote actions by others that lead to these ends. Archaeologists shall encourage colleagues, students, and others to make responsible use of collections, records, and reports in their research as one means of preserving the in situ archaeological record, and of providing more attention and care to the portion of the archaeological record that has been removed and incorporated into archaeological collections, records, and reports.

The archaeological record contains primary information required for understanding the histories and activities of humanity, in the past and present. This record in its broadest sense is a unique resource for studying human cultural development and diversity; it is available in no other form. In addition, documents relating to archaeological activities have value for the history of the discipline and its contributions to the development of the sciences and humanities. Archaeological materials, artifacts, sites, and records are irreplaceable and essential for future research, education, and the continued pursuit of knowledge. Proper stewardship of all archaeological materials and records is essential for the effective management and future use of the archaeological database and current and future interpretation of the past.

Archaeologists have always pointed to careful scientific recording of research data as one of the characteristics of professionalism. Archaeologists, as individuals interested in the interpretation of the past, have long been deeply and actively concerned with preserving “essential” artifactual and primary data. Over the years what constitutes “essential” data to be preserved has expanded. In the realm of artifacts, essential data have moved from decontextualized whole pots intended for museum display, to carefully provenienced pot sherds, ecofacts, and debitage. In the records realm, essential data now include not only primary field notes, but all records in all media relating to the conduct of archaeology and the curation of its materials. While archaeologists have long curated artifacts obtained through survey or excavation, and usually preserved primary field notes, they have only recently begun to properly keep “secondary” records. That is, records produced before, during, and after a research project—records in all forms that contain analytical, contextual, and historical information. This change in attitude is in part due to changed conditions of research and the development of cultural resource management (CRM). CRM practitioners routinely seek out extant field notes, maps, and other useful forms of data to provide context and background to contract research. In addition, few, if any, archaeologists work in pristine, previously uninvestigated areas. Many are reexcavating or otherwise examining previously excavated or recorded (and, often, previously looted) sites, and reanalyzing previously excavated materials. In all cases, documentary records from earlier work are critical. Properly preserved and curated unpublished records are as important to the continued health of archaeology as are artifacts and access to undamaged sites.

While archaeologists have been cognizant of the need to preserve artifacts and associated field records, proper preservation of other information-carrying records has often failed. All too often such records in individual and institutional hands are destroyed, physically degraded, or scattered, because of a combination of factors: lack of proper storage facilities, insufficient funds to hire professional archivists, use of
improper methods of curation, and low priority
given by funding agencies and reviewers to long-
term preservation of such materials. Other factors
include the uncertainty of archaeologists as to
what to do with their papers, whether they are
“finished” with them, and whether or not some
documents are private property. The result is that
many documentary and data-carrying records are
not turned over to a proper public repository,
resulting in an irretrievable loss for archaeology.

Definition of the Archaeological
Record

The archaeological record consists of
unexcavated or otherwise in situ artifacts,
ecofacts, chronometric specimens, and associated
contextual material, as well as historic and
prehistoric materials that have been properly
removed or collected during a survey, excava-
tion, or some other form of archaeological work,
together with all associated records and docu-
mentary materials.

Documentary records consist of documents in
any form generated during the course of archaeo-
logical work, from initial planning through
fieldwork, analysis, report production, and
curation. These include, but are not limited to,
field records (such as site survey forms or
specimen provenience catalogs), architectural
drawings, cartographic records (maps), field
notes, artifact inventories, drawings and sketches,
still photographs and slides, videotapes and
movies. They also include relevant oral histories
and related ethnographic or ethnoarchaeological
materials, cultural resource management and
historic preservation records, laboratory and
analysis reports and records (including computer
software), and relevant historic documentary
materials. Documentary records occur in several
media including paper, black and white and color
photographs, film, computer disks, and magnetic
tapes. (The types of records we are considering
are summarized in Tables 1 and 2 at the end of
this article.)

While particular attention is given to primary
and secondary data produced during the course
of the field and analyses phases of research
projects, the administrative materials involved in
project preparation, the legal paperwork from
projects, materials produced during analyses, and
post-project materials are of fundamental
importance. Finally, accession and curatorial
documents that are created by the repository
where the artifactual and other field materials are
ultimately housed form an integral part of the
record.

The products of archaeological research
consist of published and unpublished materials in
which the findings of a project are presented to
the scholarly community and to the public.
Published materials consist of preliminary and
final reports, manuscripts, articles, appendices,
and the like, disseminated in journals or estab-
lished monograph series or in the “gray” litera-
ture, reports printed in-house with a small
distribution.

Anthropology is a very personal discipline.
More than most other sciences, practitioners tend
to put crucial information into non-field notes—
such as lecture notes, correspondence, diaries
generated during the course of professional
careers—producing a wide range of interconnected
materials. Thus also considered related to,
and of crucial importance to, the archaeological
record are the personal papers of archaeological
practitioners. These include documents that focus
on other aspects of careers, that provide informa-
tion useful for understanding the intellectual
development of the discipline, the underlying
rationale for projects, research agendas, and the
history of the discipline.

Discussion

Because the issue of stewardship of sites is
well covered in other position papers, we do not
discuss preservation problems relating to looting,
unwarranted intrusive research practices, or
intellectual property rights issues. We note,
however, that preservation issues are central to
the concept of stewardship.

There are several basic assumptions and
arguments that underlie the ethical obligation to
preserve all forms of research documents as
artifacts:

1) Documentary records produced during the
course of scholarly research are worth preserv-
ing, per se. No archaeologist publishes all the
information collected during the course of a
research project and that which is published is
always in summary form. Therefore, primary and
secondary records contain information not found
elsewhere.

2) Artifacts and ecofacts obtained during the
course of scholarly research are worth preserv-
ing. However, collections of artifacts and related ecological materials without accompanying documentation are useless for current or future archaeological research. Especially important are intrasite, contextual, depositional and other provenience records. Without field notes, archaeologists can have no idea where artifacts were found, nor can they accurately date or contextualize the material.

3) Artifacts, ecofacts, and related records are never exhausted, for they are usually all that remain of an archaeological site or sites. While excavation “destroys” a site, the retention of materials that contain primary data and information “preserves” the site. An excavation or survey can never be completely replicated, as a laboratory experiment can. After excavation the primary evidence of the site and its components is found in photographs, drawings, maps, and field notes. The same is true for survey materials, especially if development destroys or alters the landscape following research. A site is truly destroyed if the records that document its study are discarded intentionally or unintentionally.

4) The archaeological record is cumulative in nature. Unlike disciplines in which new theories displace previously conceived ideas through the generation of experimental data, well provenienced and documented archaeological materials are never replaced by “new” data. Archaeological materials can be reused by future researchers.

5) Since current survey, excavation, and artifactual research is carried out in locales (regions) that have been the site of earlier archaeological research, records provide contextual and historical information not available in published reports.

6) The need for detailed records has been underscored by recent legislation on repatriation and reburial.

7) Archaeological records hold important evidence for understanding the history, social organization, and cultural dynamics of the discipline.

8) Records can be conceptualized as, and treated like, artifacts. They require proper curation, organization, and conservation in order to be useful. Fire, environmental hazards, lack of care, and physical deterioration can threaten their existence.

For all the foregoing reasons we feel that professional and avocational archaeologists have the following responsibilities to preserve the integrity of the data through the retention of documentary records, artifacts, and ecofacts that are produced before, during, and after a research project.

1) To ensure the longevity of primary data, archaeologists need to use good quality materials and make multiple copies of irreplaceable information. As noted by Kenworthy et al. (1985), unstable photographs fade, cheap paper disintegrates. Special care needs to be taken with regard to electronic materials. The only truly safe records are hard copies.

2) Archaeologists have responsibilities and rights with regard to the production, retention, and reuse of the records they produce during the course of a scholarly undertaking. They certainly have a right to utilize the materials they produced in the preparation of publications and public lectures. Archaeologists, however, do not have an ethical or moral “right” to destroy field notes, nor supplementary or secondary documentary materials at the conclusion of a project, because they “own” these materials. This does not mean that a researcher needs to keep every scrap of paper produced during the course of a project, but informed records-retention decisions should be made at the beginning of a project, and those decisions reassessed at the conclusion.

3) For the same reason, archaeologists do not have a right to squirrel away the only copies of data sets, field notes, or other information in the hopes that they will publish them “someday.” It is the responsibility of the project director to ensure that all relevant documents are preserved and not scattered and that they are made available to other scholars after a reasonable period of time.

4) Nearly all archaeological work in the United States is funded directly or indirectly by public monies and for the public good, i.e., the generation of accurate information about the past. Hence, information and research records belong to the public. As such they must be kept available and accessible in public repositories, subject to limitations imposed by state and federal statutes, to limit improper and unwarranted access.

5) In most other countries, final authority as to the disposition, retention, and access to archaeological materials and documents rests with the national government. American archaeologists
working in foreign countries should work with colleagues and agencies in those countries to ensure that archaeological documents are preserved and accessible.

6) All components of the archaeological record must be housed in public institutions dedicated to their protection, care, longevity, and future use. It is the responsibility of such institutions to control environmentally destructive agents and ensure accessibility to the archaeological record.

7) Copies of field excavation and survey records need to be curated with objects and ecofacts in dedicated public repositories. Copies of preliminary and final reports should also remain with artifact collections. Copies of all unpublished, and published reports with limited distribution, should be entered into appropriate regional or national databases.

8) Future access to information is critical to the preservation and utility of the archaeological record. Therefore, museum or repository accession records should include copies of all field records (or a clear statement of where such records are housed). Collections and accompanying documentation must be curated together if at all possible.

9) Archaeologists shall encourage their colleagues to look through their attics, offices, and basements for old records, e.g., “lost” field notes, and curate them for their future safety.

**Principle of Preservation Stewardship**

The archaeological record represents a unique and irreplaceable segment of human knowledge. This record contains information of great long-term value on human populations and societies and their technologies, cultures, and values. If this information is lost, then a part of the record of humanity is destroyed. Thus the retention and proper use of the archaeological record is part of the common responsibility of all to preserve everything that contributes to the understanding of the world’s cultural heritage.

Archaeologists and the institutions and organizations that employ or sponsor them need to clarify relevant rights, responsibilities, and interests surrounding data production, artifact collections, records retention, and use. These rights, responsibilities, and interests must acknowledge the reciprocal obligations between researchers and sponsors as reflected in formal contracts and informally negotiated agreements. Researchers should use all their moral authority to ensure that contractual sponsors not make raw data from excavations confidential and proprietary. The reciprocal obligations between researchers, the subjects of research (or their descendants), the scholarly community, and the public at large must also be stated, understood, and adhered to. Archaeologists must discuss the disposition of their records with all parties having an interest in their work at the start of a project, and act to see that the disposition is satisfactory to all, within the confines of the ethical principles enunciated herein.

Professionalism is based on integrity. Archaeologists shall be diligent in the retention of their primary data and in the documentary materials that are necessary for the proper interpretation and reinterpretation of those data, for the history of the discipline, and for educational needs. It is the duty of all archaeologists to act as stewards of the archaeological record by taking steps to care for the published and unpublished materials in their possession and making arrangements for the appropriate preservation of these materials.
Table 1. Data-Carrying Records Produced by Anthropologists.

**PERSONAL**

**Correspondence**
Outgoing and incoming letters of a professional nature, personal letters containing professional information, telegrams, directives and instructions received, invitations to social and professional events, memos fixing appointments, letterpress books

**Curriculum vitae**
Résumés, certificates and awards, diplomas

**Legal documents**
Work contracts, wills, publishing contracts, inventories of estates

**Memoirs**
Published and unpublished, diaries, journals, reminiscences

**Miscellaneous materials**
Card files, bibliographies, indexes, photocopies of articles, newspapers clippings, reminders and shorthand notes, books with marginalia, ephemerae

**PROFESSIONAL/SERVICE ACTIVITIES**

Officers’ files, policy statements, reports, abstracts and meeting programs, minutes and proceedings for professional or avocational organizations ■ Administrative records from place of employment ■ Committee work; manuscript, journal and proposal reviews

**RESEARCH MATERIALS**

**Preparatory**
Grant proposals—successful and unsuccessful, reviewers’ comments, notes developing projects

**Legal and administrative**
Ledgers, financial documents, human subject forms, permission forms for use in publishing photographs, work permits, transportation permits, administrative records, transportation records

**Research records, primary and secondary data**
Notes—records and field/laboratory, scrap, typed, daily logs, scratch ■ Raw data in any form—transcriptions, texts, interviews, surveys, informant comments, topical notes, life histories, lists of names and other types of information, household data, census surveys, questionnaires, observation logs, time trials, informant notebooks and journals ■ Other types of records—maps, charts, drawings, diagrams, graphs, lists, genealogies; videotapes, audio recordings (with explanatory materials and transcriptions); photographic materials such as slides, prints, negatives, movies, and transparencies; ancillary or special field/lab forms and analyses (i.e., isotopic analyses, pollen data)

**Objects collected in the field**
Systematic collections and gifts from collaborators, friends, and others as well as supporting documentation on provenience, provenance, price, maker’s name and any information on individual and group use, collection method, native item name, materials, dates purchased or received, if possible, catalogs

**Cumulative data**
Including research analyses, outlines

**Research outputs**
Unpublished and published manuscripts, rough drafts, page proofs, fair copies, reports to funding agencies and others, speeches, professional and popular lectures, including thesis and dissertation

**TEACHING MATERIALS**
Class lecture notes and other educational materials, old grading books, exams from school (own and students), circulars of lectures, classes, workshops, and the like
Table 2. Categories of Anthropological Research Records (based on Fowler and Givens [1992]).

FIELD PROVENIENCE RECORDS
Field and specimen catalog records that are produced during and chronicle actual field research; the contextual data needed to construct culture histories and test scientific hypotheses. For archaeology these include: radiometric assays, identifications of pollen, plant macrofossils, and animal bones, metallurgical and chemical assays, as well as primary metric data, such as artifact measurements, identification, classification and qualitative descriptions. For ethnography these include: notes, field notes, logs, drawings, videos, slides of production and use, and other materials listed in Table 1.

POST-FIELD AND MUSEUM RECORDS
Information deposited with collections in a curation facility or repository, including accession records. Catalog records include information on specific objects and lots of materials, created either in the laboratory or repository. Accession records vary widely; ideally they contain copies of field records (or a clear statement as to where such records are housed) and repository documents, such as legal records that reflect previous and current custodianship. More recently conservation reports that chronicle actions (i.e., stabilization, preservation, restoration) undertaken in the field, laboratory, or museum have become critical research records.

ADMINISTRATIVE RECORDS
Materials relating to the context of a specific field or laboratory project: pre-project materials such as research designs, requests for proposals, grant proposals, scopes of work, contracts, and related correspondence; project and post-project work, personnel and financial records, correspondence, equipment and property records, daily field logs or day books, newspaper clippings and publicity releases, artifactual loans, samples of project forms.

ANALYTICAL RECORDS
Records of laboratory analyses, preliminary charts and statistical manipulations, primary metric data, such as, artifact measurements, identification and classification, and secondary analytical records like computer printouts of statistical and qualitative manipulations of primary data.

PROJECT REPORTS
Published and unpublished project findings, data summaries, analyses and conclusions in relation to the larger body of anthropological knowledge, including preliminary as well as final reports, appendices, and texts. These can be either written, in the form of journal articles, monographs or books, or verbal presentations for profession meetings or classroom use.
PART III:  
Formative Commentaries

In the hope of fostering public discussion and debate about the draft principles, a number of commentators were invited to discuss the papers presented in the special forum on ethics at the 1994 SAA Annual Meeting in Anaheim. One of these commentators, Christopher Hamilton, had participated in the Reno meeting where the principles were drafted; his contribution represents a dissenting opinion on questions about the prospects for fruitful collaboration between professional archaeologists and (legal) commercial interests in the archaeological record. The other four commentators were not involved in the Reno meeting, so they brought fresh insight to the discussion: Larry Zimmerman, Phyllis Mauch Messenger, K. Anne Pyburn, and Ricardo Elia. All have been visible and influential parties to ongoing debates about ethics issues as widely published authors, as activists, as scholars, and as public educators working in this area. These five commentaries appeared in the first edition of Ethics in American Archaeology, and all are included here. Together they significantly broadened the range of perspectives brought to bear on the issues addressed by the draft principles, providing both critical assessments and constructive recommendations for their development and implementation.

In addition to commentaries that were presented at the 1994 special forum, we reprinted in the first edition of Ethics in American Archaeology three discussion papers on issues central to deliberations about the principles that had been published in other contexts. Two are by Christopher Chippindale, a member of the Task Force on Ethics in Archaeology; they originally appeared as editorials in Antiquity. In the first of these, Chippindale reflects on the Reno workshop, capturing the tone of the discussions that gave rise to the stewardship principle. In the second, he considers the role of archaeological laboratories in the antiquities market, raising a number of questions about the processes of “commercialization” that concerned the Reno workshop participants. The third of the reprinted commentaries is a report by Janet Levy on the work of the Ethics Committee of the American Anthropological Association (AAA); it originally appeared in the Anthropology Newsletter. Levy writes as a past chair of the AAA Ethics Committee who had been directly involved in administering the grievance procedure associated with the AAA’s Code of Professional Conduct. As an archaeologist who is in a position to reflect on the difficulties of implementing the AAA Code, Levy outlines the lessons SAA members might draw from AAA’s experience.

Finally, this second edition of Ethics in American Archaeology includes two additional commentaries by Brian Fagan that relate to the principles that were drafted in the process of consultation. Fagan was instrumental in making the case that the task force should develop a principle which articulates the requirement that archaeologists publish the results of their research; the result was Principle No. 6, “Reporting and Publication.” Fagan had written persuasively on this issue for Archaeology and his discussion of “Archaeology’s Dirty Secret” is reprinted here. At the same time, the SAA Board requested that the task force consider drafting a principle that would require archaeologists to seek adequate training, experience, support, and facilities before initiating fieldwork or other destructive techniques. Long a concern of Fagan’s, his influential critique of the narrowly academic orientation of most graduate programs in archaeology establishes the need for formal training that is more directly relevant to the kinds of work demanded of archaeologists as cultural resource managers. Fagan’s discussion of these issues is reprinted here; along with input from a number of other SAA members and the SAA Board of Directors, it was critical to the development of final Principle No. 8, “Training and Resources.”
Of the six principles of ethics in archaeology and associated papers given at the 59th Annual Meeting of the Society for American Archaeology (SAA) held in Anaheim, California, Principle No. 1 on stewardship (Lynott & Wylie, this volume) and Principle No. 3 on commercialism and archaeology (Murphy et al., this volume) were assigned to me for further consideration. The following paper represents an updated and expanded version of my discussion presented during the meeting.

It is my view that not only the content of each principle requires serious reflection, but also the possible interpretations placed on the principles and subsequent society actions. I take this opportunity to caution the membership about unintended, yet potentially damaging consequences of poor formulation and interpretation of the suggested principles to archaeology and specifically the cultural resource management (CRM) system of the United States and elsewhere. I also submit suggestions as to how Principle No. 3 might be reconsidered.

Within the discussion given below, I will restrict any use of argument by analogy to examples that are related to historic preservation. Use of inappropriate analogy only deflects from, and does not advance, a serious discussion on any topic. Going far afield to acquire superficially similar problems for argument results in irrelevant and meaningless comparisons and should be avoided.

Principle No. 1:
First Principle of Stewardship

Lynott and Wylie have ably summarized a view of the responsibilities borne by archaeologists in promoting the conservation of dwindling world archaeological resources. Already, most practitioners in the field act in general accordance with the suggested principle of stewardship and, as noted, the principle is reflected within the membership of SAA. Lynott and Wylie have correctly pointed out, “When made accessible, the results of archaeological investigations frequently can be justified as serving a very wide range of publics...” and they suggest that new research should be limited to the minimum required for project needs, and wherever possible, conducted on threatened (by development, erosion, etc.) sites.

The emphasis on the use of threatened sites to meet new research needs, though not completely original, is given added emphasis by Lynott and Wylie and presented for further serious discussion by the archaeological community. The implications of formally adopting their interpretation of stewardship may more likely prompt archaeologists working outside the United States to reconsider their research designs than those who work within the United States. In this country, current CRM-related surveys and testing and excavations on threatened or potentially threatened sites continue to monopolize the time and energy of many archaeologists.

Massive amounts of information and artifacts are being generated on virtually a daily basis within the CRM system. Reassessment of these data may answer, or at least approach answers, to many archaeological research problems that traditionally have been pursued through new excavations of nonthreatened sites. I concur with these authors in the view that we can achieve greater efficiency and greater research “mileage” from sites by reassessment and reanalysis of artifacts, notes, and reports already in the hands of state and federal CRM agencies and elsewhere. In doing so, archaeologists can extend the useful research lives of nonthreatened archaeological sites much farther into the future.

The only real difficulty with Lynott and Wylie’s paper is an assumed general understanding of what commercialism is and what it means to archaeology. As I will discuss in the next section, there is some disagreement about the
appropriate professional response to commercialism and the potential effect of overly restrictive interpretations of proposed SAA bylaws based on vague or loose definitions.

While acknowledging Lynott and Wylie’s contribution to our strategic thinking about site conservation, it should be recognized that stewardship can be and has been defined in more immediate or tactical terms. Active archaeological stewardship by nonarchaeologists acting as volunteers in site protection programs has been successfully applied in Arizona since 1986 by the Arizona State Historic Preservation Office as described by Hoffman (1991) and more recently by Estes and Howard (1994). Similarly, the U.S. Bureau of Land Management (BLM), the state of Texas, the Canadian provinces of Ontario and British Columbia, as well as Australia, for several years, have been promoting the concept of archaeological site stewardship (Lerner 1991). These states, provinces, agency, and nation are to be roundly applauded for their pioneering efforts to enlist volunteers in the cause of historic preservation. The lessons they have learned in their respective programs should be readily applicable to other geographic areas with proper coordination and support by relevant governmental agencies, as well as by the several archaeological societies.

Archaeologists making use of extant collections, reports, and notes in conjunction with volunteer stewards can be important elements in an overall program for improving historic preservation. However, volunteer stewards are no substitute for the professional CRM agent. Ultimately, it is the state historic preservation officer (SHPO), state archaeologist, and/or one or more of their state and federal counterparts who bear formal charge for historic preservation within the purview of their office. It is also the responsibility of archaeologists in the private sector, working with the government-employed regulatory agents, to carry out the mandates of CRM legislation presented in the National Historic Preservation Act, the National Environmental Policy Act, the Abandoned Shipwreck Act, the Archeological Resource Protection Act, plus associated state and federal laws, regulations, and guidelines.

The foundation of stewardship as described in Principle No. 1 is that sites, records of excavation, reports, and artifacts are a public trust to be used for the benefit of all. The preceding concept can be applied most easily on public lands or on federally funded, licensed, or permitted projects where legal mechanisms have been established to regulate activities that are potentially damaging to archaeological properties. In lieu of legal remedies, archaeological stewards must appeal to the better nature of developers, dealers in artifacts, and others who may bear responsibility for destroying or who are contemplating the destruction of archaeological properties. Failing in the appeal, negative publicity, perhaps, can yield positive results in historic preservation.

When private ownership, government regulation, professional archaeological, and general public interest overlap, conflicts can arise on how to proceed with projects that may affect an archaeological property. As noted by Lynott and Wylie, stewardship, even stewardship by governmental managers, does not include ownership nor the type of control that ownership entails over a given resource. There are occasions when the artifacts resulting from an archaeological excavation may not be placed within the public domain, including where private property owners retain possession of artifacts from sites on their lands, when salvage rights to shipwrecks have been awarded to private individuals, or when Native American groups retain rights to burials and the associated grave goods.

To perform their function as stewards, even where private rights to sites and artifacts are asserted, governmental CRM archaeologists and their counterparts employed in the private sector must still perform their duties and oversee or require appropriate excavation, conservation, analysis, and reporting. While it is often possible to acquire the resulting artifacts from private hands, there have been and will continue to be cases were the artifacts revert to private owners for whatever use they deem appropriate. I submit that even under these circumstances, the tenets of good historic preservation as expressed in the principle of stewardship and in state and federal legislation, as well as common sense, require appropriate excavation, conservation, analysis, and reporting. The previously described position is explicitly given in the Handbook for the Treatment of Archeological Properties (Advisory Council on Historic Preservation 1980) written by the Advisory Council in cooperation with the Society for American Archaeology, the National Council on Public History, and the National Park Service.
Park Service, the Smithsonian Institution, the Society of Professional Archeologists, and other important groups within the profession whose job it is to make judgments in these matters. Ethical bylaws must be written and interpreted in a manner consistent with existing CRM laws, regulations, and guidelines, and without prejudice to those in the public or private sectors whose responsibility it is to carry out these tasks.

**Principle No. 3: Commercialization and Archaeology**

In their paper Murphy et al. (see p. 39) have recognized that the term “commercialization” can have a very wide range of possible definitions that include “activities that in any way enhance or facilitate the market for archaeological materials or commercialization of archaeological sites, and they can fall anywhere on the logical continuum from direct and deliberate to indirect and inadvertent.” Indeed, this wide spectrum of possible definitions exacerbates attempts to come to grips with the problem of commercialism in some situations.

In an attempt to clarify “commercialization” in Principle No. 3, Murphy et al. have coined a new term, “commodification.” In this process, “objects of archaeological value are transformed through market activities into commodities with monetary value and transferred from public ownership to private.” They go on to state, “Even if materials are competently described, unless they are readily available for reexamination they do not comprise part of the scientific archaeological data base and cannot be seriously considered for scholarly purposes.” In this same vein they suggest, “Use of data generated through this (CRM) process is unethical because it also contributes to the destruction processes through professional legitimization.” In particular, these authors are concerned with the fate of shipwrecks that are regularly being discovered by salvagers who subsequently obtain legal rights to them.

While one sympathizes with their obvious frustration with some current laws that, in their view, do not adequately protect shipwreck resources, their solution to the problem, i.e., ignoring appropriately generated CRM data, which is as valid as any data to be found elsewhere, is obviously contrary to accepted standards of science. Without belaboring the point, an archaeologist or any scientist who intentionally disregards relevant information in a body of research is not acting in a professional manner. Anyone who deliberately omits germane data is, by definition, intentionally purveying misinformation in the guise of accurate historical or scientific work to advance a personal agenda. The intentional omission of relevant data should be severely criticized.

The course of action or reaction suggested by Murphy et al. is clearly untenable. For example, the Native American Graves Protection and Repatriation Act guarantees that archaeologists working with Native American burials will eventually find that some or all of the material is no longer a part of the public domain. The Smithsonian Institution and other museums are currently preparing for deaccessioning many Native American burials and associated artifacts that will be returned to their descendants. Are the archaeologists at the Smithsonian and others not to use this information? If we adopt the interpretation of Murphy et al., can we even discuss data on burials that have already been reinterred or otherwise removed from the public domain?

Other instances of artifacts leaving the public domain could include situations where, after a CRM project, private landowners require, and are legally supported in, the return of artifacts found on their property. Are the archaeologists working in such situations acting in an unethical manner since this action would also place a significant body of data out-of-bounds for further research? These are the possible results if the interpretations placed on Principle No. 3 by Murphy et al. are adopted.

It is possible to argue that the return of artifacts to legitimate owners for piecemeal commercial disposal, rather than for religious or any other reason, is the point of demarcation between acceptable and unacceptable practice. I suggest that this is mere distinction without a substantial difference relative to the pursuit of truth and knowledge, the advancement of the science of archaeology and history, and the need to comply with state and federal CRM laws, regulations, and guidelines.

It can also be argued that by working in commercial situations, even within the CRM system, archaeologists promote further loss of archaeological sites. A prospective potential loss...
of archaeological information from as yet undiscovered sites, however, cannot be equated to a demonstrable loss of archaeological information from known sites destined to be removed, in legal fashion, from their contexts.

In another statement, Murphy et al, relate, “Recently, some archaeologists have refrained from publishing artifact descriptions for items demanded by an aggressive market and particularly effective site and feature location models, relying instead on collegial discussion among professional archaeologists for information exchange”. While on the surface this appears to be a reasonable course of action for the protection of archaeological sites, akin to not publishing exact site locations, there is a worrisome side to this approach.

It may well be that current or future disagreements among professional archaeologists might inhibit the “collegial discussion” relied upon to transmit information between professionals and thus distort research results and inhibit the advancement of the field. Also, the persons responsible for accurate description of artifacts or who have developed new and improved models may fail to leave their archaeological legacy behind them. Furthermore, it will be difficult to obtain open critical review of results if we talk only among ourselves and then only among a small “collegial” fraction at that. Additionally, the paternalistic behavior evident in the statement might lead the public, who pays for all archaeology, to become disillusioned by such treatment. Last but not least, within the context of good CRM, withholding pertinent data would be unacceptable: this data would be required for inclusion in any report containing methodology and results, and would become an eventual part of public, though perhaps temporarily restricted, knowledge.

Murphy et al. have consistently maintained that they are working in the interest of the public. I submit that the interests of the public relating to archaeology have been and will continue to be defined by democratically elected federal and state officials, and by professional CRM managers appointed or hired by them, in consultation with professional groups. The attempt to radicalize SAA, and archaeology in general, into unilaterally ignoring or circumventing CRM laws, regulations, and guidelines by censuring those who follow these mandates reveals a poorly hidden “public be damned” attitude. Those adopting this position are assuming that “they know best,” and this cannot be true in every instance and is certainly not true in this case. The previously mentioned paternalistic behavior can also be given another label: elitism. This attitude is wholly incongruent for those who are employed by a government agency or publicly funded academic institution.

I do not believe that all CRM laws are completely satisfactory, but if we as archaeologists do not support and follow CRM laws, regulations, and guidelines, how can we require compliance from anyone else? Furthermore, should federal, state, county, township, or city governments prohibit any disturbance of any archaeological site other than for purely scientific goals and interests (even with the inherent problems of general public support and enforcement)? I believe SAA should stand squarely behind such a law or ruling. However, this is not likely to happen and so we must rely on education and personal persuasion, utilize the legal tools at our disposal, try to improve them where necessary, and continue to do the best we can to safeguard the archaeological heritage remaining to us.

The general concept of commercialization has always lacked the specificity to be effectively applied and has led to a failed and moribund strategy in archaeology of dictating through censorship what is appropriate knowledge and information. Indeed, since no archaeologist can conduct archaeology without enhancing the commercial value of the artifacts derived from excavation, as apparently acknowledged by Murphy et al., it is difficult to see where or even if drawing some imaginary boundary should be attempted. It is easy enough to understand that archaeologists should not excavate sites where they own the artifacts and intend to sell them for their personal profit. However, in my opinion, even if artifacts could be sold by owners, it is inappropriate to bar proper excavation, conservation, analysis, and reporting. The foundation for this belief can be found in Principle No. 1.

The statement by Murphy et al., “legality does not and cannot determine professional archaeological ethics if stewardship is presupposed,” is correct only if one interprets stewardship in a narrow fashion, ignoring state and federal laws, regulations, and guidelines dealing with CRM
that have been written in conjunction with archaeologists and archaeological societies, including SAA. Of course, in our democratic society, input by other “stakeholders” has resulted in some laws that might be less than perfect in a scientific sense; but most are nonetheless enacted with the general consent and support of archaeologists. Therefore, by following the enacted statutes and guidelines as closely as possible and working in conjunction with private owners and appropriate CRM agents at relevant levels, one can be reasonably assured that, while archaeologists are working legally, they are also working ethically. Hamilton (1990) and Carrell (1990) present earlier discussions on this matter.

Murphy et al. also complain that archaeologists working for a salvage firm are simply mitigating their own impact to meet CRM responsibilities. Actually, archaeologists working in CRM contexts are mitigating the legally sanctioned impacts of salvage or development on historic properties, whether the activity is taking place in advance of reservoir construction, shipwreck salvage, or any other licensed, permitted, publicly funded, or otherwise regulated activity. In any case, archaeologists, by definition, are supposed to mitigate their own impacts; otherwise, they simply would be salvagers or developers or something other than archaeologists.

Reasonable arguments for or against the conduct of shipwreck salvage or other projects based on good historic preservation can be made on a project-by-project basis. However, there are no sustainable scientific or historic preservation arguments for not conducting proper excavation, conservation, analysis, and reporting once it has been decided by proper CRM authority that a project may proceed, including private ownership of the artifacts. In point of fact, the stewardship principle demands that this effort be made.

Murphy et al. state that CRM professionals rely on the rationalization that “some data are better than none” for their work on commercially impacted sites. Such a view is trite and misleading. CRM includes a much more complex decision-making process that might result in one or more archaeologists working with salvagers. In the view of Murphy et al., “it is better to lose some information than actively participate in the destruction of the archaeological record.” There have been cases where a given CRM agency has indeed declined to take responsibility for oversight of shipwreck salvage for one reason or another, resulting in the loss of significant information. We hope that these decisions were based on a measured loss consistent with good historic preservation and other public needs. In other cases, after appropriate deliberation, agencies have required mitigation. In general, the acquisition of only “some data” is totally insufficient to meet archaeological or CRM-mandated requirements. A full and complete research design with appropriate questions, methods, and reports are or should be required with guidance from a specific “Memorandum of Agreement” between involved CRM agencies.

In the new field of shipwreck salvage and excavation under the auspices of CRM law, it should be noted that prior to the Abandoned Shipwreck Act of 1987, most state attempts to control the traditional and popularly supported activity of shipwreck salvage were weak and often successfully challenged in the courts by salvagers. This has led to the observation by Murphy et al. that “no compelling examples of successful collaboration between archaeologists and commercial salvage companies or looters” exist.

The reference to looters aside, readers might take the preceding statement as the truth because they are unaware of any examples of productive cooperation between archaeologists and salvage companies. Perhaps the major reason for the lack of awareness by the archaeological community regarding archaeology and shipwreck salvagers is the regrettable but increasingly common practice of censorship by the most important professional outlet for such studies, the Society for Historical Archaeology (SHA). Some of the authors here have successfully helped SHA paint itself into a logical corner, the same corner into which they wish to place SAA. By so doing, they have only further marginalized SHA's authority within CRM and have continued the chaos of unnecessary purism.

The present example of illogic, and worse, given by Murphy et al. begins by denying the results of research for presentation to the public and the profession from commercially motivated projects regarding scientific results of archaeology in advance of salvage, even when conducted under Section 106 of the National Historic Preservation Act. The reader is now expected to take the word of Murphy et al. that no good
examples of cooperation of consequence exist. I know that there have been good to excellent results on some projects and good to excellent results in some areas of many projects. Unfortunately, the average reader, whether professional or interested public, will never know this because of an avowed determination not to acknowledge, much less “advertise” any level of success in cooperation between archaeologists and salvagers.

In my understanding, the number of attempts to manage the salvage industry within the CRM system is relatively small. The degree of success or failure within these few examples appears to relate to the location of the wreck (i.e., which CRM agency or agencies held responsibility), time of project initiation, available financial support, personnel involved, and, as important, the laws and how they were applied.

With regard to the action of marine salvagers, Murphy et al. misconstrue the situation between terrestrial sites and shipwrecks. Shipwrecks within state waters and those in protected federal waters, currently and on average, are given somewhat different, but generally no less, consideration than terrestrial archaeological sites. The type of consideration depends on circumstances such as the significance of the wreck and in what jurisdiction it is found. An important area of future effort for SAA should be to lobby the federal government to give all shipwrecks within unprotected but otherwise federally controlled water the same standing as archaeological sites on land. That is, a license or permit to salvage should be required, and when approved, all salvage of shipwrecks that are potentially significant should be mitigated through excavation by archaeologists, followed by appropriate conservation, analysis, reporting, and, if possible, proper curatorial maintenance of a representative sample of the material.

Current underwater projects covered by the CRM system have benefitted from the successes (of which there are some) and failures (of which there are too many) of past projects. The expertise of CRM managers responsible for underwater archaeology, as well as associated private sector archaeologists, continues to accelerate along a steep learning curve. With the application of rigorous CRM policy, “wild cat” salvage can be deterred and projects that could potentially achieve significant and beneficial results can be appropriately regulated, assuming realistic enforceable laws with sufficient numbers of knowledgeable personnel in place.

As has been noted in the case for stewardship, it remains the responsibility of archaeologists and others in the historic preservation community to strive and maintain collections in accessible curatorial settings, whether public or private. I have tried to argue that the current phrasing and suggested interpretation of Principle No. 3 regarding commercialism is too ambiguous and virtually useless as a tool for the advancement historic preservation or the delineation of the ethical responsibilities of archaeologists who must occasionally deal with commercial enterprises that may legally retain possession of artifacts.

It may be more appropriate for SAA to adopt a more understandable ethical bylaw stating that those who actively work against the proper excavation, conservation, analysis, reporting, and subsequent curation of archaeological collections are acting contrary to the ethical principles of archaeology and historic preservation. This approach, at least, removes the ill-defined concept of commercialism (or commodification) and replaces it with a set of circumstances that are apparent and can be more readily interpreted for effective response in the cause of historic preservation and archaeology.

How to handle commercialism, realistically, within the framework of archaeology and historic preservation, remains a question for each project on a case-by-case basis. Providing a single adequate response to the Hydra of commercialism is impossible. However, alternative approaches have been suggested by Tom King (1991) and in a related manner by the late Peter Throckmorton (1990). Perhaps the insights of these two highly respected and experienced professionals could be used to defuse an issue that has so long vexed the archaeological profession.

Conclusion

The conduct of archaeology following state and federal laws designed to mitigate impacts to archaeological sites is based on several assumptions. Among these assumptions are: (1) all archaeological sites are significant until proven otherwise; (2) archaeological sites are nonrenewable resources; (3) each archaeological site has a
unique proportion of information regarding human behavior that may not be duplicated at other sites; (4) the destruction of an archaeological site for any reason destroys unique evidence of past human behavior unless it is properly excavated, analyzed, and reported—preferably with proper artifact curation; and (5) we can learn something useful and productive about ourselves through the study and application of archaeology that cannot be learned in any other manner.

Given these assumptions, all archaeological information is important and the mere fact of private ownership is insufficient to suppress archaeological data or censor archaeologists in the conduct of their work. This last point is recognized and established within the laws, regulations, and guidelines formulated with the assistance of SAA and other groups concerned with historic preservation. While improved laws, regulations, and guidelines are always to be sought, reneging on the agreements between the stakeholders in archaeological properties, as expressed within the Abandoned Shipwreck Act, or “moving the goal posts” for previously accepted projects, undercuts the ability of professionals to perform their assigned roles within the CRM system. The failure of SAA to support the efforts of individuals working diligently within an embattled CRM system, including the presentation of data even when artifacts are not to become part of the public domain, would be severely detrimental to archaeology, history, science, SAA’s membership and the continued effectiveness of the CRM system.

Censorship of archaeologists employed in compliance efforts increases the likelihood of negative impacts to archaeological sites and also increases the difficulty of requiring mitigation on archaeological sites. Similarly, censorship of archaeological data leads to the inescapable conclusion that archaeological sites and data are considered by professionals to be arbitrarily expendable. If archaeological sites and data are arbitrarily expendable, how then can we justify the existence of our most effective tool for historic preservation—the CRM system and the people who work in it? If SAA were to adopt unrealistic ethical policies, and if the membership wishes to avoid a clear charge of hypocrisy, then logically SAA would have to require all federal and state archaeologists, as well as many archaeologists working in the private sector, to choose between their jobs and SAA. Conversely, if SAA were to adopt Principle No. 3 as presented by Murphy et al., then federal or state agencies, such as the National Park Service, would have cause to remove all archaeologists who belong to SAA from positions of management of cultural resources or to simply fire them, because they belong to an organization that advocates actions contrary to the laws the archaeologists took an oath to uphold when they first entered governmental service. Presumably, state and federal agencies have not yet proceeded in this manner with employees who are also members of SHA because, as noted above, SHA has withdrawn from the CRM arena.

The myopic beliefs of nonprofessional individuals whose actions will have negative impacts on archaeological resources and who do not wish to be bothered by mandated CRM requirements are only bolstered by archaeologists who themselves are not supportive of the CRM system. I hope that SAA is able to avoid the destructive consequences of requiring the world to conform to an ultimately unattainable purism and instead adopts realistic approaches that support current CRM efforts with increased attention to improving the laws, regulations, and statutes upon which the CRM system is based.

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Regaining Our Nerve: Ethics, Values, and the Transformation of Archaeology

LARRY ZIMMERMAN

Let me first congratulate the members of the Society for American Archaeology's Ethics in Archaeology Committee and the Reno workshop. They have done an admirable job, undertaking a profoundly difficult assignment. We all know that much remains to be done, but it's clear from these principles and position statements that committee and workshop members were properly chosen for the job.

The reason their assignment is so difficult is that statements of ethical principles are essentially definitions of "self" as much as anything else. In this case, of course, "self" is a whole discipline. Is it even possible to suggest ethical principles for a whole discipline when there are so many different factions and when archaeology is so fragmented? When one defines "self," for either an individual or a discipline, the result is often what has been presented here: inklings of self-awareness, laden with baggage from the past, but filled with challenging contradictions and exhilarating prospects.

My own background in ethics comes largely from the reburial issue and the tough questions I have asked about myself and archaeology over the last 15 years. I also was part of the mixed group of indigenous people and archaeologists who drafted the 1990 World Archaeological Congress's First Code of Ethics: Members' Obligations to Indigenous Peoples (Zimmerman and Bruguier 1994). My task here is related to this experience in that I am to comment primarily on statements of stewardship (Lynott and Wylie) and accountability (Watkins et al.), but these will necessarily be tied to the other principles. I don't fundamentally disagree with any of the stated principles. Rather, I want to look beyond intent to implication, to look a bit deeper into the mirror that reflects our disciplinary self. I don't mean to offend by what I write here, but seeing one's flaws reflected in the mirror is not always pleasant.

Let's start with a fundamental issue and one that has been hotly debated in archaeology in recent years. Lynott and Wylie in their introductory statements on stewardship define parenthetically the best archaeology practice as "the most rigorously scientific." This is a statement of value about what archaeology should be. Many archaeologists may not even question such a value, but do they understand that a rigorously scientific archaeology is not the only valid archaeology? Do they understand that such an archaeology might actually alienate our profession from some of the publics, say, for example, indigenous peoples? If they go further and define archaeology as a public heritage, do they recognize that some people may not see a scientifically derived heritage as having any value at all? Adopting a more humanities oriented approach, concentrating on values, might be far better, but this is an epistemological issue. I raise this point because such a fundamental definition of what is important to archaeology may well undercut efforts archaeologists make in both stewardship and accountability.

There seems to be a basic, almost amusing, contradiction between the stewardship principle authors and the accountability principle authors. Lynott comments that when he was hired by the National Park Service in 1978 they told him he would have to advocate for archaeology because "if you don't do it, nobody will." He maintains that archaeologists face this situation today, that they are the only ones who really care about sites. On the contrary, the accountability authors introduce their paper by stating that "archaeology is beginning to matter in the world beyond archaeologists."

So which is it? Do nonarchaeologists care or not care about sites and the work archaeologists do? My answer would be that nonarchaeologists have always cared about artifacts, sites, and interpretations of them. Forty years ago as a farm
kid picking up arrowheads, archaeology certainly mattered a great deal to me; I wouldn’t be writing this if it hadn’t.

Perhaps there really is no contradiction between the views of the stewardship and accountability authors. They may be saying the same thing and using a convenient self-delusion to help archaeology create a new mythology about itself. If nonarchaeologists don’t care or are only starting to care, archaeologists feel justified in claiming stewardship. I would contend that archaeologists have just not paid attention to the fact that others have cared. Archaeologists have not realized their impact on the lives of others, and these people did not know how to communicate that fact to archaeologists. Perhaps more than anything else, both statements intimate the true insularity of professional archaeology.

Could archaeologists have been a bit too wrapped up in their science to pay much attention? When the 1906 Antiquities Act was passed, it took more than archaeologists to get it done. When the National Historic Preservation Act and other important Cultural Resource Management bills were enacted a quarter century ago, it wasn’t just archaeologists who made them happen. When the Native American Graves Protection and Repatriation Act (NAGPRA) was signed into law in 1990, can anyone forget that archaeologists were just one of several extremely vocal interest groups involved?

Do not misunderstand. Certainly archaeologists had an important role in advocating protection of sites, and SAA did work—reluctantly—toward greater accountability to American Indians and their concerns. At same the time it would be difficult to argue that archaeologists did so out of no self-interest at all. My point is simple: it is expedient, perhaps facile, to believe that archaeologists are “stewards of the past” because “nobody else cared,” or “that archaeology is beginning to matter.” But is it really true? Indeed, by what right do archaeologists claim such stewardship when there are others who might, and in fact do, make valid stewardship claims? Much of the stewardship principle seems to hinge on a unilateral declaration of the “archaeological record as a public trust. . .as a human, cultural heritage that has wide significance. . .for the benefit of all people” (see p. 29 of Lynott and Wylie). Were I a member of a group of nonarchaeologists, I might have a very different view, especially if I saw the heritage as the intellectual property of my people or if I saw the artifacts and their sale as a normal way to make a living.

I have written elsewhere that nonarchaeologists may have different and valid ways of knowing the past (Zimmerman 1987, 1989). Archaeologists, however, believe that only they can really know or accurately reconstruct the distant past. Archaeologists believe that this makes their work unique and important. With this faith they preach a belief that the archaeological resources they study should be preserved and that even archaeologists should practice a conservation ethic about sites because they exploit sites for their current practice and research questions. But are archaeologists really saving anything? If you agree that Lowenthal makes any sense in The Past Is a Foreign Country (1985:410), then preservation itself reveals that permanence is an illusion:

The more we save, the more we become aware that such remains are continually altered and reinterpreted. We suspend their erosion only to transform them in other ways. And saviors of the past change it no less than iconoclasts bent on its destruction.

Archaeologists seem to accept this notion when they recognize that new technologies will alter their views of the past, but they also need to recognize that the intellectual, social, and political climates of the day do likewise. Archaeologists also promote an idea that archaeological sites are nonrenewable resources, but isn’t humanity really creating new sites all the time?

By now I have probably upset a number of people. Just so that my points are clear, let me reiterate my questions:

1) Who appointed us as stewards of the past?
2) Are we self-appointed?
3) Are there other valid ways of knowing the past than through archaeology?
4) Is the past really a public heritage or is declaring it to be so only a convenient way for us to justify our professional existence?
5) Are we deluding ourselves about a preservation/conservation ethic?

Now let me take this cage rattling directly into the realm of accountability. Let me say again that archaeology has mattered to nonarchaeologists, has had their attention, and has affected their lives for far longer than archaeologists seem to realize. It is only recently that many have found
their voice or have recognized their power to speak out about what archaeologists do.

I applaud my colleagues for their principle of accountability and their notion that accountability applies to all levels of our professional activity. I absolutely agree that archaeologists need to be “activist” in consulting with any community or group that might be affected by their work. Archaeologists shouldn’t consult just because it is required by law or is politically correct. Rather, archaeologists should do it because they truly recognize other people’s valid interests in the past and that by working with such groups, archaeologists will gain new insights to understanding these different pasts. I also thoroughly agree that archaeologists must involve these publics from the beginnings of research. Perhaps their questions, not just those of the archaeologist, might actually drive the archaeological research. I truly believe this involvement will be beneficial to all the parties.

Instead of declaring ourselves to be the stewards of the past, archaeologists should be saying: “All people are stewards of the past.” Archaeologists must recognize that there are other legitimate agendas about the past than their own; we should realize that our ideas of the past and our agendas about it emerge from the academic institutions in which we were educated and now work. These agendas are thus self-serving (cf. Molyneaux 1994). We are not alone: Indians have agendas, men and women have agendas, looters have agendas, classroom teachers have agendas, and land developers have agendas.

Perhaps a necessary archaeological task should be to seek the overlap between the various archaeological agendas and those of others. A guiding principle might be that it is important to learn about the distant past, in all its versions, using every method possible. This would be true accountability and service. At the same time, exposure to and collaboration with archaeologists might help others understand the limitations of their own views of the past, and that, in turn, may help them resist the dangers, ethnic and nationalist, rising from ideas that theirs is the only reasonable past. The consequences may be surprising: archaeology may become indispensable to them, not an esoteric luxury. If archaeologists consider the diversity of agendas, then the archaeological agendas outlined in the ethics principles might actually have a better chance of being accomplished. Recognizing the legitimate stewardship and agendas of nonarchaeologists would have profound ramifications for an education ethical principle as outlined by Herscher and McManamon in this volume. So why can’t we do this? The problem is control. I sense that the ethics statement authors and probably most archaeologists would be reluctant to relinquish control in ways as extreme as I have outlined here. Consultation and involvement of nonarchaeologists puts at least some of the control of research itself into hands other than ours. Are we really willing to do this?

If you say yes, you have agreed to an approach that will fundamentally change archaeology. Nowhere is this clearer than in the example of the Hopi archaeological program (accountability position statement). Hopi archaeology is certainly of a different type than most of us practice; control of nearly the entire process is outside that of archaeologists. For the Hopi, archaeology is a tool, not an end in itself, and its practitioners are peripheral advisers.

The World Archaeological Congress ethics code for dealings with indigenous peoples has explicitly taken steps to share control. The WAC code puts even the development of research questions into indigenous hands. This unquestionably will limit a cherished academic freedom. Are archaeologists ready to accept such a loss of power? Accountability will also have an impact on other ethical concerns under discussion, such as intellectual property rights. What are archaeologists to do if their intellectual property rights and those of indigenous people, for example, conflict?

Accountability will make archaeology a very different discipline, and one that will not be scientific according to current discipline standards. Reliance on strictly material evidence, linear notions of time, and positivist ideas about causality, for example, will have little place in archaeological practice. Such momentous changes will cause many archaeologists no small amount of pain. How are archaeologists to respond, for example, when a public’s view of its past defies all material evidence? Certainly archaeologists cannot pretend to themselves that they believe a group’s view for the sake of advocacy or some misguided attempt at compromise (cf. Molyneaux 1995).

We must be creative in the face of dilemmas posed by working at the boundaries of the
various agendas (cf. Krupat 1992:15). We must seek a new epistemology and new research methods to deal with an expanded knowledge base that includes ideas outside the realms of conventional science. Such work can and will change our way of seeing and so open many investigative possibilities for archaeology, such as those outlined by Roger Echo-Hawk in a recent SAA Bulletin (Echo-Hawk 1993). Archaeology may end up, as Arnold Krupat (1992:77) says in his book Ethnocriticism, with a science “that will be more modest and very different from what science has heretofore been in the West. . . .” Will the trade-off be worth it? I think it will, but archaeology will not be the same profession.

If many of archaeology’s contemporary problems stem, as Richard Bradley (1994) suggests, from a “loss of nerve,” then all it really takes to reinvent the profession is some imagination and will. Reexamination of our ethics is exciting in that it is a first step toward transformation. It allows us to question and formulate key values that are the foundation of all else from epistemology to technique. In a sense, it places us at a crossroads. If we want to stay as we are, then we can. We have that right. We can be rigorous scientists; we can be stewards of the past; we can espouse accountability and even practice it at more than a superficial level. And yet if we choose this road, as a means of protecting our profession, we will be forced more and more to justify our existence at every turn. I fear that if we don’t take steps that are bolder and more creative in “reinventing” our profession, there will be vastly more serious consequences. We will continue to lose access to the sites and artifacts we wish to study. We will continue to find ourselves losing in the court of public opinion. We will find our profession changed, like it or not.

I have no doubt that change along the lines I suggest is inevitable. For example, I would not have imagined even a decade ago reading a document such as that written about accountability. I harbor no delusions, however, that the SAA ethics code can change as rapidly as I might like. I know also that ethics codes are to some degree intended to be conservative, preventing rapid change. They can be inwardly directed, used to keep practitioners in line. By the right choice of words they also can be used outwardly to keep nonpractitioners from being overly critical or even to get support from them for our agendas. We can go so far as to codify these ethics to a “cookbook” extreme, but I think such approaches to professional ethics are an utter waste of time. I want no part of such an approach and warn against it!

So, I trust that the SAA Ethics in Archaeology Committee means exactly what it says: that ethics are constantly evolving and that we are only at the beginning of the process. I urge colleagues to let the committee know their opinions.

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Effective and sustained communication with the public is an essential component of each of the ethical principles proposed here by the Society for American Archaeology’s Ethics in Archaeology Committee. For example, Watkins et al. argue that public accountability means that “the products of our research belong to the public” and we must “prepare reports of our research for a broader audience.” Producing “more articles, books, films, and talks for the public,” they say, “has to be seen as part of our professional responsibilities.”

Discussion of the principles of archaeological ethics shows the multifaceted nature of both the audiences and the forms of communication and education required to uphold them. Lynott and Wylie suggest that archaeologists must be concerned “with the interests of the full range of publics, and stakeholders whose heritage this record is” and that “we cannot be effective stewards in isolation.”

The intended outcome of the principles is the stewardship of the archaeological record as a cultural heritage resource. Herscher and McManamon state, “If the archaeological record is considered a public trust, communicating to the public an understanding of its heritage becomes an essential element of the archaeologist’s role as steward.”

The principles clearly argue that sharing information and carrying on dialogues in ways appropriate to the interested and affected parties will facilitate archaeological research, will uphold professional principles to which we adhere, and will help preserve the resource upon which we rely, whether it be in the form of sites, collections, or reports.

The discussions of the principles make a clear and compelling case for public education and communication to be an integral part of every archaeologist’s professional responsibilities, regardless of her or his particular work setting. As the examples show, these efforts must be well planned, geared to the audience, and ongoing. We are not talking about an occasional lecture or interview. We are talking about a serious commitment to the concept that the resources of which we speak are not ours alone. The stewardship of the past is too important and too complex an issue for archaeologists to handle without a broad base of support and collaboration.

Herscher and McManamon summarize the shift in thinking that is taking place regarding the rationale for carrying out public education programs in archaeology. Many efforts to educate the public began for the purpose of gaining or maintaining support for archaeological activities, which are dependent on the availability of funding and sites. Putting what we routinely call “archaeological” sites into the larger context of cultural heritage resources subject to a variety of claims, interests, uses, and interpretations has compelled us to move toward the stewardship model. It is mandatory that we model ethical behavior toward sites if we are to engage in a dialogue with the public and ask them to refrain from pot hunting, collecting, or otherwise falling short of what we believe to be good stewardship of heritage resources. Herscher and McManamon rightly argue that outreach and education become even more critical when archaeologists take on the role of stewards. They also note that “the public understanding of the archaeological record is too important to leave to others.” What archaeologists also must acknowledge is that we are not the only stewards; expertise does not presume ownership or control. We must not be guilty of hoarding the resources or information for ourselves or our small circle of colleagues. We must continually find ways to work in partnership with those whose interests may diverge from ours, either a little or a lot. We must make good faith efforts to publish research results within a reasonable time and make those results available in a variety of formats that are accessible to the public.
In the last five years, SAA has played an important role in the development of public education and outreach in North America. SAA’s institutionalized public education efforts began as a grass-roots groundswell following the 1989 Save the Past for the Future working conference held in Taos, New Mexico (see Judge 1991). The overwhelming conclusion of the group focusing on “understanding the problem”—the “education group”—was that a sustained and well-focused education effort is the only effective solution to the critical problem of site looting and destruction.

A working group from Taos moved quickly from brainstorming and making a wish list of what SAA, federal agencies, or somebody else needed to do, to developing an action plan of areas in which we could take the lead. This led to the establishment in 1990 of SAA’s Public Education Committee (PEC), which continues to attract energetic new members who work on similar issues locally, nationally, and internationally. The committee is guided by a 10-point strategic plan, which was revised in 1992 and adopted by the SAA’s Executive Board (SAA 1992). This plan calls for sustained action on several fronts. One is a series of activities at annual SAA meetings that not only draw in the interested public, but also model public education efforts for the SAA membership and encourage professional involvement. These include (1) Saturday public sessions, which attract audiences of several hundred people, (2) workshops for teachers and archaeologists, (3) a display of educational materials in the exhibit area, and (4) symposia on such topics as archaeology education programs and the evaluation of public programs.

A quarterly newsletter, Archaeology and Public Education, distributed free to more than 5,000 readers, is designed to aid educators, interpreters, archaeologists, and others who wish to teach the public about the value of archaeological research and resources. SAA supports its publication and encourages members to request its receipt.

Another focus of the PEC is precollege education. Concerns include how teaching about archaeology and the stewardship of heritage resources fits into elementary and secondary school classrooms and how to provide useful and accurate information and resources to teachers. Several products are in various stages of development or distribution as our understanding of how to meet the needs of a diverse audience evolves. They include a sampler of lesson plans, a guide for evaluating archaeology education materials, an “Education Station” section of the newsletter, and an annotated bibliography of resource materials.

Other areas being addressed by the Public Education Committee include working with special interest groups, strengthening a public education network in North America, developing SAA public education awards, and reducing barriers to outreach and public education activities in the academic community.

We have found that being engaged in these action areas means continually challenging and expanding our own understanding of stewardship and of archaeology as cultural and national heritage. We regularly bump up against the ethical concerns implicit in issues such as whether or how schoolchildren should be involved in real or simulated digs, and how archaeology can or should be used in relation to multicultural education and the discussion of cultural diversity. Every area in public education in archaeology presents challenging research possibilities that will help us better understand and address the issues. The archaeological community must come to value this interdisciplinary area of research and action and encourage its development, both in the training of our students and in the practice of our colleagues.

It is critical that the academic archaeology community take seriously its responsibility to participate in public education efforts. Departments must support and reward public outreach activities such as talks, working with teachers, and participating in statewide Archaeology Week efforts. Faculty must be accessible to the media, teachers, avocational groups, local historical societies and museums, and others. A major stumbling block is the way promotion and tenure decisions are made and the standards by which individuals are measured for those critical professional evaluations. The “service” or “outreach” portion of the teaching-research-service triad must be taken more seriously than the current lip service it so often receives in academic institutions.

Outreach in the form of public interpretation is a mandated activity for the cultural resource
managers in private firms and government agencies who carry out a large portion of the archaeological work in the United States today. John Jameson reminds us that a fundamental reason for the compliance process in federal laws is the “public enjoyment and appreciation for the rich diversity of past human experiences” (Jameson 1994:16). He also calls for a redefinition “of acceptable standards for compliance and mitigation so that, consistent with the letter and spirit of the law, public education and outreach are understood to be required end products of the compliance process” (1994:17). All too often, public education requirements are fulfilled technically, but not effectively. Barriers may include deadlines, budgets, and other business considerations. Archaeologists who subscribe to a stewardship principle have a moral and professional obligation to encourage and participate in thoughtfully and professionally designed and executed public education programs that include the stewardship message.

If SAA is serious about stewardship being the central principle of archaeological ethics, with the archaeological record as a public trust held in partnership with the public, then SAA must continue to enhance its commitment to public education. All SAA members must be convinced that communicating with the public is an integral part of their professional life, no matter what the arena. Public education discussions and activities must be mainstreamed and embedded in all SAA efforts, from publications to scholarly symposia at annual meetings to lobbying efforts in Washington.

Brian Fagan struck a chord with many of us when he editorialized that it is not viable to produce highly specialized field archaeologists when jobs for them are rarely available and the resource upon which they depend—sites in line to be excavated—is shrinking (Fagan 1993). How much better and far-sighted for colleges and universities to offer training to broaden the scope of applications for archaeological knowledge to include writing and interpreting for the public, outreach programs in museums and parks, and thematic and interdisciplinary precollegiate teaching.

We must take a lead in helping the public value the past and share in the stewardship of a common cultural heritage. We must be skilled in knowing how to meet diverse groups where their interests lie, whether they be Girl Scouts, outdoor enthusiasts, or local history buffs. Public education invites broader participation in stewardship activities and may lead to new approaches to problem solving. Some argue that public humiliation is the only thing that stops looters. Such shame or embarrassment can only be elicited when there is widespread agreement that an action is frowned upon or unethical, even if it is not illegal. As George Stuart concluded in a discussion of the need for better communication between archaeologists and others about stewardship of the past on an international scale, “No amount of legislation, however, can help in the long run without the essential foundation of a strong system of values that helps the people see the differences between, and the consequences of, ‘right’ behavior and ‘wrong’ behavior” (Stuart 1989:251). Parents with elementary school age children understand this principle if they have ever failed to recycle or to quit smoking.

We must be strong advocates for stewardship, realizing that we cannot do it alone and that the archaeological record is cumulative, relying on generations of people who care. It must outlive us. This stewardship of heritage resources comes only through broad public support and participation.
Alison Wylie has said that archaeology is in the throes of a paradigm shift, which will alter approaches to the subject matter of the discipline or else result in a severe decline in research opportunities and popularity. If the papers in this volume tend to take a serious tone, it is because many archaeologists are realizing they must shoulder a new set of heavy responsibilities toward the public—responsibilities that they feel ill equipped to carry in addition to the escalating requirements of academic life in the 1990s. It is no longer enough to meet the demand of the 1980s to be "relevant." Now archaeologists must begin to be responsible.

The consistent emphasis on stewardship of archaeological resources in these papers is a wise reinterpretation of the archaeologist's traditional commitment to preserving the past. And it is appropriate that we look first to the skeletons in our own closets when setting out the limits of intellectual property rights, before proceeding to the rights of nonprofessionals to the cultural capital of archaeology. Chippindale and Pendergast make an argument that is both logical and compelling, pointing out that our excavation records are part of the archaeological record itself, and consequently cannot be considered private possessions. Graham Clark once said that if archaeology belongs to the world, then by implication it cannot belong to archaeologists. Acknowledging that some information is dangerous to the preservation of the archaeological record (such as the locations of unlooted sites), and should therefore be restricted, does not weaken this argument, since the outcome of protecting such knowledge will be that more data will ultimately enter the public domain.

A very similar note is sounded by Fowler and Parezo, who summarize a comprehensive set of responsibilities for archaeologists. Their perspective is strongly influenced by their experience in the southwestern United States, however, since the commitment they advocate to the preservation of all artifacts and ecofacts, if applied to excavations in an ancient Maya city, a Roman villa, or a coastal Peruvian ciudadela, would cause all excavation and most surface collecting to cease immediately. Perhaps that would be a good thing, but few "dirt archaeologists" are ready to retire permanently to the lab. And their statement that "collections of artifacts and related ecological materials without accompanying documentation are useless for archaeological research" is simply not true. If it were, we would know much less about the past of many places such as China, West Mexico, and the Moche Valley than we do; unfortunately, the truth is much more complex and throws many of us into an ambivalent relationship to looters. We may prefer to regard the data as useless rather than consort with the enemy, but the issues involved are so very complex it is essential that we be as objective as possible.

Murphy et al. make the point that commercial issues affecting the discipline require that a distinction be made between genuine stewardship and collaboration with commercial interests to mitigate site impact and save data that would otherwise be lost to science. Their argument is supported by numerous studies of the art market’s relationship to archaeological research and identification, and the poor outcome of collaboration between archaeologists and sport divers. Authentication of unprovenienced artifacts through use in research increases their value, thereby increasing the incentive to loot, as well as undermining the primary argument that archaeologists need to communicate to the public: these objects represent a tremendous loss of information, not just to science, but to the world. The "salvage principle" (Wylie 1991), arguing that some data are better than no data, condemns archaeologist forever to "some" data. Where commercial salvage requires participation of professional archaeologists, there is no excuse for collaborating.
Herscher and McManamon provide an excellent summary of educational initiatives by various professional groups, and point out the link between these programs and the survival of the archaeological record and the future of the discipline. While public interest in archaeology is sufficient to make most people receptive to messages about preservation and the value of scientific research, two groups of people are particularly powerful and difficult to reach. The first is the hard core collectors, who purchase artifacts for investment and prestige, and the second is native peoples who perceive archaeologists, with some justification, as tools of an abusive and dishonest political structure. One way to influence collectors is to stress to the public that many valuable artifacts constitute the cultural heritage of some of the poorest people on earth. Most collectors invoke the salvage principle, priding themselves on their climate controls and their security systems and believing themselves stewards of high culture. But collecting takes on a very different character when it is made clear that the rightful heirs to such objects, such as Maya or Quechua speakers, are living in conditions of poverty and deprivation. If animal rights activists can change the perception of fur coats from a symbol of wealth and prestige to an admission of cruel insensitivity, then surely we can teach the public that artifact collecting is less an indication of cosmopolitan sophistication than a manifestation of selfishness and greed. Of course, for archaeologists to make such an argument, we will have to show ourselves to be involved in the use of archaeological resources for the benefit of those living outside professional circles. Tourist development and fund raising that uses archaeological attractions to support local causes are two activities archaeologists can use to abrogate accusations of selfishness. None of us should forget that whatever our field of specialization, we are making a living from archaeology. Even an assistant professor’s salary is excessive in comparison to the incomes of many of those whose heritage we study.

This brings us to the issue of the rejection of archaeology by native peoples in various parts of the world. In situations where it is still possible, archaeologists should be willing to go to great lengths to forestall an ideological impasse of the type now in existence between archaeologists and many Native American groups or with the native people of New Zealand. In many cases it is already too late to open lines of communication, but where openness still exists, archaeologists must take the initiative of making the record not only intellectually accessible, but also of real economic and cultural value to local groups.

Archaeology can be used in the service of native peoples by reconstructing some of the heritage that has been lost through conquest and deprivation. Archaeologists can also offer real support for developing tourism, jobs, crafts industries, self-respect, education, and public awareness. It is absolutely crucial that archaeological reconstructions not be framed as “gifts from the archaeologists,” but as the result of scientific research, which is a technique of understanding that is useful and available to anyone. Educational outreach must go beyond attempts to instill a preservation ethic in school age children. As a discipline, archaeology has an ethical responsibility to recruit professionals from diverse populations. Our strongest case for both preservation and research will be made by trained professionals who share the heritage of the groups under study.

The paper by Watkins, Goldstein, Vitelli, and Jenkins takes up the archaeologist’s responsibility to local groups in a way that is both pragmatic and thoughtful. The case studies are especially useful; the success that each one describes is clearly related to a long-term relationship between archaeologists and concerned laypeople. Watkins et al. state categorically at the beginning of their presentation that the production of articles, books, films, and talks for the public is not just something “nice” that we do to put in our service file. Nevertheless, we must take the argument a step further. The desire to do something “nice” for native peoples or some other sector of the public is not enough. In fact, it is not even really appropriate.

Give them back their history, ask for their input on research design, make sure that all relevant groups are contacted, ensure that our research benefits the public—much current literature by archaeologists is alarmingly packed with these types of statements. While all these dicta are motivated by the highest of western values—well, that is exactly the problem. The new awareness of the rights of local groups has startled us into forgetting that we are anthropologists, and we are about to get caught foisting our value system rather thoughtlessly onto others under the guise of good deeds.
Archaeology is and has always been a politically charged endeavor. Our research designs follow the agendas of the powerful in order to get funding and permission, and our results get selectively promoted by National Geographic, Science News, and the Associated Press, depending on how we measure up to the values of the present. Most of us are pretty passive about this situation; we work within the boundaries of current political requirements so we can get the chance to do our research. We feel, with justification, that changing the world is not our responsibility, although many of us harbor a belief that there are useful things to be learned from the mistakes and successes of the past. But we have been fooling ourselves, because archaeologists do have a powerful impact on the present, whether we handle it responsibly or not. Although we are unlikely to have much impact on the centers of power (they mostly control us), we do have a profound affect on the people who live in the vicinity of the places we dig and on the people whose history connects them to our research. We affect these people with our numbers, our money, and our interpretations.

The old idea of cultural anthropological research sounds like a vision quest. The anthropologist goes alone into an unfamiliar culture and becomes immersed in daily life while standing intellectually apart to come to some sort of cross-cultural understanding. Depending on the culture chosen and the personality of the anthropologist, this kind of study may have relatively little impact on business as usual among the subject population. But archaeologists do fieldwork in packs. The amount of physical labor involved requires that more than one person do the work. Since students provide the cheapest labor, most projects bring along at least five people, and often many more. Frequently this means that a local host community finds itself rubbing shoulders with a group of people with an alien value system.

Local people usually have experience with outsiders being exploitative and patronizing. Archaeologists expect laypeople to be ignorant and uninterested in the academic version of the meaning of life. When Pyburn was 19 years old she worked on a contract project in a small town in Texas. The local minister told the project’s Danish exchange student that he couldn’t practice Bach on the church organ during the week, because the organ was only for religious music. The archaeologists sneered at the locals for being hicks and imported truckloads of alcohol into their dry town. The townspeople thought the interlopers were some sort of awful hippie commune and watched them carefully while keeping them at arm’s length. No doubt this community has a strong impression of what archaeology is, despite the fact that the project hired no local people and took no responsibility for its impact.

The truth is that it is very rare for local people to have no interest in archaeology. They may not see local history the way archaeologists do, but enthusiasm for information and objects from the past appears in many cultures and its magnitude is often staggering. Most archaeologists ignore this public interest more than they should.

The second way archaeologists affect local communities is with money. Of course this is less of an issue in prosperous areas, but when scientists funded by grants from industrialized nations pursue research in underdeveloped areas, the impact on local political economy can be profound. Fifteen years ago Pyburn worked on a project in which a landowner near the archaeological site was given the power to choose who would be hired from the local community. This local person, as was later discovered, was not well respected in the community and was considered dishonest, devious, and stupid. Nevertheless, the power this person achieved by being able to hand out desperately needed jobs made him head of the town council within two years of the start of the project. Hiring through the existing council, with its elected members, would have given townspeople some recourse against unfair hiring practices, but hiring without paying any attention to the local social and political organization altered the local balance of power.

The third way archaeologists affect local people is by digging up their heritage. Since local people in many places are fed up with the exploitative and patronizing attitude of outsiders, objections to the cavalier treatment of ancestors and shrines have become articulate and forceful in recent years. Many archaeologists seem rather shocked and hurt to find themselves lumped together with an exploitative establishment that they themselves oppose. Most are political liberals who cherish the notion that studying the past undermines the hubris of modern politicians...
and economists, and who visualize archaeologists giving back the authority of history to disenfranchised local groups who have been victimized by the modern world. The point to be made here is that people must decide for themselves what history they will reclaim, and they must have a voice in the reclamation process. For this to work, a lot of education will have to happen: archaeologists will have to let local people teach them about their interest in the past, and local people will need to be convinced by archaeologists that archaeology has something to offer before they reject it out of hand. This type of collaboration runs into serious problems that have been elegantly outlined by Jeff Bentley (1994):

1) Time scale. At the community level, things often happen very slowly, especially forming organizations necessary to promote education and preservation. Consultation is time consuming, and finding a consensus among interested parties can be very slow.

2) Lack of infrastructure. Many local communities, especially where patronage and clientage are part of the political structure, have historically had their autonomy undercut: they have lost consultative and communal institutions, or they have suffered repression or cooption. In this situation, overcoming factionalism and building a consensus is a long-term task.

3) Power. It is easy to speak of shifting power to the local level and giving autonomy and control to community institutions. But the reality is far more difficult. Governments are often completely unwilling to give genuine control of land, resources, or archaeological sites to community-based organizations. But some degree of local control is essential if local management institutions are going to work. The power issue arises also in the relationships between expert consultants or scientists and people in community organizations. Even when experts are committed to the idea of collaboration, class and cultural differences often continue to stifle local input and prevent real cooperation.

In 1990 Pyburn had a Fulbright to do archaeological research in northern Belize. She had been lecturing in Belizean high schools and was impressed with the enthusiasm of Belizean students for the archaeology of their country. She was eager to approach the residents of the community near her own project to try to involve them in the prehistory of their area, but had been advised by other archaeologists, Belizeans in other villages, and residents of the community that local people would steal everything they could get their hands on, and her students had better be on their guard constantly. Nevertheless, Pyburn introduced 25 American college students into houses scattered around the village with wattle-and-daub walls and plank doors defended by tiny locks that would have looked at home on a charm bracelet.

Pyburn and her students worked with the public school kids and got articles and photos of them learning about archaeology in two national newspapers. She gave constant lectures to anyone who was interested, and was prepared to answer both questions about her research topic and her source of income. She was careful to use language that nonprofessionals could not only understand, but relate to their own experience. All employees were hired through the village council, who graciously spent many hours in meetings with Pyburn to set the conditions of employment. The community center was used as a lab and the project contributed school supplies in lieu of rent. The archaeologists worked and partied with local people, bought goods in local stores, and explained what they were doing constantly. The project held an open house and invited the whole community to see what had been found, including maps, field notes, polaroid photos of excavations, and artifacts. The display of potsherds with their types labeled was a big hit. People who saw them were convinced for the first time that the archaeologists actually were collecting broken pottery, not just pretending to as a way to conceal doing something else. Much to the delight and the amazement of both the archaeologists and the villagers themselves, nothing was stolen during the entire three months.

The reason Pyburn took this approach was not just that she wanted to do something “nice” for the people near her research site, but because she felt it necessary to develop a good working relationship so her project would go well, and to make as good an impression as possible on people who otherwise had no way of evaluating archaeology. Pyburn also wanted to discourage site destruction and introduce ideas about sustainable development into the local economy and power structure. She put 10 years of research experience in Belize to work in an anthropologi-
cal context; she was fully aware that the looting of archaeological sites is a long-standing and traditional source of income in Belize, and set out consciously to change people’s values in a way that she deemed ethical. Pyburn explicitly employed what she knew about the economic and social forces that exist in small Hispanic communities in northern Belize to decide how to handle hiring and local education and to develop rules of behavior for students. Pyburn is pleased that some people in the village think of her as “nice,” but much happier about the fact that when she meets people from that village today, they ask her knowledgeable questions about archaeology. And Pyburn is especially proud that villagers appear to know she respects them and will listen to what they have to say, and that they seem to respect her in return.

Simply attempting to do what seems to us to be right may work out sometimes but will vary between cultures, and archaeologists need to think about not just their methods but also how those methods affect those persons around their work. Sometimes we need to change people’s minds. We don’t worry much when we do this within our own culture—we call it education. But there is a branch of anthropology specifically geared to instigating positive cultural change and preventing the deterioration of essential cultural institutions. Like the other subfields of anthropology, this one is imperfect and sometimes controversial. Nevertheless, an accumulated body of knowledge exists—summarized in the principles of the Society for Applied Anthropology—about appropriate ways to muck around in other peoples’ cultures—something that archaeologists have been extremely remiss in ignoring. A complete statement of these principles can be found in Human Organization, the society’s journal, but a few points are worthy of recapitulation here. Members are enjoined to consider the impact of their research as well as the implementation of their recommendations on local people. Respect for professionals and nonprofessionals alike is inherent in every principle. Consultation with people involved and affected by research is required.

We believe that responsible archaeology is applied anthropology. Archaeologists must research ahead of time what will be the consequences of our numbers, our money, and our interpretations; and we must shoulder the responsibilities our research generates before the fact, not try to clean up a mess with goodwill afterward (when village factions are breaking up monuments to spite each other, and the local citizenry has vowed to bulldoze anything that might ever attract those awful hippies back to town). And we must research ways to encourage site preservation. Sometimes this means promoting ecotourism or hiring workers through the village council. Other times we may need to distance ourselves from tourist schemes and hire only from a national pool of professionally trained excavators or union laborers. Sometimes we should hire women, other times we must not; often we must pay attention to how we dress and speak and to how our behavior affects the local concept of appropriate gender roles. We cannot know automatically what the correct procedures will be in any particular place; this will require research.

Since few of us are able to take on a new profession to continue to do archaeology, we would simply advocate the inclusion of a consultant in applied anthropology at the start of most projects. Most of us already hire technical specialists of one type or another, and applied anthropologists already exist in most parts of the world. Many would come to an archaeological project with their own financial support. Minimally, project directors should study the available literature on the group they will affect.

In conclusion, although the offerings of Lynott and Wylie are elegant and compelling, and it is encouraging that so many good minds are committed to seeing archaeology through the millennium, archaeology has not changed as much as they suggest. The cultural context of the discipline is indeed becoming more complex, but at the centers of power in our field, it is still pretty much business as usual. Large-scale funding and professional success do not come from either stewardship or public responsibility; most junior faculty have been warned to wait to do all this “service stuff” after tenure. And those who review research are likely to feel that an emphasis on ethical issues surrounding a project, such as public impact or conservation, will detract from a project’s scientific thrust, serving only to help locals rather than achieve the goals of pure science. In 1990 Pyburn and Wilk were shown a previously undocumented Maya city in northern Belize by a group of villagers who had
been protecting the site from encroachment for years. As it turns out, the site has a 3,000-year occupation span, an enormous complex of agricultural fields, and a postconquest occupation that is unique. Called Chau Hiix, the city was apparently once a production center for cotton and part of an intricate trade network. Pyburn’s proposals made clear that her research at the site was the direct result of an invitation extended to her by the local villagers who hope to develop the site for tourism. Here is a quote from an anonymous reviewer of a proposal submitted by Pyburn to the National Endowment for the Humanities:

The proposal goes to some length to demonstrate that the work will be useful to the local . . . community in Belize, and that later work would be coupled with that of a development anthropologist. While I see this as useful and important, to a point, it cannot be a principal goal of an archaeological investigation.

The “length” taken to demonstrate the value of the project to the village consisted of two paragraphs at the end of the proposal, and the inclusion of a letter of invitation from the village in an appendix to the proposal. Nothing in the proposal suggested that “helping the village” was to substitute for scientific goals. The proposal was rejected.

Ethical responsibility is not beside the point of archaeology; it is the only thing that will keep our discipline alive. Since we will never succeed in changing the structure of rewards in time to save the archaeological record, we challenge everyone who reads this to include an applied anthropologist, a set of outreach goals, or at least a statement of the impact of proposed hiring practices and imported students on nearby residents in your next grant proposal to any funding agency, just as though such considerations were required. These are heavy responsibilities, but archaeologists are in no position to ignore ethical issues in the present political climate. If archaeology is to survive into the twenty-first century, its practitioners must forfeit the luxury of burying themselves in the past.
A Comment
RICARDO J. ELIA


These six “principles of archaeological ethics,” stated so succinctly here, constitute an admirable set of values and ideals for our profession. If we cherish and nurture them, they will help us define who we are as archaeologists and what we stand for. This process of defining ourselves is, I believe, something we very much need to do. For many years, archaeologists saw themselves as pure researchers, pursuing a noble goal—the elucidation of man’s past—although admittedly somewhat on the margin of professions that affect people’s everyday lives. If our work was not of compelling interest or use to most people, at least we weren’t a threat to anyone either. We didn’t have to worry about who we were or justify what we did.

In recent years archaeologists have come to realize that archaeology is not an isolated research pursuit but a profession that affects, and is affected by, the society in which it operates. Much of our work is generated by public laws and public funding. The work of archaeology can have a substantial impact not only on the affected groups whose past we study but on the people and communities where we do our work. We have also become more sensitive to the fact that our theories, concepts, and interpretations may be shaped or modified by a whole panoply of social, political, and historical factors. In today’s world we can no longer take it for granted that we will be perceived as shining knights of the ivory tower; instead, we may be viewed with suspicion, distrust, and outright antagonism. To some, we are desecrators of indigenous tradition and religion; to others, we are selfish academics determined to keep the world’s sites and artifacts all to ourselves. Even to lawmakers and planners in the public arena, we are often just one interest group among many who have staked a claim upon cultural resources.

For these reasons it is imperative for us to define who we are, what we believe in, and how we intend to behave. It seems to me that we have been reluctant to do so. Why? Much of our energy in recent years seems to have been devoted to accommodating others who have an interest in the past. I think that sometimes this effort has gone too far; reluctant to assert our own beliefs and values, we have been all too willing to give precedence to any other viewpoint. Considering all opinions, values, and views with respect does not mean that we should accord each one equal standing, especially those that are based on ignorance, politics, or a desire for commercial gain. Like the groups we are accommodating, we need to stand up and affirm what it is that we believe.

The drafted principles of archaeological ethics go a long way toward achieving this end. I originally intended to offer comments only on the issue of commercialization, which has been a special concern of mine, but I found that the six principles are so compelling, and so inextricably interconnected, that I have taken the liberty of making a few points on each of them.

First, I think it is wise to make stewardship the central principle of the archaeological endeavor, for if we define archaeology as a public trust, the other principles follow as necessary adjuncts. No one principle stands alone; rather, there is a logical articulation among the principles. I also believe that, while the principle of stewardship presupposes a primary orientation toward preservation, conservation, and management, it should not be construed in too narrow a sense: the rubric of stewardship also comprehends what are now becoming known as the “traditional” activities of archaeology—research, excavation, and analysis.
If archaeologists are working for a public trust, then they must be accountable to the public, or, as Francis McManamon (1991) has rightly pointed out, to the “many publics” of archaeology. I certainly agree with the draft statement of the principle that archaeologists must make a commitment “to consult actively with the affected group(s). . . .” But I believe that this statement, as currently drafted, might force too narrow a construction on what should be a matter of broader concern. Public accountability operates on many levels, and essentially involves the question “accountability to whom and for what?” To be sure, accountability includes the responsibility of archaeologists to consider the concerns of indigenous groups and local populations, but I would argue that there are other valid “affected groups” in any project, including other archaeologists, the general public, and even future generations.

To take an example, I have a strong interest in Greek archaeology. I am not a Greek citizen, am not Greek Orthodox by religion, and do not live in Greece. Still, I consider myself an “affected party” when it comes to archaeological resources in Greece. Does the principle of accountability as stated take into account my interests? Or those of the general public? Or of generations unborn?

The third principle, on avoidance of commercialization of archaeology, is a cogent statement, and the position paper is a lucid exposition of the issue. The consequences of the direct or indirect involvement of archaeologists in the commercialization and commodification of archaeological resources are only now beginning to be examined. Archaeologists contribute to commercialization in three basic ways: 1) by studying and publishing unprovenienced objects that are on the market, in private collections, and in museums, 2) by actively collaborating with treasure hunters, especially in the field of shipwreck archaeology, and 3) by providing specialized services, including conservation, dating, and identification of unprovenienced or commercially obtained objects.

The best way to assess the effect of this kind of collaboration is to analyze the activity in light of the other ethical principles. In terms of the principle of stewardship, for example, commercialization clearly results in the conversion of a public interest to a private one. As for accountability, those who in effect service the antiquities market make themselves accountable to narrow, private interests rather than to the public or the profession. Archaeologists who involve themselves in the commercialization of archaeological resources also undermine the principle of public education: their activity promotes exploitation of archaeological resources, not conservation; legitimizes treasure hunting, collecting, and looting; and serves to thoroughly undercut the promotion of stewardship, as the public sees archaeologists involved with dealers, looters, and treasure hunters, and treasure hunters masquerading as archaeologists. Finally, in terms of the principles of public data and preservation, the commercialization of archaeological resources fosters the conversion of public sites, artifacts, documents, and records to private ownership, which often leads to restrictions of access, the dismemberment of collections, and even the destruction of the resource.

I have a minor quibble. I disagree with the statement in the position paper on commercialization that in “the Mediterranean and Near Eastern countries where antiquities trade has been outlawed, the volume of illegal trade has diminished demonstrably.” It is important to note that in most of these countries, while the antiquities trade may be restricted by law, it has not been outlawed. Also, I have seen no evidence that the amount of illegal trade in these countries has diminished to any great extent; on the contrary, it appears to be thriving.

The principle of public education, expressed as an obligation to communicate with the public, is of course a commonplace in archaeology, but it is perhaps the most essential ethical principle after stewardship. Since archaeology is a public trust, we have a primary obligation to communicate archaeological information to the public. There is a certain irony here: we are claiming that our field is motivated by an overriding public interest yet we have not convinced the public of that view. In effect, we find ourselves in the position of creating the public need we wish to serve. In many respects, archaeology remains a marginal endeavor; many people do not see a need for it; and many of those who do support it do not understand the conservation ethic (“But you are archaeologists—why don’t you want to dig the site?”). The principle of public education does not just entail a responsibility to provide information about archaeology; we are also
assuming the role of proselytizers, trying to persuade the public of the importance of archaeology and archaeological stewardship.

The principle concerning intellectual property admirably expresses the critical notion that archaeological knowledge must be public knowledge, subject to reasonable restrictions based on rights to study, copyright, and confidentiality. This principle is especially important in light of a growing problem in contract archaeology, where archaeologists are increasingly being subjected to onerous contract provisions that seriously limit their—and by extension, the public’s—access to data, publication rights, and even ability to communicate about their projects. These restrictions are absolutely contrary to the public interest that is motivating these projects in the first place.

The principle of archaeological preservation strikes me as a bit confusing because it seems to be at once very general and too narrow. This principle, as drafted, refers to the obligation to preserve the “archaeological record,” a broad term that includes, according to the position paper, in situ archaeological data, recovered archaeological data, and all of the documentary records pertaining to them. I find it curious that the definition of the in situ record refers to “artifacts, ecofacts, chronometric specimens and contextual material” but fails to mention the word “sites.” Despite the inclusive definition of “archaeological preservation,” however, both the draft version of the principle and the position paper concentrate almost exclusively on preservation of excavated collections and the documentary record, essentially ignoring archaeological site preservation and the in situ record. Admittedly, conservation of sites is briefly described in the position paper on stewardship, but it seems strange not to include it in a principle titled as broadly as “archaeological preservation.”

I wonder if we should not consider a restructuring of this principle, either by broadening the wording of the principle itself and including in the position paper a strong discussion of archaeological site preservation, conservation, and management, or by restricting it to refer solely to the preservation of the documentary record and recovered collections.

Those structural concerns aside, I believe that the position paper is a very strong articulation of the ethical obligations to preserve and maintain collections and documentary materials. I would only add a few minor clarifications. First, the statement that “collections of artifacts and related ecological materials without accompanying documentation are useless for current or future archaeological research” should not stand without qualification. While I certainly agree that collections bereft of documentation are in general extremely limited in their use, that is certainly not always the case: one might consider the Dead Sea Scrolls as an example, most of which were looted and acquired without any documentation, but which retain enormous historical, epigraphic, and archaeological significance nonetheless.

Second, the caveat regarding the care of materials curated in electronic format is also exaggerated: “The only truly safe records are hard copies.” While it is certainly true that special care must be taken of electronic data, hard copies can hardly be considered “truly safe” records. They too can be lost, mutilated, or destroyed.

Finally, I would like to say that these marvelous “principles of archaeological ethics” are just that—principles, values, ideals that we must strive to realize in our professional conduct. They are not a set of strictures to acquiesce to like so many provisions in archaeological contracts. They must be actively incorporated into everything we do. Above all, they require that archaeologists take an active role as stewards of a precious public trust.

Note

All quotations from the archaeological principles or the position papers refer to the versions as of May 1994.
On the last day but one of his 1873 season, Heinrich Schliemann found at Hissarlik, the mound in west Turkey he had identified as the Troy of Homeric tales, the gold hoard he called “Priam’s Treasure.” This is the jewellery which was worn by his wife Sophia to turn her into Helen of Troy. It went to Germany, and became the most celebrated of the treasures which disappeared from Berlin in the closing months of the Second World War, and ever since have been “said to be” somewhere in the Soviet Union. In 1991, it was admitted that the German loot had gone to Russia, and this year Irina Antonova, director of the Pushkin Museum in Moscow, acknowledged the gold from Troy was in her museum, a secret that had not been secret to its staff.

The treasure was controversial as cultural property from the start. After Schliemann smuggled it out of Turkey, he paid 50,000 gold francs in Athens in an act of compensation which seems to have secured him its title. It was shown in London at the South Kensington museums 1877-80, on which occasion Schliemann valued it at the figure of £400, before coming to a permanent home in Berlin. This was not in the Pergamon, or elsewhere in the Museuminsel of central Berlin, but in the fine neo-Renaissance palazzo in red terracotta that is now called the Martin Gropius building. Dr Wilfried Menghin, director of the Museum für Vor-und Frühgeschichte, Berlin, says its pre-war assets amounted to “the best collection between the Atlantic and the Urals.” As the Allied armies closed on Berlin, these museum treasures were packed away, 3 caskets of first-class gold objects, 30 caskets of second-class silver objects, others of third-class objects. Hidden away too late, they were taken by the Soviets. The gold we now know was flown to Moscow, along with four other chests of artworks. The silver went to Leningrad as was, now St. Petersburg, where about a third of it has now turned up. Because the sorting was by material and its visible value, the gold caskets included many other items beyond Priam’s Treasure, like the Late Bronze Age treasure of 81 golden objects that was found at Eberswalde, Prussia, in 1913. Altogether the three caskets hold, or held, 1,538 objects, of which 230 are from Priam’s treasure.

Apocryphal stories circulate of crazed collectors whose private and lonely apartments are lined with Manets and Monets, stolen to order. This is the trouble with stuff you know is nicked: you can enjoy it yourself, but you cannot tell the world or let the experts study it. All these years the Pushkin has had Priam’s Treasure in its custody, and has not done anything with it. Now the possession is acknowledged, it wants to have first crack, Dr. Antonova saying: “Since fate has disposed that the gold should turn up in Russia, I would very much like to give an opportunity to our specialists to study it.” Yevgeny Sidorov, the Russian Cultural Minister, says it will go on exhibition in two years’ time; he has held the gold in his own hands, “It does not look very brilliant, but it gives out a warmth and energy that grabs your soul.”

In due time, clearly, the stuff should go to its rightful owners, as the laws of cultural property provide. For items like the Eberswalde gold cup, the rightful owner is clearly Germany. (But what about any items excavated outside the lands of present-day Germany, or a far abroad as the Caucasus?) For Priam’s Treasure, there are three interests beyond the Russians as the present proprietors. Ankara claims it because Troy is in Turkey, and any supposed old transfer out of Turkish jurisdiction may seem there to be improper or irrelevant. Berlin claims it because the Treasure came into the ownership of Schliemann, who presented it to the German people in 1881. Greece seems to have no basis for legal claim, but maintains the strongest
patriotic interest in the Troy of Homer. Already President Boris Yeltsin has offered to send the Treasure to Athens for its first foreign exhibition, and Mr. Sidorov says the resolution of the Treasure's future can be made “only in a European framework,” a phrase which may have many meanings. What is “Europe” in these matters? Troy is in Asia Minor along with most of Turkey, and not all its present members think Turkey’s application to join the European Community comes from a country that is actually European. We can expect many civilized gentlemen on civilized salaries to have many civilized discussions extending over many years within a “European framework” to resolve these fragile matters.

Another treasure from Turkey in the news in October was the “Lydian Hoard,” a set of more than 363 gold, silver, bronze glass and carnelian objects dating from the 6th century B.C., which the Metropolitan Museum of Art in New York agreed at the end of September to return to Turkey. Plundered from tombs in Usak, western Anatolia, in the 1960s, it was stolen—it has been shown “only months before the museum acquired it.” The Met’s own records showed that museum staff were aware at the time “their provenance was controversial.” The collection was not displayed until 1984, when 25–40 of its items went into the Met’s Classical galleries; when the Turkish government brought suit in 1988, the Met argued the action was out of time under the statute of limitations.

Suppose I have a car which some fellow—let us call him Mr. A. Thief—steals from me and sells it to another—let us call him Mr. A. N. Innocent—who pays over good money. I get to hear where it is. My remedy is clear. I go and directly take the car back which is and always has been mine. If Mr. Innocent wants his good money back, then his quarrel is not with me but with Mr. A. Thief. Not always so in the world of international cultural relations, and plea-bargaining courts. Mr. A. N. Innocent, or in the Lydian case perhaps Mr. Heard-a-Few-Supposed-Provenances-in-My-Time-and-Don’t Worry-I-Get-Your-Message Innocent, is entitled to be comforted for the loss of what was never his. The Met and Turkey are to cooperate on projects and exhibitions.

The same week in New York jury selection began for the case to decide ownership of the Sevso Treasure, a hoard of 14 ornately cast Late Roman silver pieces that come from Lebanon (as was originally said), or from Croatia (which has claimed them), or from Hungary, or from who knows which country in whose modern jurisdiction a fragment of the Roman realm lay. Lord Northampton, who says the Sevso Treasure is his to sell, and Sotheby’s, who incautiously took the stuff to New York, are being pursued by Croatia and Hungary, Lebanon having withdrawn. Croatia’s first claim of fraud was dismissed, and Sotheby’s general counsel said, “We’re thrilled; we feel we’ve been vindicated.” Northampton and Sotheby’s look set to win, because no one seems ready to prove just which was the nation-state whose ground the stuff came out of; whether that was Portugal or Persia, England or Algeria—grave offense has been committed against some country’s laws that protect antiquities from looting. And against the chance of some real knowledge of the ancients, since the context is lost and very likely with it the coins, the base-metal or less treasurably objects, the fragments of box or containers in which they had been placed. I am obliged to hope—as at least one scholar with great knowledge of late Classical silverware does—the whole bundle may be a fake.

Catherine Johns, leader of the team working on the Hoxne treasure (below), has said, these things are the interest of every one of us who is in some way cultural heir to the Roman Empire. The ideas of “cultural property” and of its exclusive control and possession in the realm of separate nation-states is no place to start.

Will there be an end to this empty greed and foolishness? Yet another case has opened in New York, the State of Greece vs Ward, the subject a collection of Mycenaean jewellery that did or did not come from chamber tombs near Aidonia that were looted in the 1970s.

While dealers and collectors and treasure-hunters go about their games, what is the role of the researcher? Many of us in the archaeological profession have some small place in that trade, as consultant, as confidant or as “ancient art adviser.” Few of us will distance ourselves entirely. Faced with some new delight, “said to be” from somewhere or other outside immediate chance of a legal seizure, we take it into the scholarly world, not comfortably perhaps, but feeling this thing of beauty is so fine, so precious, so important, so rich a potential source of knowledge that no benefit comes to scholarship from pretending it does not exist. I came close to
believing this until, with David Gill, I looked carefully at one body of ancient art, the carved stone figures of the prehistoric Cyclades, which has suffered from looting and from forgery. Our paper is in the American Journal of Archaeology for October 1993.4

The material consequences for Cycladic figures are well known; through their chance resemblance to 20th-century sculpture, a collecting boom brought out the looters to quarry the Cycladic cemeteries and set the forgers to work in mainland Greece workshops. But until Gill and I looked closely we did not realize how completely the Cycladic corpus is corrupted, and how frail are the means by which enthusiasts in the Cycladic research community pretend to be able to judge whether a new find, surfacing on a Manhattan mantelpiece and “said to be” from Melos or Naxos or Amorgos or Sounds-Possible- os, is “good” or not—by searching for the similarities and differences to other figures whose “goodness” was a matter of last year’s guess-work. Ricardo Elia, of the Boston University Office of Public Archaeology, wrote a strong and startling review of Colin Renfrew’s Cycladic Spirit, a study based on the looted5 figures in the Goulandris Collection (Athens), in which he declared, “The collectors are the real looters.” Nothing we have seen leads us to disagree. Those of us who choose to eat meat are responsible for what happens in the slaughterhouse; and if we cannot bear that, then we should turn vegetarian. Those who choose to collect these numinous treasures are responsible for what happens in quarrying or fabricating the treasures.

The intellectual consequences, less obvious on the surface, turn out to be larger and more troubling. The “Master-carvers” which Pat Getz-Preziosi identifies by distinctive personal traits have more to do with the romantic vision that surrounds the creative artist in our own recent culture than with anything for which there is good evidence in the prehistoric Cyclades. A canon of defined proportions is commonly accepted as another sign of Cycladic artistic genius, yet no serious proof of such a canon existing has been attempted. The whole business advances into a greedy self-deception in the Christie’s sale-room catalogue.7 This prints the picture of a Cycladic figure fixed to be upright as is now the convention, set into a metal stand to stop it falling over from its pointed feet—it looks so much better, more monumental that way. And it prints its description on the opposite page as a “reclining female figure”—it sounds so much better, more evocative of modern sculpture that way. This new Cycladic figure, not recorded before and said to have been obtained from a Cycladic island shortly after the Second World War, is identified as a work of the “Rodgers Master,” a carver we have not heard of before either. This new Master is named, like other masters, for the name of the present proprietor of the name-piece—the fellow who has just sent it off to be flogged at auction.

Some recent papers in Antiquity have been purging the radiocarbon chronologies of whole regions, in a spirit of “chronometric hygiene,” an admirable phrase for which we can thank Wilfred Shawcross. When date after date has been discarded as unreliable for one reason or another, we come to a slimmer corpus of trustworthy and sound reports on which a reliable chronology can be built. These studies, not exciting for many of us with their lengthy tables, are the solid essential to a good chronology (and see Manning’s review in this number, page 298, for what happens when chronology goes off the rails).

The time has come to take the same hygienic view of Cycladic, to discard every figure that is “said to be” genuine and “said to be” from some island or other—however beautiful or beguiling. The “said to be” is not to be trusted. A handful of distinctive figures are set into purgatory as potential fakes, and the rest are treated as if all were “good.” Yet many hundred Cycladic figures must be forgeries if the reports of wholesale faking are true; these many are not “said to be” but “wannabe.” The understanding we have built on this corrupt corpus must be false wherever the corpus is false. In the Cycladic world, dominated by the interests of the collector who craves to be captivated, we will do better to know a little than to believe a lot.

The market forces press most where there is disorder. Afghanistan has been famous as a source of surfacing antiquities, and notice that the former Yugoslavia and Lebanon are central to the affair of the Sevso treasure. One hears fearful stories from Kuwait, from Iraq and from Iran of events after their wars and revolutions: a bull capital from Persepolis, captured by Iranian revolutionary guards when on its way to one of the Gulf States, and now in the warehouse packed with rescued stuff that is the basement of
the National Museum of Tehran. Outside the museum, one day, a huge truck-trailer filled with archaeological objects that had been stopped at the Azarbaijani border, which it had been trying to cross under the diplomatic protection of a foreign embassy.

I have not in *Antiquity* raged against the antiquities trade quite like this before.

Is there any point?

The collectors and the market-makers will always be with us, and to fret about the consequences—surely exaggerated? only uncomfortable for ivory-towered academics?—is just to make mischief.

Chewing over this worry in the train one day, my eye was caught by the *Daily Mail* of my neighbor. He was reading the serial excerpt of a new biography of Joy Adamson (1910–1980), the lady who in the 1950s captured the imagination of the public who care for wildlife by her exploits in East Africa, bringing up the wild lioness Elsa like a kitten in her bush-camp. There was her photograph, as she stepped off an air-liner as an international celebrity, wearing a full-length leopard-skin coat. A generation ago these places of lion and of leopard in a wildlife lover’s life were not incongruous; the rich and famous had always worn fur, and they always would—it is the eternal sign of fame. It was absurd to think of the trade in furs of endangered creatures ever going into a decline, and only a mischief-maker would try to upset it. Sensible biologists would realize this; they would cooperate in a useful way with the furriers to learn about leopards from the evidence of their skins. The fur-trade would produce new variants and sub-species, and the biologists would sometimes be lucky enough to be told just where these came from. In return, the biologists would use their knowledge of the great cats to help the trade sort out just what was what, and which fur deserved to be most valued.

Yet see the social place of fur now. I do not even wear my own ancient shabby fur-coat, £10 years ago from the charity shop, any more, though I guess and hope its animal origin is dyed domestic sheep.

Will it be the same in the next generation with endangered antiquities?

Why not?

**Notes**

1. The site-report is Heinrich Schliemann, *Ilions: city and country of the Trojans* (1880); the photograph of Sophia wearing the stuff is a fixture in the illustrated stories of archaeology, e.g., Glyn Daniel, *A short history of archaeology* (London: Thames & Hudson, 1981), where the romantic fancy of Schliemann at Troy is reckoned worth three out of the 135 pictures that make up the whole story of archaeology. *Ilions* not being to hand, I browsed instead Schliemann’s *Mycenae* (1878; preface by the Rt. Hon. W. E. Gladstone M.P., dedicated to His Majesty Dom Pedro II, Emperor of Brazil) to get a sense of the man. Recommended.

2. By chance, the Gropius building fell adjacent to the division between East and West Berlin, metres from the Wall and just inside the West. Restored once more as an art and exhibition venue, it now stands adjacent to the standing fragment of the Berlin Wall at the Niederkirchner Straße, on which subject see Frederick Baker in the first paper of this issue.


5. That is, they are all said to have been bought from the illicit excavators and their friends, and are presumed to be “good.” How does anyone know, Elia remarks, they are not some, many or most fakes?


8. Most recently, both in the June issue, Forenbahrer on the central European Bronze Age (218–56) and Spriggs & Anderson on east Polynesia (200–217).
This editorial is begun while I am staying in the Disneyland Hotel, Anaheim, California, whose Vice-President tells me in a mini-mission statement in the room, “My staff and I want your visit to be a dream come true. All of us believe that Disney Resort Experiences Are Magic” [bold in original]. Different my Disney experience certainly has been, and it could be useful comparative material if my research interests more concerned monopoly capitalism, infantilization and the subtler mechanics of social control, but not what I would call an Experience of Magic. A pity that “mission statements,” useful devices to remind organizations just what they are for, have turned into absurdities. Many, most of the societies that archaeologists study are so remote and strange they would seem quite unnatural if we were to be translated into living inside one; staying at Disneyland may fall under the useful category of “secondary fieldwork.”

I have been summoned to Disneyland by the Annual Meetings of the Society for American Archaeology, at about 2,000 head surely the largest of the annual gatherings of the thundering archaeological herd. The usual zoo of simultaneous sessions; you sit through one indifferent paper knowing that somewhere on the programme, in some other meeting-space, there is likely a first-rate paper you are missing—if only you knew how to figure out which one it was. No wonder the canny prefer to “surf” from one star paper in one session to another in another to another in yet another, rather than sitting through the whole of a symposium; tough on the fellow without reputation who stands up after the star performer, and watches most of his audience walk away. Or they instead devote themselves full-time to practising the skills of social archaeology in the bar (I name no names).

Meeting in Disneyland, emblem of the treating of the past for such popular pleasure and private profit, has been a reminder to me that archaeology is an idealist business, of no or slight utilitarian benefit. And it chances that the SAA has this year been thinking hard about its ethics, not just the high or petty crimes and misdemeanours which archaeologists may inflict on each other or on the stuff we work with, but by reminding ourselves what are the ideals that direct the whole venture, and distract us from the better-paid lives we could spend in something more practically useful like cost-accountancy. A mission statement, in short. And the Society’s membership has this year chosen as its President-Elect Professor Bill Lipe, whose memorable call to a true spirit of conservation archaeology, made a generation ago in The Kiva, is still an ideal far ahead of what most of us actually practise, and surely ahead even of what his own Chaco Canyon research centre is able to do.

Here is the opening to the ethics statement, from a draft that pretended to rhetoric on the old American model (before it was toned down into more contemporary idiom):

“The archaeological record is the material memory of our human predecessors on earth, by which we may come to know them. It is a common good, to be held in public trust.” (If the Disneyland Hotel uses bold, then so may we.)

Much—not too much—follows in discussion papers addressing a variety of ethical aspects, that reach as far as an obligation to public education and to fair dealing with colleagues in publication. All of it follows from this short and splendid statement of the driving ideal: the stuff of archaeology is not an asset to be possessed and exploited, but a responsibility to be looked after in trust. This is true and this is simple; it should underlie most of what we do, and explains why our ideals do not provide for appropriation of the stuff of archaeology from the common good into private possession.

“Material memory” is a striking—and perhaps a new—statement of just what the stuff of archaeology amounts to, and the purpose of coming to know our predecessors underlines the
human factor. Then “common good,” an interesting and unfashionable phrase. We live in an era where things which were once public are being divided and made private. Once there was the shopping street, kept in order by its public users and a public police force; now there is the shopping centre or mall, a private place controlled by a private security force. Things cannot, we have come to believe, be held in common, and that is “the tragedy of the commons”; whatever the common resource, individual private interests will take from it, and the common will be left with nothing. That is why the green bicycles provided in Cambridge for free common use all disappeared straight away, and why fish stocks in open oceans everywhere are pursued to extinction by individual competing boats or national fleets. The “tragedy of the commons” may be true of human nature in our late century, but it was not always so and need not be. Common holdings, with common rights held over common land has been a good system of land tenure for centuries.

Perhaps the problem is that things held “in common” have increasingly come to be held by the state and its agencies. The state, elected by the people for the people, should stand for and carry out the common cause, but in reality seems too often concerned to invent and to protect its own bureaucratic interests. State ownership becomes just another appropriation, the taking of something which should be a “common good held in public trust” into the possession of some remote agency, which is theoretically public but acts as if private.

Peter Fowler and I, worrying a few years ago about the style in which Stonehenge is looked after, asked for an effective local management; the place needs—we thought and we think—to be run by someone available, accessible and on the spot, not by a remote style of “telephone-line management.” This is a real challenge to English Heritage, present proprietors of Stonehenge on behalf of the British people, and to all those state and quasi-state bodies that control archaeology in most countries. Avebury, sister site to Stonehenge, has been owned half by the National Trust; now English Heritage, following its controversial policy of divesting some of its monuments to local or community-based groups, has transferred its portion to the Trust. The Trust has its critics—sometimes for the same reasons of centralized directions and remoteness—but it seems to be to have the right essentials for an archaeological custodian: a voluntary non-profit association, independent of state control, with a mass membership, a genuinely democratic structure, broad and deep expertise, a proven and effective management method that is regionally organized and in touch with local concerns.

Somewhere in this middle ground, neither state monopoly nor private commerce, business-like but not profit-motivated, is the ethos that has served museums and archaeology well in the past, and remains the directing need for the future.
Ethics Code of the American Anthropological Association and Its Relevance for SAA

JANET E. LEVY

The American Anthropological Association established a code of ethics and associated grievance procedures in 1971. Implementation of the code has raised numerous dilemmas. Experience with the AAA code suggests that SAA must grapple with issues of diverse research settings, competing ethical responsibilities, and procedural complexities of implementing a grievance procedure. SAA’s ethics project is discussed in light of the AAA’s experience.

I was a member of the Committee of Ethics (COE) of the American Anthropological Association during 1990–1993, ending with a year’s term as chairperson of the COE. The AAA is the largest organization of anthropologists in the United States and includes more than 1,450 archaeologists (including students). Many, but by no means all, of these archaeologists are also members of SAA (in summer 1994, all members of the Executive Board of the Archaeology Division of AAA, including myself, were also members of SAA). The AAA established a code of ethics, called the Principles of Professional Responsibility (PPR) in 1971 along with a grievance procedure for bringing complaints against individuals for violations of the code. The PPR itself has been modified several times since 1971, most recently in 1990 (American Anthropological Association 1990). However, the grievance procedures have not been revised since 1976 (except for minor editorial modifications).

The pragmatic experience of implementing the COE’s grievance procedure led me to believe that serious problems exist with the PPR and the procedures that the COE must use in handling grievances. In October 1993, I submitted a report to the Executive Board of AAA on these matters, and a somewhat shortened version appeared in the Anthropology Newsletter (Levy 1994). That published report is reprinted here, courtesy of the American Anthropological Association, with some modifications; following this are additional comments relevant to the concerns of SAA.

Report to the American Anthropological Association

My own thoughts have been illuminated by Cassell and Jacobs (1987) and Fluehr-Lobban (1991), two major sources on the history and workings of the PPR and the COE. Both of these sources indicate that it is Section I of the PPR, “Responsibilities to people whose lives and cultures anthropologists study,” which addresses the core ethical concerns of those who wrote and implemented the PPR. It is also clear that the PPR comes out of a particular historical context: of Vietnam, Cambodia, and Project Camelot. Both of these points are relevant to the issues I raise.

The Missing Subfields

As written, the core portion, Section I, of the PPR refers only to the actions of cultural anthropologists and others whose research is based fundamentally on interaction with living people. Of course, the sections pertaining to relations with students, employers, and the public are relevant to all anthropologists, but there is no guidance given on significant issues for archaeologists and physical anthropologists, such as research with non-human primates or archaeological sites and artifacts.

Although arguments have been made for using Section I as an ethical guide in the repatriation debate (see Meighan 1985 and the concluding chapter in Fluehr-Lobban [1991] for opposing viewpoints, citing the same section), it is tortuous to argue that the concept of “informants” used in the PPR should be extended to artifacts and non-human primates; it is clear from the written document and the historical background that Section I is about people. It provides no guidance on whether archaeologists have an ethical
obligation to “the data base” that overrides obligations to the public, employers, etc. Nor does it provide guidance on, for example, whether a primatologist has an overriding obligation to preserve habitat for the threatened non-human primate species he or she is studying, even if that will take land out of cultivation from the neighboring human population. There may well be ethical answers to these questions—but they do not appear in the PPR.

One could make the argument that these ethical issues should be handled by other professional societies, the Society for American Archaeology or the American Association of Physical Anthropologists, but the PPR is allegedly the code of ethics for anthropologists and it should, therefore, respond to the needs of more than just cultural anthropologists. This is not a moot point: Two of the inquiries I handled while chairperson of the COE turned on just the question of the alleged unethical destruction of the archaeological data base.

The Procedural Morass

A former chair of the COE once described the grievance procedures as “labyrinthine.” The rules and procedures were established to be fair to all parties, hear all sides, protect as much as possible everyone’s privacy, and, apparently, guard against the political misuse of the grievance procedures.

The result is a process that takes a very long time. There are requirements for multiple levels of review and for circulation of all materials to all members of the COE and, potentially, to all members of the Board of Directors. In addition, the COE, like much of the association’s business, is run by volunteers. We all have full-time jobs and private lives and I refuse to apologize for the priority that we give those parts of our lives. Altogether, this results in a long process for even relatively simple cases.

One result is intense frustration for individuals who have initiated or are thinking about initiating a grievance. More than once, someone making an inquiry over the phone has said to me: “But can’t you do anything about it now?” We can’t. The question then arises: Should the AAA have some means, outside of these procedures, of rapidly responding to ethical crises?

Scholarly Critique vs Ethical Violation

A significant number of complaints brought, either formally or informally, to the COE turn on points that might be interpreted as scholarly difference rather than ethical violation. The complainants usually do not see it that way, but these raise great difficulties for the committee.

For example, Anthropologist A claims that Anthropologist B gave such a negative review of a manuscript or grant proposal, out of motives of professional jealousy, that it unethically violates statements in the PPR about jeopardizing an anthropologist’s career.

Or, for example, a graduate student claims that the anthropology faculty unethically evaluated his/her work out of malice, while the faculty respond that they do not think the student meets the program’s standards.

Or, for example, Anthropologist A claims that Anthropologist B’s research proposal is so bad as to constitute unethical behavior even though that proposal has been reviewed and accepted by the funding agency.

All of these cases were presented to the COE in the three years I served on the committee, along with others of similar pattern (I should add that in none of these cases were accusations made of racial, sexual, or religious, etc., discrimination). For the two that were formal complaints, after appropriate review, the COE recommended that the complaints be dismissed. This has taken lots of work, generated mounds of paper, and left the complainants angry. I think we were correct in these cases; the COE is very unwilling to make determinations of scholarly merit. While we think that vituperative criticism of someone’s work is frequently unprofessional, we are uncomfortable with the position of labeling negative scholarly criticism, no matter how ferocious, as unethical. Similarly, we do not want to be in the middle of scholarly debates, yet it certainly remains possible that research could be so bad that it constitutes unethical behavior or that scholarly criticism could be based on motives of personal
revenge and not scholarship. Neither the PPR nor the standing procedures provide much guidance for handling these situations.

This problem is closely related to the next one because it arises out of the nature of the complaints that are received by the COE.

Kinds of Ethical Violations and Sanctions

Although Section I is the core ethical statement of the PPR, for the past many years not one grievance was filed that referred to Section I. Furthermore, in my experience of informal inquiries from people who are contemplating initiating a grievance, only one has focused on Section I (and that one involved an anthropologist who is not a member of AAA).

Instead, almost all complaints are about relations between anthropologist and anthropologist, involving publications, reviews of grant proposals, personnel practices, etc. I would like to think that this pattern exists because violations of Section I no longer occur, but frankly I doubt it.

Is this what we want the PPR for? If so, do we want to use the same procedures that were developed to deal with violations of Section I, which have been considered the really bad things anthropologists can do? Equally important is the question: Should we be doing something active to find out about violations of Section I no longer occur, but frankly I doubt it.

In a related issue, there is serious concern among the administration of AAA about legal liability of anyone who imposes a public sanction on a member for an ethical violation. In the absence of any licensing by the AAA, there are apparently serious legal questions about the legitimacy of any sanctioning mechanism. Of course, as noted above, we never have sanctioned anyone, but the existence of the system presumes that sanctions are possible and may happen in the future. If the organization itself is not prepared to take responsibility for legal liability (against claims of defamation, libel, etc.), AAA can hardly expect individual members of the COE or the board to put themselves in jeopardy. And, if we are never going to sanction anyone because of liability concerns, then why are we going to all this trouble? It may well be deceptive to allow potential complainants to think that this procedure is a legitimate and usable sanctioning mechanism.

Applied Anthropology

One of the biggest controversies that arose in the mid-1980s when major modifications of the PPR were proposed (but not instituted) has never been resolved. This debate was about whether applied or practicing anthropologists need an ethics code that is somewhat different from that for academic anthropologists. The main result of this debate in the 1980s was the removal of any statement about secret research from the most current PPR; in earlier versions, secret or clandestine research was explicitly condemned, but is not mentioned in the current version. This change is still seen as an appalling mistake by some, as it removed what was perceived as the strongest protection against the kinds of ethical abuses by anthropologists that were related to counter-insurgency research in Thailand and other cases. Many applied anthropologists, however, saw it as essential that secret/proprietary research be at least possibly ethical for anthropologists who may work for organizations that require sole control of the data for greater or lesser periods of time for either commercial or policy reasons.

Some have vehemently argued that the ethical codes should be the same for all anthropologists and that the PPR should ban secret research. However, it is my belief that this argument is flawed by a narrow vision of what applied anthropologists do and whom they work for. While we certainly should not forget the lessons of the Vietnam era, we need a PPR that is capable of guiding us in other changing times as well.
Otherwise, we are like the army that is always preparing to win the last war.

The ironic thing about the debate between applied and academic anthropologists over ethics is that it seems to ignore the current dilemmas that we all face. In this age of nationalist governments, internecine civil wars, “ethnic cleansing,” repatriation, land claims cases, etc., who among us is not faced with serious ethical dilemmas and specific compromises in balancing obligations to informants, different levels of government, sponsors, and the public?

Even more important is the dilemma of evaluating what is the proper action for protecting the rights of those we study. Thoughtful and concerned people can disagree, particularly on the subject of culture change. More significantly, different segments of the population being studied can also disagree. It is easy to imagine a situation where protecting the “physical, social, and emotional safety and welfare” of males and females of a community requires opposing actions, or where the interests of two different clans or two neighboring villages are opposed. The PPR assumes that the compromises we might be tempted to make are in abandoning the interests of our local informants to the interests of national governments or funding agencies. But, today, it is entirely likely that the interests of all of our local informants are not homogeneous—and the PPR is not at all helpful in this ethical dilemma.

I am neither a cultural anthropologist nor an applied anthropologist, so I can only barely touch on these complex topics. However, if we want an ethical concern and an ethical code that serves the profession of anthropology, we cannot sweep these under the rug.

Responses?

I have raised many questions and I do not have many answers. It is my opinion that the current grievance procedures are burdensome, unworkable, and often pointless. It is also my opinion that the current PPR, while it expresses important values, has considerable weaknesses as well. If we do nothing else, we need to modify the procedures and clarify what they can and cannot offer the membership. But I think we should go further.

It may be that the AAA should have one overarching code for those issues that are relevant to all anthropologists and that the sections develop codes for their own particular situations. It may be that the COE should sponsor and organize education and debate about ethical issues and eliminate the grievance procedure. It may be that the AAA should establish some informational and mediation resources for disputes between anthropologists over collegial relationships, publications, etc. I think it would be very useful to establish a network of knowledgeable individuals who can give advice on resources to combat potential ethical problems. These resources might include information about grievance procedures in other institutions such as the EEOC, the National Science Foundation, various universities, etc.; publications on ethical dilemmas; information about relevant legislation; information about existing mediation services; etc.

I can tell you unequivocally: The grievance procedures of the PPR do not work. Furthermore, the PPR does not provide guidance for many real ethical dilemmas that anthropologists face today. It is time to undertake a serious reevaluation of both the document and the procedures.

Additional Comments for SAA

Jacquetta Hawkes once said something along the lines of: Every generation gets the Stonehenge it desires. It seems that anthropological codes of ethics follow something of the same pattern. The AAA’s code comes right out of Vietnam and it shows; SOPA’s code comes out of the growing pains of contract archaeology in the 1970s; and SAA’s proposed statements on ethics originate in repatriation and the looting crisis of the 1990s. It is important to remain aware of the origins of these ethical statements because they influence the structure and potential of any code.

It is clear that SAA needs new and more elaborated ethical statements. As noted above, some individuals tried turning to the AAA’s ethics grievance procedures when they could find no useful options with SAA. The AAA’s experience may provide insights into potential dilemmas and options awaiting SAA. Below are some personal thoughts, based on my AAA experience and my reading of the ethical statements proposed for discussion by SAA. The six draft principles, in my opinion, are noncontroversial as they are written, but they are inevitably generalized. This is probably for the good because any code or set of principles cannot realistically
speak to all possible scenarios. In fact, one problem with the AAA code is its attempt to specify all potentially problematic situations. This is clearly impossible (especially as the contexts in which anthropologists and archaeologists work become more diverse) and leads to intense frustration. Thus, my AAA experience suggests that any code SAA may adopt should be a relatively generalized statement of goals and ideals, rather than a detailed code of daily behavior.

I see several topics that the AAA experience suggests will become important for SAA.

**Expanding the Code**

First is the contrast between “principles of archaeological ethics” and a “code of professional conduct.” So far, the SAA working group on ethics has proposed several principles of archaeological ethics. In contrast, a code of professional conduct would cover such things as antidiscrimination statements, hiring, evaluating research proposals, relationships between teachers and students, interaction with government agencies, and so forth; that is, intraprofessional issues. As we know, SOPA does indeed have such a code of professional conduct. Nevertheless, many more archaeologists are members of SAA than of SOPA and, thus, the question arises: Should SAA consider including such issues in any ethical code or statements it ultimately establishes?

The PPR of the American Anthropological Association does indeed encompass a code of professional conduct as well as principles of anthropological ethics. I know from my AAA experience that there are many anthropologists and archaeologists out there who perceive that violations of ethical behavior toward students, colleagues, and others are occurring within the profession. In fact, as noted above, all of the formal grievances brought to the AAA for the past many years have been these intraprofessional ethical issues. I can attest that there are archaeologists who are seeking guidance on ethical problems not addressed in the six draft principles.

Thus, there is a perceived need by some archaeologists for an expansion of any ethical principles to cover these intraprofessional issues. However, I predict that these would be very difficult issues to handle within an archaeological code of ethics. As I noted above, many of them can be interpreted as scholarly difference rather than ethical violation. In addition, alleged violations are often exceedingly difficult to document and difficult to investigate in an even-handed fashion.

Thus, in its debates about ethics, SAA must consider both the perceived need by some for a code of professional conduct and the well-known difficulties of establishing such a code. Certainly, I think that establishing principles of archaeological ethics and a code of professional conduct are two separate tasks; we can go ahead with one while putting aside the other for a time. SAA might want to consider including a statement like this one from the Animal Behavior Society’s “Guidelines for the Use of Animals in Research”: These guidelines supplement but do not supersede the legal requirements in the country and/or state or province in which the work is carried out. (Animal Behavior Society 1991:185) Assuming that almost all SAA members do some of their work in North America even when they conduct field research elsewhere, a statement like this would nicely encompass all the existing antidiscrimination legislation, labor laws, institutional codes, and so forth in North America.

**Competing Ethical Responsibilities**

A second issue that has become salient in the AAA is coping with competing ethical demands. These competitions take two important forms. One is particularly important in applied anthropology where an individual anthropologist may have very strong ethical responsibilities under more than one section of the PPR: for example, to both people being studied and to employers or contracting agencies. Similar dilemmas are found in CRM archaeology. Another parallel for the SAA would be balancing the ethical responsibilities expressed in two or more principles, for example, principles one and two or two and three. It appears to be assumed in discussions about principles one and two that the goals of descendants of those who created the archaeological record will always be congruent with conservation, but there is no reason to assume this universally.

The second form of competing ethical responsibilities for the AAA lies in interpretation of a single principle, in particular Section I: Priority is given to protecting the people studied,
but what is indeed best for these people? As noted above, not only can reputable anthropologists disagree, but members of the community being studied may disagree as well. I see this dilemma arising for SAA particularly in regards to principle 2, “Accountability.” We probably do not all agree on what is the appropriate relationship with other stakeholders. Furthermore, experience with the AAA’s code reveals that within any one apparent community—e.g., Indians or historic preservationists or farmers—there can easily be differences of opinion. In the case of the AAA, one of the unstated assumptions of the code of ethics (at least as is revealed in discussions of the origins of the PPR) seems to be that the oppressed deserve our greatest ethical concern and this will guide the anthropologist in cases of disagreement or ethical competition. But following through on such an understanding may well reduce the anthropologist or archaeologist to hopelessly invidious decisions about who is, or was, oppressed “enough” to take priority. Or, in the case of American archaeology, who is Indian enough?

This is a grisly dilemma. Furthermore, it provides little guidance for an archaeologist facing a debate between, say, the staff of a European national museum and representatives of that nation’s Department of Environment. In fact, the entire discussion of the proposed principles comes so much from an Americanist stance that SAA members who conduct research in countries without a colonial past (e.g., Europe) seem left out. When the “indigenous people” include German industrialists, do different principles apply?

One could argue that the existence of these competing ethical demands requires more detail and specific priorities in any established set of principles of archaeological ethics. Alternatively, one could argue that generalized statements of ideals will serve better, given the inevitable complexity of everyday situations. The AAA seems to be moving away from specificity and toward more generality (although there is not yet any feedback from the general membership). There are no easy answers to this debate, but members of SAA should be aware of the dilemma as they consider the issues.

Grievance Procedures

This brings us inevitably to the issue of enforcement. The AAA has had a grievance procedure and the potential for imposing sanctions for ethical violations for over 20 years, but the process is exceedingly problematic. The question of whether SAA should institute a grievance procedure is extraordinarily difficult. If we choose to establish a set of ethical principles and then provide no grievance procedure, the code may be perceived as meaningless. Certainly, there are individuals who will be very angry that there is no sanctioning mechanism against people whom they perceive as flagrant violators of ethical standards.

It is worth consulting with SOPA about the success or failure of its grievance procedure, although SOPA’s membership is employed in less diverse arenas than that of SAA. Nevertheless, here I must be very clear: Based on my AAA experience, I think it is folly to establish a grievance procedure. Given the procedural morass and liability logjam I outlined above, I do not think SAA will be able to establish a grievance procedure that is either fair or manageable. I should note that accepting this recommendation may well imply how SAA will solve the other dilemmas noted above—that is, deciding against a grievance procedure encourages us to write a more general, less specific document, providing ideals for practice rather than detailed guidelines for everyday life. These are significant issues for the entire membership to evaluate.

Other Implications for Practice

There has been a great deal of discussion, crystallized in principle four, about how archaeologists should spend more time in public education and outreach and not focus their energies so much on esoteric professional publication. I certainly agree, although I think that criticisms along these lines are exaggerated. Most of the archaeologists I know already do commit time and energy to public outreach. However, the larger point is that, at least for academics, to focus on public outreach rather than professional publication is to take a large professional risk with very real implications for salary, promotion, and tenure. (And there may be parallel problems in the CRM arena that I am not familiar with.) We are not talking about just changing the archaeological profession, but also changing deans, provosts, and larger university structures. This is not something that a single or even a few archaeologists in an institution can do. If SAA is serious about the professional
importance of public outreach, then SAA must be prepared to take an institutional stand, which would include, for example, providing supporting materials to individuals facing tenure evaluations and speaking out in larger fora in the academic world.

Conclusions
The American Anthropological Association has established a small group, of which I am a member, to review all documents related to ethics and grievance procedures. Ultimately, this group will draft a new document for the AAA. This group has only just begun its work as I write (summer 1994). However, our first deliberations have raised some additional thoughts that might be useful for SAA.

One thing that is missing from both the AAA’s current code of ethics and from the SAA draft principles is some imperative about ethical education or self-education. It may well be impossible to establish a workable grievance procedure, but I think we should establish an additional principle: Archaeologists should recognize multiple, sometimes conflicting ethical responsibilities in conducting their work in the modern world. They should strive to educate themselves, their students, and the public in the ethical implications of their work. Then, we should carry through on this statement by incorporating the topic of ethics in all archaeological curricula. Furthermore, SAA can serve as a clearinghouse for information, publications, and resources on ethical issues.

Something else that is currently missing from both the AAA’s code of ethics and the draft principles of archaeological ethics is any explicit commitment to scholarship. I hesitate to talk about an ethical responsibility to “science” because that pushes so many buttons. Yet, what is missing here is some sense of our ethical commitment to—to say nothing of our sheer pleasure in—learning about the past.

The AAA working group is trying to develop, in addition to a list of ethical imperatives, a series of statements about common anthropological goals; we are trying to work out what we all share in order to use that as a basis for our ethical considerations. This is, of course, very difficult but it has the great advantage of being a positive goal, one might even risk saying an inspiring goal.

SAA could consider prefacing any set of principles of archaeological ethics with some such general statement about the shared intellectual goals of archaeology. Perhaps this is supposed to go without saying; certainly, some perceive that claims of science or scholarship have covered up unethical behavior. Yet, because SAA’s deliberations about ethics originated in debates about repatriation and looting, we run the risk of focusing only on the flaws of archaeology. Principles one, two, and three taken to extremes could be construed to put major constraints on most excavation and on a great deal of museum research. Some of the discussion occasionally suggests a perspective of “archaeologist as enemy.” But, I do not think this was the intention of the working group that has drafted these principles.

Rather, we are struggling in a rapidly changing profession to find an ethical stance with which to improve our continued practice of archaeology. We should encourage continued discussion and debate about ethics. Archaeologists work in many different settings, with different difficulties and opportunities. We should celebrate the goals of archaeology as we work toward developing an enriched ethical perspective for our multiple contexts.

SAA is far from alone in its current concern with principles of ethics. The AAA has collected information from several social science organizations suggesting that they are also facing many similar issues. Both AAA and SAA seem to be working toward developing a short core document stating broad general principles, accompanied by a longer document that discusses and expands on the issues of the basic principles. Both organizations are struggling with an intrinsic dilemma in establishing institutional codes of ethics: finding the balance between enough specificity to be clear and focused and enough generality to be broadly applicable and workable. I hope that my experience with the AAA will provide some assistance to SAA as we seek our own model.

Acknowledgments. The core of this paper is reprinted by permission of the American Anthropological Association from Anthropology Newsletter, February 1994. My thanks to Alison Wylie who shared with me various draft documents of SAA’s Committee on Ethics in Archaeology.
For a moment I saw red, felt sheer blinding fury. Controlling myself with an effort, I gazed in disgust and horror at the ravaged shell midden. I was hiking for pleasure along the southern California coast and looting was far from my mind. Memories of the Slack Farm affair came vividly to mind, that notorious looting event that left a late prehistoric site in Kentucky looking like a scarred battleground. Every time I come across instances of pothunting, I find them harder to rationalize, and even harder to understand. Why do people do this? For money? To satisfy a lust to own a piece of the past? Is it sheer ignorance about archaeology and the importance of the past? Or are they seeking to emulate the fictional adventures of Indiana Jones? What makes me even madder is that few people seem to care that the past is vanishing before our eyes. Many of my nonprofessional friends just shrug and change the subject. You cannot entirely blame them: most would not know an archaeological site if it was right under their feet. Even worse, some of my archaeological friends just shrug, and that's what makes me maddest of all.

John Neary’s article “Project Sting” in the September/October issue [of Archaeology, 1993] tells us that recent undercover operations have put a chill on some collecting activity in the Southwest. Clearly, these tactics, expensive as they are, work well and should be expanded. Looting statistics are daunting. According to Sherry Hunt, Elwood Jones, and Martin McAlister, authors of Archaeological Resource Protection (1992, Preservation Press, Washington, D.C.), more than one-third of the known sites in the Four Corners region have been damaged by looters. Of the 1,720 violations reported in Park Service statistics for 1985 through 1987, only about 11 percent resulted in arrests or citations, and there were only 94 convictions.

If there is a solution to the looting problem, it is changing public attitudes toward the collecting of antiquities. This will take years, and will require a full-time commitment by hundreds, if not thousands, of professional archaeologists, not only in this country, but all over the world. It is our responsibility and cannot be left to teachers and bureaucrats. Yet, sadly, in many ways we are the greatest offenders. Our professional organizations condemn looting—they do so in uncompromising terms—but we have not made conservation, ethics, and public education the core of our archaeological enterprise.

Archaeologists live within a hierarchical value system that considers research, excavation, new discoveries, and publication the pinnacle of achievement. Anything else, for all their talk to the contrary, is secondary to these enterprises. Almost all doctoral programs in archaeology emphasize basic research. They produce narrowly focused academic researchers, future generations of professors who will themselves, in turn, train even more specialized archaeologists. The emphasis is often on high-profile research, where the chances of spectacular discoveries are higher than average, the potential for funding is considered promising, and the fieldwork will bring prestige, visibility, and pinnacle of academic pinacles, perhaps even a story in The New York Times. This is the kind of enterprise beloved of many academic deans and department heads, research that brings luster and financial resources to an institution. I am irresistibly reminded of the expedition mentality that drove so much late nineteenth-century archaeology—the University of Pennsylvania’s research at Nippur in Mesopotamia is a classic example. It worked at Nippur, indeed at Ur, in an archaeological world where there were so few professionals. Today, academic archaeology is big business, turning out hundreds of PhD students a year, yet the old mentality and values drive the field. Why do we persist in producing more doctoral students in specialized fields that are already overcrowded when there is so much urgent work to be done on the global threat to the
past? I suspect we do because it is, well, sexier to hire a specialist in Oldowan technology or Inka urbanism than in the impact of tourism on the archaeological record.

This same skewed value system pays lip service to teaching, conservation and resource management, and the administering of the archaeological record. But, when push comes to shove, these subjects take a back seat to research. Yes, much academic research is carried out under the rubric of cultural resource management—survey, excavation, and mitigation—aimed at preserving or recording sites before they vanish under bulldozers. But very often academic research, especially excavation, proceeds without consideration of conservation issues or site management whatsoever. In fact, many academics are woefully ignorant of the extent of the damage to the archaeological record, forgetting that their own annual digs are also eroding the same human archives, often at breakneck speed. How many academics pause to think about conserving a site before they dig it? Surprisingly few...

Very few archaeology graduate programs anywhere expose their students to issues of conservation, ethics, and basic archaeological values—unless they are curricula specifically addressing cultural resource management. Out of curiosity, I telephoned a random selection of archaeology graduate advisers at major universities around the country and asked them what ethics and conservation courses were taught to graduate students. Almost invariably, these topics were sidelines. “Oh, we talk about reburial in one lecture,” one well-known archaeologist told me in a tired voice. “But it’s very political. The PhD is, after all, a research degree.” What arrogant nonsense! The looting problem is not going away. The Park Service alone reports a 40 percent increase in violations over the past few years, and you can be sure that its statistics are just the tip of the iceberg. At the same time, one learns that at least 100 archaeologists with PhDs in Maya archaeology are looking for permanent employment. Unemployed classical archaeologists could almost form a professional society. These people maybe excellent scholars, but they are not the kind of archaeologists we need in such large numbers today. We need people who will devote prestigious careers to conservation, to research into the fundamental problems confronting the archaeological record. Without such research, we are, both government and academists, fumbling in the dark.

Basic research is important to the vitality of our discipline. But do we need so many, ever more trivial studies when fundamental, admittedly less glamorous, issues need our attention? Fascinating opportunities await the ambitious scholar, fundamental research as important, if not more so, than much of the basic inquiry that fills our journals. What is the psychology of collecting? What is it that impels people to transform their fascination with the past into a lust to own it? The last definitive work on this subject was done, I believe, in the 1920s. What do we know about the psychology and culture of professional pothunters and looters? Can such research help us develop tactics for combating looting? What about archaeological tourism? What are the effects of tens of thousands of visitors on the rich archaeological record of, say Britain, Egypt, or Mexico? What strategies are archaeologists developing in collaboration with governments everywhere to minimize the impact on the finite archaeological record? I know of no PhD program in this country that places a high priority on research of this type. Everything is theory, fieldwork, and publication. About the only organization concerned with these issues on a global basis is the Getty Conservation Institute. The Getty’s efforts are invaluable, as are those of other international organizations, and of the Archaeological Conservancy closer to home.

I have been told by colleagues that research into such questions is unimportant or “marginal.” What utter nonsense in this day and age when the archaeological record evaporates around us daily. Surely we must now take a close look at our own value systems and priorities, at archaeological ethics and curricula. How do we, as professional scholars and practitioners of a noble art, intend to insure its survival for our grandchildren to enjoy? Yes, this is a column written in the heat of anger, soon after walking over looters’ trenches. But this anger will be channeled into a closer look at my own teaching of graduates and undergraduates, and into more columns that look at the ethical issues of archaeology and at conservation. After all, we cannot do much to steer the public’s fascination with the past into benign and nondestructive directions unless we clean up our own act. Our own comfortable, sometimes arrogant attitude is much divorced from is reality. It is time we took stock. We owe it to our grandchildren, if nothing else.
Some years ago, I attended a retirement party for a distinguished colleague at a prominent Midwestern university. Several generations of former students were on hand to praise his many seasons of fieldwork at home and abroad. But they were tactful not to mention one problem with their beloved mentor’s career: only one of his excavations had ever been published in full. Alas, the professor has now passed on, leaving behind nothing but sketchy field notes and a museum storeroom full of inadequately labeled artifacts. Even in retirement, he could not find the time to publish his fieldwork. In fact he was still digging right up to the end. The loss to science is incalculable.

I was brought up to believe that publishing one’s research was a sacred principle of archaeology, a task to be completed before new excavations were begun. The great British Egyptologist Flinders Petrie was an early advocate of prompt and full publication. His reports are verbose and far from complete by modern standards, but at least they provide a body of basic information with which to work. Mortimer Wheeler was also careful to publish his excavations in full. My mentors did not always practice what they preached, but they taught us that prompt and full publication was a fundamental responsibility for any archaeologist who ventures into the field. The archaeological world has changed since Wheeler’s day. A generation ago, most site reports were the work of a single scholar. Today, even a modest dig can involve a team of specialists and a quantity of data that may take years to study and write up. Ironically, in an academic culture that considers publication the most desirable of all scholarly activities, most archaeologists prefer to keep on digging.

The common forum for presenting field data is the academic conference, where 20-minute papers summarize new work. In recent years, publishers have printed volume after volume of such papers, often grouped under a general title, with little editorial coherence. Invariably, conference papers give a nod to current theoretical debates, present some limited original data, and end with a brief synthesis noting how the new work advances research in a particular subject area. Often, the same paper appears in several places, recast slightly to reflect a different audience or academic emphasis. In an academic world where jobs are scarce and publication of any kind is seen as the road to employment, such bibliography-padding has become commonplace, if not endemic. In one’s later career the pressure to publish such papers to obtain tenure and regular promotions continues unabated. Too often definitive reports on sites, artifacts, or survey work never appear.

I know of numerous preliminary reports, published a generation ago that are still the only source of basic information on excavations of first-rate importance. There are major Lower Paleolithic sites in sub-Saharan Africa excavated in the 1950s and 1960s that are still accessible only from such reports. The same can be said for many important North American and Mesoamerican excavations of the 1970s. Much of the evidence for early agriculture in Europe and the Near East is only available in the periodical literature. Kathleen Kenyon’s famous excavations at Jericho are still incompletely published. Some classical excavations have been under way for decades, with no sign that digging will stop and long-term publication begin. Some guilty parties argue that laboratory work must come first and that the whole process takes longer than it did a generation ago. But if you look closely, you will find. many of the same people hard at work in the field each year, digging up yet another site. Clearly an overwhelming case can be made for less excavation and more analysis of previous work. Unfortunately, our scholarly culture rewards people for new and original research, sometimes defined in the narrowest terms as participation in an active
fieldwork program. Grant-giving agencies contribute to the problem by funding field research while rarely giving monies for laboratory analysis or publication. Neither is a terribly sexy pursuit in a world in which museums and universities thrive on headline-catching discoveries, and, to quote a recent University of California staff document, “productive faculty publishing in refereed journals.” The problem is further compounded by the exigencies of cultural resource management, or salvage archaeology, whose requirements for prompt reporting result for the most part in factual accounts with limited, if not restricted, distribution. A researcher can spend days, sometimes months, tracking down what is technically published information.

Meanwhile, definitive archaeological monographs, such as those on the Maya city of Tikal, which appear at regular intervals, are becoming a rarity. Few outlets remain for such valuable studies. Economic realities make it ever harder for even the best endowed academic presses to produce such monographs.

Surprisingly, there is little, if any, academic discussion of these issues. Perusing the programs of several major conferences, I see no panel sessions on this issue, nor on alternative means of disseminating archaeological data. Hershel Shanks, editor of Biblical Archaeology Review, calls the crisis “archaeology’s dirty secret.” In a recent editorial, he recommended the creation of a new profession: archaeology editor/writer, “specialists who know how to publish reports.”

The obligation to publish basic research is a fundamental part of archaeological ethics; some would say it is the most fundamental. It is enshrined in the Archaeological Institute of America’s recently adopted Code of Professional Standards: “Archaeologists should make public the results of their research in a timely fashion, making evidence available to others if publication is not accomplished within a reasonable time. All research projects should contain specific plans for conservation, preservation, and publication from the very outset, and funds should be secured for such purposes.”

Desktop publishing, CD-ROMS, and other electronic media offer fascinating opportunities for publication, and for distribution of research results and data over the Internet and other such channels. Electronics offer staggering possibilities for wide distribution of highly specialized, peer-reviewed monographs and reports. Soon, researchers will have interactive access to their colleagues’ and predecessors’ artifact databases. Such access will make new demands on archaeologists to curate and analyze their data promptly. The demands of the electronic forum will make it harder to duck the responsibility of preparing one’s data for scholarly use and scrutiny. In many cases, “publication” will consist of meticulously organized databases, including graphics. The compiling of such databases raises fascinating implications for future financing of archaeological projects. Grant-giving, agencies will have to bow to the new reality and finance such far-from-spectacular activities, while cutting back on funding for more excavations.

Archaeologists have a clear obligation to publish their research promptly and in full. After all, ours is the only science that “murders its informants,” as American archaeologist Kent Flannery once put it. If we were to devote as much time to publishing as we do to excavating, we would not be accused, with some justification, of being a self-serving, special-interest group that keeps its finds to itself. Some of those who make such accusations are now picking up on the publishing problem and arguing that by not producing final reports we are effectively looters ourselves. Writing final reports and monographs is far from glamorous work. But as Mortimer Wheeler and others pointed out many years ago, only the archaeologist who did the work and led the research team can write the final and definitive report that records exactly what was found and what it means. We are witnessing a sea change in the way archaeologists go about their business. I do not agree with Hershel Shanks that the solution lies in specialist report writers. It lies in archaeologists living up to their fundamental responsibilities. Fortunately, creative solutions await those bold enough to seize them.
PART IV: 
Further Reflections

Since the publication of the first edition of *Ethics in American Archaeology*, there have been a number of important developments in the areas addressed by the Principles of Archaeological Ethics. This section includes six new articles and reports that bring the discussion of the first edition up to date on a number of focal issues. These address questions about professional codes of conduct and standards, education, conservation, responsibilities to Native Americans and, more broadly, underlying assumptions about accountability to non-archaeological stakeholders.

One of the most tangible recent developments in the ethics arena has been the creation of the Register of Professional Archeologists (RPA), ratified in 1997 and 1998 by SOPA, SAA, SHA, and AIA. The process which led to the creation of the Register began when members of the SOPA executive and grievance committee met with representatives of the SAA task force at the 59th Annual Meeting of the SAA in Anaheim, following the sponsored forum, “Principles of Archaeological Ethics.” The outcome of this meeting was a commitment, shared by all parties to the discussion, to explore the possibility of establishing a consortium of archaeological societies that might jointly support a professional register as well as the code of conduct and associated grievance procedure that SOPA had developed and maintained since 1976. We include here a discussion of this proposal that appeared in the *SAA Bulletin*; in it William D. Lipe and Vincas P. Steponaitis discuss the merits of the Register and its importance not just for SAA but for the profession of archaeology as a whole.

The increasing role that ethics plays in all aspects of archaeology was demonstrated at a workshop on “Teaching Archaeology in the Twenty-first Century” that was held at Wakulla Springs, Florida, in February 1998. This workshop was co-organized by George S. Smith and Susan J. Bender and was a response to widespread concern that, given substantial changes in archaeological practice, there is a pressing need to review and reorient the standard curricula of programs in archaeology at the post-graduate level and in professional development.1 The importance of ethics training for archaeologists was discussed throughout the workshop and, in a discussion of the outcomes of this workshop published in the *SAA Bulletin* by the Postgraduate Education/Professional Development Work Group, Phyllis Mauch Messenger et al. use the Principles of Archaeological Ethics as a framework for reconceptualizing the process and content of archaeological training. Their report is the second paper of this section.

Conservation issues, the subject of the second subsection, have been actively debated since the early 1970s, and SAA has long included principles in its Bylaws that endorse a broadly conceived conservation ethic. In the course of developing the Principles of Archaeological Ethics, however, the task force received feedback from several SAA members expressing concern that, if the conservation implications of a strong commitment to stewardship were taken seriously, archaeologists would have to give up virtually all excavation on sites that are not threatened or endangered. William D. Lipe addresses these issues in a paper in which he updates some of his thoughts on the conservation philosophy he helped to develop in the 1970s (Lipe 1974); here he makes a case for the importance of field investigation and the continuing development of archaeological methods and knowledge.

The task force also received a variety of critical comments on the implications of the principles of stewardship and accountability as these bear, specifically, on archaeologists’ responsibilities to indigenous peoples. On one hand, some objected that these principles are too strong; they entail an unacceptable compromise of the scientific goals of the discipline. Others expressed concern that they are too weak; they do not articulate a sufficiently clear or detailed commitment to recognize the rights and interests of descendant communities, especially indigenous peoples. A number of recent state-
ments on “Obligations to Indigenous Peoples” developed by the World Archaeological Congress and by a number of national archaeological associations (e.g., in New Zealand, Australia, and Canada) set out much more specific requirements for systematic consultation, formal consent, and the active involvement of indigenous peoples in the design, conduct, and public presentation of archaeological research (see, e.g., Rosenswig 1997; Wylie 1997). The question of how to resolve these conflicts is perhaps the most volatile and pressing issue facing archaeologists; it is addressed in two papers, by Lynne Goldstein and by Eldon Yellowhorn, which we hope will foster further discussion and action in this crucially important area.

In the final paper in this section, Alison Wylie explores an underlying set of conflicts in fundamental goals which generate and structure the range of ethical dilemmas archaeologists now negotiate on a daily basis. In it she articulates a central operating assumption of the SAA Committee on Ethics: demands for ethical accountability are now changing archaeology fundamentally. While this creates considerable strain in many areas of archaeological practice, there is much to be gained by responding proactively to these pressures. As archaeology moves beyond the 1990s and into the twenty-first century, it holds the promise of engaging a wider range of communities than ever in the enterprise of understanding our diverse cultural heritage, enriching our collective future in the process.

Note

1See SAA’s Teaching Archaeology in the Twenty-First Century (2000).
SAA to Promote Professional Standards through ROPA Sponsorship

WILLIAM D. LIPE AND VINCAS P. STEPONAITIS

An essential part of the Society for American Archaeology’s mission is to promote high ethical and professional standards for the conduct of archaeology. It is part of our obligation to the public, who support our work, to the fragile archaeological record that supplies us with evidence of the past, and to ourselves, as dedicated practitioners of the science and art of archaeology. The formation of the Register of Professional Archeologists (ROPA) under joint sponsorship by SAA and the Society for Historical Archaeology (SHA) gives the archaeological community the opportunity to develop and enforce an effective program of professional ethics and standards. Past SAA statements regarding standards and ethics have provided archaeologists with informal guidance but have lacked the sanctions that provide the accountability required by a true profession. ROPA provides those sanctions. Becoming a Registered Professional Archaeologist (RPA) will be voluntary, but we encourage all SAA members who work as professionals—whether in an academic or non-academic setting—to register with ROPA and hence to become publicly accountable for upholding an explicit set of research standards and ethical practices. By joining and supporting ROPA, we can ensure that the term “professional archaeologist” has greater credibility to the society that supports us.

ROPA became a reality in 1997 when the members of both SAA and SHA voted to undertake its sponsorship. These votes followed approval by the members of the Society of Professional Archeologists (SOPA) of the transformation of their organization into ROPA under the sponsorship of the major national archaeological societies.

A transitional ROPA board has been established and met for the first time on January 10, 1998, in Atlanta in conjunction with the SHA annual meeting. Board members include current SOPA President Bill Lees (Oklahoma Historical Society); Secretary John Hart (New York State Museum); Treasurer Rochelle Marrinan (Florida State University); SAA representative Bill Lipe (Washington State University), and SHA representative Vergil Noble (Midwest Archeological Center, National Park Service). Also attending were SAA President Vin Steponaitis, SHA President Henry Miller, SHA Secretary-Treasurer Stephanie Rodeffer, and Society of Archaeological Sciences representative Patrick Martin. The Transitional Board will meet again in conjunction with the SAA’s Annual Meeting in Seattle. By the time this article appears, the board will have developed the ROPA application form, and will have drafted a set of bylaws.

History

With the explosive growth of North American archaeology during the middle 1970s, there was considerable sentiment within the archaeological community to establish a certification process for professional archaeologists, similar to programs available in most fields having a substantial public service component. SOPA was established in 1976 as an independent organization designed to provide certification as part of an overall program of establishing and promoting professional standards and ethics in archaeology. In its 22 years of operation, SOPA has developed an effective grievance process to consider charges of unprofessional or unethical conduct brought against its members. The standards of training, experience, and research performance promulgated by SOPA have also been influential over the years in shaping the standards adopted by a number of states and federal agencies. As of the end of 1997, SOPA had approximately 750 members. The SOPA web page (http://www.smu.edu/~anthrop/sopa.html) provides...
additional background on SOPA and on its Standards of Research Performance, Code of Professional Ethics, and Grievance Process.

Despite a number of successes, SOPA never attracted the critical mass of professional archaeologists needed to make it truly effective in establishing widely accepted standards of professionalism and in addressing complaints about substandard work or unethical practices. Discussions of gaining broader support in the archaeological community for a SOPA-like program of standards and grievance procedures began in 1994 with a joint meeting of the SAA and SOPA Ethics Committees. A task force was eventually formed with membership from SAA, SHA, SOPA, and the Archaeological Institute of America (AIA), and this group proposed the formation of ROPA as an independent registry under the sponsorship of the major archaeological societies. The development of the ROPA proposal has been discussed in a series of articles in the SAA Bulletin [especially Vol. 13 (2) and (3), and Vol. 15 (3)]. As noted, in 1997 the memberships of SOPA, SAA, and SHA all approved the change by mail ballot. The AIA is now considering the proposal and expects to make a decision regarding sponsorship in 1998.

**How Will ROPA Work?**

SOPA continues to operate, but will become dormant as an organization when ROPA is formally constituted in the near future. ROPA will start by adopting most of the procedures that have been developed by SOPA. It will have its own board, which will be responsive to the wishes of the RPAs and the sponsoring organizations. ROPA’s program for establishing, promoting, and enforcing standards will, of course, continue to evolve in the future.

Most professions have some type of certification system that provides a way of sanctioning individuals who display grossly unprofessional conduct. Many of these systems are heavily loaded toward regulating entry into the profession. This is usually accomplished by rigorous testing, and those who are certified are often then required to take additional prescribed coursework or training from time to time in order to maintain certification. However, the field of archaeology, is so diverse—both intellectually and methodologically—that a testing-based approach is impractical for satisfying registration require-

ments. Instead, the ROPA application focuses on documenting basic educational achievement and appropriate archaeological experience. The main emphasis of ROPA is, therefore, not on establishing a uniform program of training requirements or a lofty hurdle for entry into the profession, but on professional performance itself. The core of the program is a code of ethics and standards for research performance, coupled with a peer-based mechanism to provide sanctions in cases where professional performance can be determined to have fallen short of the standards.

The central concept of ROPA is public accountability. By becoming RPAs, professionals agree to uphold a specific ethical code and set of research standards. At the same time, they declare their accountability to the code and standards by agreeing to participate in a grievance process if there is a credible challenge to their ethical or research performance, and to accept sanctions—including public revocation of their registration—if the peer-based grievance panel determines they acted in an unprofessional manner.

The key point is that ROPA provides a mechanism through which a member of the public, or a client, or another archaeologist, can ask that the actions of an RPA be reviewed by a panel composed of other professional archaeologists. There are checks and balances to weed out petty, unfounded, or “political” complaints. This process provides archaeologists with a way to do more than just talk about standards and ethics—it provides an actual mechanism by which professionals can police their own community. If an RPA has, in fact, misrepresented his or her qualifications, has behaved unethically, or has displayed major deficiencies in the conduct of a research project, those who are concerned about it can file a complaint through ROPA, if peers determine there is substance to the complaint, the grievance process is set in motion. Of course, as it has worked under SOPA, this process has often resulted in resolution of the problems short of actual censure or expulsion—that counts as a “win” for the system, too.

ROPA is designed to “build a floor” under professionalism in archaeology and to ensure that legitimate complaints are heard. It is not designed to ensure that everyone learned everything they should have learned in school or that they will always keep up with the literature. It will not automatically and painlessly identify and root out
all substandard work. It will not accomplish its goal if those who are concerned about violations of ethics and standards only complain to each other and never use ROPA’s mechanisms for having peers investigate such violations. But it does provide an established, concrete structure and mechanism for promoting professional standards and public accountability among archaeologists.

How Will ROPA Be Organized and Funded?

ROPA will be just what its name implies—a register of professionals. It will not be a membership organization in the ordinary sense, in that it will not host meetings at which individuals read scholarly papers, nor will it publish a journal. ROPA will be a separately chartered organization with its own officers, board, budget, and central office. It will be legally separate from the sponsoring societies, and there will be a legal “firewall” to keep any lawsuits against ROPA from spreading to its sponsors and vice versa. The bulk of the ROPA budget will be furnished by annual registration fees paid by the RPAs, plus application fees paid by prospective new RPAs. However, each sponsoring organization will contribute $5,000 per year to the ROPA budget. SAA’s annual contribution will not be increased without the express approval of SAA’s board. In addition, SAA is committed to a one-time expenditure of $7,500 to assist in the establishment of ROPA.

The ROPA board will consist of a president, president-elect, and secretary-treasurer who are elected by the RPAs, and a board member elected or appointed by each of the sponsoring societies (currently SAA and SHA). The board members who represent the sponsors must themselves be RPAs. SAA’s representative on the ROPA board will be charged with bringing issues of importance to the RPAs to the attention of the SAA board, and the existence of a large number of RPAs who are also SAA members will also ensure that such issues receive the attention of the SAA leadership.

The annual registration fee will initially be $45 per year for RPAs who belong to one of the sponsoring societies and $125 per year for those who do not. The application fee of $35 is being waived for the duration of 1998 as an incentive for archaeologists to apply to become RPAs.

Concluding Remarks

Membership in a broad-based, multifunctional society such as SAA is open not only to professionals, but to students, amateur archaeologists, teachers, and others who would not claim to be professionals but who nonetheless support archaeological education and research. This is as it should be, but it means that SAA membership alone does not signify that an individual is or is not a professional archaeologist. Furthermore, although part of SAA’s mission is to promote ethical behavior and high standards of archaeological research, SAA has no mechanisms for identifying or sanctioning violations of ethical and professional standards by its members. ROPA provides SAA members with such a mechanism, as well as a way for them to publicly document their professional training and commitment to professional ethics and standards.

By sponsoring ROPA, and encouraging its professional members to register, SAA is taking a significant step forward in carrying out its mission. Sponsorship of ROPA by SAA, SHA, and (we hope) AM provides an opportunity for the field of archaeology to establish a practical, widely accepted system for promoting professionalism and for dealing with problems in its own ranks. Hence, we urge SAA members to apply for registration. There will be a ROPA booth at the Annual Meeting in Seattle at which application forms can be obtained. They can also be requested from the SAA central office and can be downloaded from SAAweb.
Teaching Archaeology in the Twenty-First Century: Thoughts on Postgraduate Education/Professional Development

Phyllis Mauch Messenger, Dennis B. Blanton, Tobi A. Brimsek, Noel Broadbent, Pamela Cressey, Nancy DeGrummond, John E. Ehrenhard, Dorothy Schlotthauer Krass, Charles R. McGimsey III, and Nancy M. White

Editor’s note: This article was prepared by the Postgraduate Education/Professional Development Work Group (Phyllis Mauch Messenger, chair) at the SAA Workshop on “Teaching Archaeology in the Twenty-First Century” held at Wakulla Springs, Florida, February 5-8, 1998, George S. Smith and Susan I. Bender, workshop cochairs. See SAA Bulletin 16(5):11 for a discussion of the workshops.

Recognizing that the Principles of Archaeological Ethics adopted by SAA provide a framework for archaeological practice in a rapidly changing world, archaeologists must ensure that they have the adequate training and experience necessary to conduct their work. It is incumbent on the profession to identify and develop opportunities for all professional archaeologists to acquire, maintain, and update their knowledge and skills to keep abreast of changing sociopolitical and technological contexts. To encourage all practicing archaeologists to become lifelong learners, professional societies must encourage through various incentives the participation of their members in continuing education opportunities, such as courses, workshops, symposia, online seminars, moderated listservs, resource guides, case studies, booklets, and other publications. Development of the resources to meet these needs will require the participation of many educational institutions and professional organizations, especially those with an entrepreneurial approach. Some preliminary steps to facilitate the development of continuing education opportunities can be taken, such as compiling information on existing workshops, classes, and educational resources including publications, web sites, and videos, and evaluating their appropriateness for professional development. Another step is the identification of mechanisms to deliver professional development opportunities via collaborative efforts involving professional societies such as SAA, Society of Historical Archaeology (SHA), American Institute of Archaeology (AIA), Register of Professional Archeologists, and credit-giving institutions. The executive boards of professional societies and organizers of conferences and meetings should be enlisted to encourage participation in these learning opportunities.
Access to resource materials is an important component of professional development, in both the dissemination of information about existing materials and the development of new resources. Work group participants cited the need for cultural resource management texts, collections of case studies, online syntheses of federal regulations, and a source book for archaeology—a sort of “Whole Earth” catalog for archaeologists. Current issues in such areas as public education, sociopolitics, and ethnography could be addressed in a series of booklets or pamphlets, as well as through regular electronic communication. Increased access to unpublished reports and other “gray” literature should be promoted on a state-by-state basis, with online availability of technical titles and bibliographies encouraged as a first step.

**Principles of Archaeological Ethics as a Framework for Learning**

While the potential audience for professional development is broad and the formats are multiple, the work group concluded that the Principles of Archaeological Ethics, adopted by the SAA Executive Board in 1995, provide a unifying set of themes for postgraduate education. The eight principles address stewardship, accountability, commercialization, public education and outreach, intellectual property, public reporting and publication, records and preservation, and training and resources. The following states the core concept of each principle and lists examples of the relevant professional development needs and opportunities.

**Stewardship**

All archaeologists must work for the long-term conservation and protection of the irreplaceable archaeological record by practicing and promoting stewardship.

The overarching stewardship principle should be supported by a broadly defined set of continuing education opportunities that enhance archaeologists’ abilities to promote widespread participation in preservation issues by members of the public and professionals alike. These should address archaeological ethics, law, and professionalism in a manner similar to that discussed in the report of the Graduate Education Work Group under “graduate core competencies.” Laws should be addressed on both a national and state-by-state basis, providing accessible and updated information about laws and compliance issues, as well as state-based workshops on laws for target audiences, such as contractors, resource managers, and archaeologists.

Within professional societies, plenary sessions and forums at annual meetings or other conferences should address the theoretical and applied contexts of the principles. The work group also recommends that as part of the profession’s commitment to the stewardship principle, there should be strong encouragement of thesis and dissertation research based on archival collections rather than excavation. Workshops and other training sessions to facilitate such research and its supervision are highly recommended.

**Accountability**

Responsible archaeological research requires public accountability and active consultation with affected groups.

Seminars on partnerships, lobbying, and consultation practices might address advocacy with politicians, developers, and others controlling and affecting the resource base. Relationships with ethnographic and affected communities should be addressed in relation to theoretical contexts of project design, as well as all aspects of communication and consultation. Workshops and interactive courses on conflict resolution, management skills, and human relations should be offered.

**Commercialization**

Archaeologists should discourage and avoid activities that enhance the commercial value of archaeological objects and contribute to site destruction.

There is a general need for access to case studies and information on looting and prosecutions related to the archaeological record. Short courses on international laws and agreements and ethical issues related to the antiquities trade, museum and private collections, and specialized areas such as shipwrecks would be valuable. Continuing education also should address popular images and public perceptions of archaeology as a treasure hunt.

**Public Education and Outreach**

Archaeologists should participate in cooperative efforts with others to improve the preservation and interpretation of the cultural resources
by enlisting public support and communicating interpretations of the past.

Training to improve communication skills, including technical and popular writing, can be addressed through workshops, distance learning, and disseminating writing guides with examples. Working with the media includes developing skills in producing a media kit and discussing complex issues in clear and simple language.

Emphasis should continue to be placed on working with elementary and secondary school teachers and other educators. Information about existing resource lists, resource exhibits, and workshops at annual and other meetings should be widely disseminated and targeted to all professionals in the field. Federal and state agencies and other organizations with public education programs, including museums and parks, should be encouraged to enhance their outreach to archaeologists in all areas of the profession.

**Intellectual Property**

The knowledge and documents created through the study of archaeological resources are part of the archaeological record and must be made available to others within a reasonable time.

Among the continuing education needs in this area is the development of case studies to illustrate the need for this principle. Relevant information would include guides to the proper use of archaeological archives and databases, copyright laws, and proper citations, including electronic formats. Guidelines for proper paper presentations and ethnographic ethics and courtesy would make valuable contributions to the continuing education of professional archaeologists.

**Public Reporting and Publication**

Archaeologists must present knowledge gained from investigation of the archaeological record to interested publics in timely and accessible forms.

Topics for workshops and guidebooks include technical writing with clarity, ethical issues in public presentation of archaeological information, and developing programs, displays, and popular publications from technical information. Professional development in this area relates closely to the principle on public education and outreach.

**Records and Preservation**

Archaeologists should work actively for the preservation, responsible use, and accessibility of archaeological collections, records, and reports.

Professional development needs include curation and collections management of materials and records. Technical guides, bibliographies, and case studies of proper and improper collections management would be useful resource materials for this topic. Training should include raising awareness and developing strategies for preserving the records and reports of archaeologists who retire or leave the profession.

**Training and Resources**

Archaeologists must have adequate training, experience, facilities, and other support necessary to conduct research in accordance with the foregoing principles.

Continuing studies offerings must provide opportunities to gain specialized training or expertise related to job responsibilities. They also should address changes in laws, technologies, and archaeological practices. Maintaining the expectation of staying up-to-date in these areas and having the means to do so are as important for the professor of undergraduate and graduate students as for the field archaeologist and lab technician.

Additionally, the work group identified the need for self-evaluation, which might be accomplished by writing a personal mission statement vis-a-vis the Principles, and the documentation of skills through resume writing. This self-reflection should be mirrored by a protocol for evaluation of the workplace. A model of such evaluation might be developed and presented via the SAA Bulletin or sessions at annual or other meetings.

**Conclusion**

The Postgraduate Education/Professional Development Work Group promotes the development of a wide range of continuing education opportunities for all professional archaeologists as a way to keep abreast of new research and teaching strategies and technologies, and changing laws and practices in the field. The SAA Principles of Archaeological Ethics provide an organizing framework for maintaining professional competencies in archaeological practice for the twenty-first century.
In Defense of Digging: 
Archaeological Preservation as a Means, Not an End

WILLIAM D. LIPE

The passage of the Antiquities Act was a critical early victory in the battle to save archaeological sites in the United States from wasteful destruction, because it established a national policy to protect and regulate the use of such sites on the public lands. The battle still continues, and in fact, there will be no end to it, because authentic archaeological sites of any particular period can only be protected or lost, not created anew. Site protection today has many more legal tools to work with than it did in 1906, but population growth and the increased pace of development mean that the threats to site survival are also more pervasive.

Passage of the National Historic Preservation Act (NHPA) in 1966 led to the development of a fairly comprehensive set of procedures for considering the effects of federal undertakings on archaeological sites, of weighing the values embodied in these sites against other socially desirable ends, and of protecting site integrity when feasible. Although cumbersome and faulty in some respects, these procedures have greatly increased our ability to protect sites from destruction due to federally-related economic development, and in our ability to study some of those that cannot be saved.

The inclusion of archaeological sites in a larger historic preservation system has and will continue to have positive results, but I believe that there also are certain problems in the way that archaeological preservation is currently being carried out in the United States. These problems are rooted in the particular kind of social value that most archaeological sites have, and in the way that archaeological preservation programs have come to deal with this value.

I think that a starting point for federal archaeological preservation programs is consideration of the primary social contribution of archaeology, i.e., the production and dissemination of new information about the past based on the systematic study of the archaeological record. Many archaeological sites have associative or educational values in addition to or independent of their research value, but most sites in fact gain their primary social value because they have the potential to contribute new information about the past when subjected to archaeological study. This, of course is a basic tenet of the Antiquities Act and is described in Section 3 of the statute. In order for an Antiquities Act permit to be granted, carefully conducted and recorded investigations, curation of the material recovered, and the intention of increasing knowledge were required.

Under the NHPA, if sites are preserved on the grounds that this makes it possible for them to be studied in the future, one measure of a preservation program’s success is whether anything useful or at least interesting to scholars and the general public has been learned by the subsequent study of those sites. It follows that decisions about the physical preservation of archaeological sites should take into account how these sites can contribute to public understanding and appreciation of the past through archaeological study or interpretation. The public benefits of preserving any particular archaeological site may not be realized for a long time, or perhaps never; my point is that programs of archaeological preservation need to consider both the means (preservation) and the ends (increased public understanding and appreciation of the past), and not assume that the latter will somehow take care of itself.

Of course, research excavations represent a shift from preservation of the nonrenewable archaeological record to its consumptive use. Excavations affect the physical integrity of the archaeological record, albeit while generating various proxies for it, ranging from maps, notes, and provenienced collections to synthesized descriptions of archaeological contexts. Excavat-
ing carries significant ethical responsibilities for archaeologists: the work must be well justified; it must be carried out frugally with respect to the kind and amount of archaeological record affected, and results must be disseminated, with collections and notes ultimately assigned to a public repository (Kintigh 1996; Lynott and Wylie 1995b; SOPA 1996). Existing records and collections may often suffice to support contemplated research, and should be considered before new work is undertaken on sites (Lynott and Wylie 1995b:30). Nevertheless, what enables archaeologists to justify the preservation of the archaeological record is their ability to read new information out of it by judicious use of archaeological methods, including excavation. An archaeology without excavation is one that cannot fully achieve its potential social contributions.

On the basis of previous published statements (e.g., Lipe 1974, 1984, 1985), I am not a likely candidate for promoting the indiscriminate excavation of sites that have been preserved in place by federal programs. That is not my point. I don’t want to argue against a conservation ethic, but to consider whether our current zeal for preserving archaeological sites may not in some cases be undercutting our ability to realize the values for which they are being preserved. I believe that public support for archaeological preservation will (and should) be proportional to public perceptions that there is something useful (or at least interesting) to be learned by archaeological study of the archaeological record of the past. I see several trends in federal preservation programs that may in some cases work against generating and disseminating the archaeological information that is the presumed long-term goal for most site preservation. These are: 1) treatment of site preservation as an end in itself, 2) policies that preclude consumptive research except at “threatened” sites; and 3) “banking” of sites or groups of sites for some undefined future time.

I. Site Preservation as an End in Itself

In most cases, when a historic building is preserved in place, this will have been because of, its outstanding esthetic and/or associative values. The public benefit of having preserved it is relatively direct—it stands as a visually understandable, public representation of the qualities that have made it worthy of preservation. Public appreciation of these values can be enhanced, of course, if additional interpretive and contextual information about the building is made available, and if public access is granted to the building’s grounds and interior. Further study of the physical structure itself by scholars may require permission for access and for conducting at least some intrusive investigations. Such study, if the results are adequately disseminated, may further enhance both scholarly and public understanding and appreciation of the structure. Even if these latter enhancements are not forthcoming, however, the major public benefit of preservation can often be achieved by physical preservation alone.

For archaeological sites having information potential as their primary value, the benefits of preservation are seldom so direct. Physical preservation of most archaeological sites simply maintains their physical integrity until they can be studied at some indefinite time in the future. Most archaeological sites, even if they have associative as well as informational value, either lack visual characteristics, or have very slight visual impact that relates to their value and cannot readily stand as visual public representations of those values. As noted above, the social benefit of preserving archaeological sites is usually so they can be studied in the future, and for a few sites, so they can be publicly interpreted in the future. Furthermore, both the scholarly and public benefits of archaeology are less focused on specific preserved sites than on the story that the sites and artifacts of a particular period and region can tell in aggregate. Preservation of sites is essential if archaeology is to carry out its mission of continuing to provide new information and interpretations of the past, but preservation alone is only the starting point for this mission.

Because the scholarly and public benefits from archaeological preservation are generally more diffuse and indirect than is the case for historic buildings does not mean that archaeology is unpopular. The extensive public interest in things archaeological is amply documented by the circulation of Archaeology Magazine (over 200,000 subscribers), the hundreds of thousands of visitors to archaeological museums and parks each year, and by the popularity of video and print treatments of archaeological finds and
interpretations. For much of this public benefit, formal research is the mediator—that is, researchers provide and authenticate the interpretations and contexts on which popular books, videos, and articles are based. Even when the “real thing”—specific artifacts and sites—are publicly displayed, they usually require more subsidiary interpretation—in the form of signs, guides, etc.—than do most preserved historic buildings.

It seems to me that federal archaeological preservation programs will be most successful if they can treat both sides of the means-ends equation—if they balance in-situ preservation efforts with a continuing flow of public benefits, including scholarly studies, site tours, interpretive treatments in the print and visual media, and museum displays. Because archaeological knowledge and insights are generally based on populations of sites rather than on single ones, each and every preserved site does not have to be the object of study or interpretation. The best scale both for research and interpretation may often be statewide or regional, involving multiple agencies and the SHPOs.

The Section 106 process currently produces an enormous amount of new information about the archaeological record—not only from data recovery projects, but from preservation-oriented inventory and evaluation studies as well. The descriptive reports resulting from this work are increasingly being done to a very high technical standard. Yet even reports representing hundreds of thousands of dollars of research are often difficult to obtain, and may lack concise synthetic and problem-oriented summaries useful to scholars. I think we need to find ways to present the necessary descriptive documentation more efficiently, and to place substantially greater emphasis on concise summaries that can be widely circulated. Funds from multiple projects also need to be pooled to support really high-quality regional or statewide interpretive treatments—print, video, museum—that are directed to school students and the general public.

As research archaeologists and cultural resource managers, we generally lack the training and talent to produce the kinds of interpretive products that the public expects. Yet we have the information on which these products are based, and we control access to the artifacts, photographs, and sites that provide the tangible link between an interpretive story and the authentic record of past cultures. I think that we need to work much harder to develop friendly interfaces between our worlds and those of the interpretive specialists who have their own incentives for helping us deliver the benefits side of preservation. These include scholars, museum directors, freelance writers, video producers, and K-12 teachers. Developing those interfaces, and opening up our various “systems” so the interfaces work can’t be an add-on, volunteer, or afterthought process—it has to be part of our basic responsibility. A number of federal agencies, SHPOs, archaeological organizations, and individual archaeologists have begun developing and delivering interpretive products, often in conjunction with interpretive specialists from “outside the system.” But much more remains to be done.

All these things are easy to say, of course, but hard to put into practice because they involve changing some of our priorities and some of our systems. I know that funds are increasingly squeezed for archaeological resource programs at both the federal and state levels. But I think that rethinking both the means and ends sides of preservation programs may help us find solutions that don’t require more money. And in any case, if we do not begin to put more emphasis on the ends, i.e., on delivery of public benefits, we may find our funds even more reduced.

II. Limiting Consumptive Archaeological Research to “Threatened” Sites

Although there is a great deal of variability in whether or how federal land-managing agencies and SHPOs apply this principle, and whether it is espoused by archaeologists as a matter of professional ethics, it clearly has gained currency in the past 20 years or so. Although I can probably take some of the blame for this (Lipe 1974), I now see it as another symptom of treating preservation as an end in itself.

That is, it seems to me that pledging to dig only on sites that are otherwise threatened has the unintended effect of trivializing archaeological research and its contributions to society. Essentially, what we are saying is that any other socially approved activity, plus the prospect of looting, ranks higher as a reason for excavating sites than does the prospect of learning
something about the past through good archaeological research on an important archaeological problem. Therefore, the widening of a state highway, or the digging of a stock pond, are acceptable reasons for excavating at a site in order to mitigate the impact of the construction, but that having a good research question and design are not acceptable reasons, if the site would not otherwise be altered. I think this puts us in a really weak position when we try to argue that archaeology and archaeological knowledge are valuable, because de facto we have said that research is a less important way of consuming the archaeological record than is digging a stock pond or widening a highway.

Furthermore, given the institutional structure of American archaeology today, confining research to threatened sites is a guaranteed way to exclude the academic sector from excavation, except in those rare cases where academic departments maintain contract archaeology programs. Many academics simply ignore the “threatened site” principle now, and this is driving a further wedge between the CRM and academic parts of the field.

An additional point here is that some types of problem and some kinds of archaeological record are very unlikely to be accessible to research under the “threatened site” rule. My own research currently focuses on locating, mapping, and dating A.D. 1100—1300 Puebloan community center sites in the northern San Juan region. These sites generally have from 50 to more than 500 structures, and most are on public land. During the A.D. 1200s, a very large majority of the Puebloan people who were living in the area lived in these villages. I think that learning about these sites is essential to understanding community and intercommunity organization in the northern San Juan region of SW Colorado and SE Utah during this period. Yet these sites are not “threatened” by public projects, because they are too big. Properly, they are avoided by pipelines, powerlines, highways, and the like, because “mitigating” them would just be too expensive. So in general, this is a victory for conservation archaeology. With regard to threats from looters, the middens of many of these sites have been dug over for 100 years or more by pothunters looking for burials with associated artifacts. On public land, this threat is diminishing, but it is still there. However, most of the research problems I and my colleagues at the Crow Canyon Center are interested in require excavating not in middens, but in and around structures, which the pothunters generally have left alone.

Does the fact that the structural portions of these sites are not currently “threatened” mean that we should not use well-justified consumptive research to learn something from them? I don’t think so. Archaeologists at the Crow Canyon Center are engaged in testing a few of these sites, to examine models based on surface evidence and on excavations done elsewhere. They are successfully developing techniques for obtaining critical information from these sites by excavating far, far less than one percent of them. I think this is perfectly justifiable under a conservation model, which is driven by the continuing success of research, which requires continuing frugal use of the archaeological record. If the research stagnates, then some of the justification for saving the sites for the future disappears.

Let’s face it—modern archaeological research is one of the smallest current and future threats to the integrity of the archaeological resource. We should focus our efforts on fighting looting and getting archaeological values considered in project planning, and not spend our energies on keeping other archaeologists from doing well-justified, consumptively frugal, research. What I am calling for is a recognition that well-justified, problem-oriented, consumptive research on judiciously selected “non-threatened” sites is ethically acceptable. It must be well-designed, well-done, well-published, and the collection well-curated, of course, but if it is, it can make a substantial contribution to the “benefits” side of regional preservation programs, by fostering both scholarly and public interpretive studies.

III. Banking Sites for the Future

The practice of “banking sites” consists of prohibiting consumptive research until some indefinite time in the future when our archaeological techniques will presumably be better and our problems will be more sharply defined (cf. Lipe 1974). This is related to the notion of mitigating the impacts of development projects on sites by redesigning the project to avoid them rather than by carrying out “data recovery.” There are two practical and one logical problem with the “banking” approach if it is carried out...
unthinkingly. The logical problem is that one can continue to make the argument about saving a site for the future ad infinitum, provided archaeological data recovery techniques continue to show promise of improving. So one is left in the paradoxical position that the information value for which the site is being saved can never be obtained, because a better job could always be done sometime in the future; hence, study must be further postponed forever. I think that resource managers and research archaeologists can get out of this impasse if they set a time certain for when the future will be declared to have arrived or they simply set a high threshold for the conduct and publication of projects involving consumptive research. I have no problem with some classes of sites or some spatial sets of sites being held to a higher standard for consumptive research, but feel that open-ended banking is likely to be counterproductive.

The practical problems with “banking” are whether effective site preservation will, in fact, be carried out as well, so that the research option stays open and whether persistently, keeping a class of sites or a large spatial set of sites off-limits to research will undercut the basic justifications for protecting those sites. Quite a bit has been written about the first point, and I think that most of us are becoming more skeptical of site avoidance as the preferred way of mitigating development impacts, unless it is coupled with a protection plan that has a good chance of succeeding. The other problem, I think, is beginning to show up in the National Park Service, which as a general policy, discourages consumptive research in the parks, if comparable studies can be done outside them. Because relatively little impact-driven research gets done either, this increasingly means that we have to write the prehistory of some areas without much recent information from the national parks in those areas. I think the parks are special, and I would encourage that consumptive research be held to a higher standard in them. But a policy that either directly or de facto shuts off even frugal, well-justified research on important archaeological resources ultimately does not serve archaeology or the public good.

Conclusions

In sum, what should drive archaeological preservation is the social benefit that archaeology can provide to society over the long run. That benefit is primarily the contribution of knowledge about the past derived from systematic study of the archaeological record. In situ preservation of archaeological resources is a tool for optimizing that benefit. The Antiquities Act aimed to protect archaeological sites on public lands from wanton destruction. It required that the investigation and removal of archaeological artifacts and other remains be done carefully, using scientific excavation methods and techniques. These requirements were based upon the policy that the main public benefit of archaeological resources was a social good reached through improved understanding of the American past. The world has changed plenty since 1906. One change is our increased appreciation of the need to conserve nonrenewable archaeological sites. Yet, the basic value of archaeological sites to the American public has not changed.

Archaeologists must accept an ethical obligation to try to minimize the impacts of development projects on archaeological sites, and to fight against looting and vandalism. And they must recognize that archaeological sites sometimes have associative as well as research value. To the extent that preservation is justified by a site’s information potential, those preservation efforts need to be coupled with a longer term focus on the generation of knowledge from archaeological study of the populations of sites that are preserved. Long-term, frugal consumption of the archaeological record by well-justified research—both problem-oriented and mitigation-driven—must be an accepted and integrated part of the preservation program. If the research doesn’t get done, or if it gets done and we don’t learn anything from it, or if only scholars learn from it and the public is shut out, then preservation will have been in vain, because its goals will have not been achieved.
The Potential for Future Relationships between Archaeologists and Native Americans

LYNNE GOLDSTEIN

Abstract. This chapter identifies five areas that must be considered in any plan for future interactions between archaeologists and Native Americans: (1) the nature of cultural conflict and its resolution, (2) the racism inherent in archaeological and Native American perspectives, (3) the benefits and burdens of education, (4) the nature of assistance, and (5) responsibilities for the future and the past. For each area, problems and possibilities are outlined, and a course of future action is suggested. The essay concludes with an agenda for action that includes the participation of national professional organizations, departments of anthropology, museums, and individuals. The thrust of the plan is that archaeologists must help forge a new series of relationships with Native Americans; those relationships will result in new interpretations of the past and, it is hoped, a joint stewardship of the past.

Introduction

In preparing this essay, I asked a number of colleagues what they thought the future would be for archaeological-Native American relationships. The majority provided the identical response: they groaned and said “Who knows?” or “Who knows—it frightens me to think about it.” The more optimistic folks went so far as to commit themselves to “it depends.” I admit to having had all of the same feelings at various times, but I will try to focus my remarks here on what I think should be the future of such relationships and what we should try to learn from the present. While I will of necessity discuss the reburial-repatriation controversy, that controversy is not the major focus of this presentation. Instead, I will try to outline the nature of the potential of future Native American-archaeological relationships. In a very real sense, this essay represents a call for action.

Given my informal survey cited above, one can propose a number of scenarios that might face archaeologists of the future: (1) Native peoples are given an absolute right to determine who, how, where, and when their past is interpreted and examined; (2) the pan-Indian perspective that archaeology should be outlawed is implemented nationwide; or (3) the status quo is maintained. I would argue that none of those scenarios represents an optimistic or a healthy future for archaeology, but changing the tide will take effort, promotion, and determination.

There are several areas that any such change in Native American-archaeological relationships must address:

1) The nature of cultural conflict and its resolution
2) The racism inherent in archaeological and Native American perspectives
3) The benefits and burdens of education
4) The nature of assistance
5) Responsibilities for the future and the past

The Nature of Cultural Conflict and Its Resolution

In another paper (Goldstein and Kintigh 1990), Kintigh and I argue that the basis of the current problems between archaeologists and Native Americans is cultural conflict, where different systems of ethics collide. Ethics in this context represents a coherent system of values that specifies a code of conduct. A discussion of ethics is therefore a discussion of moral principles, with underlying definitions of Right and Wrong. That perspective on ethics implies that ethics is a cultural construction and that there can be more than one such system of ethics. Except to adherents of the particular culture, no particular system of ethics can be said to be absolutely right or wrong.

As anthropologists, we know and appreciate the differences in and between cultures and the differences in systems of ethics; anthropology promotes the notion of cultural relativism. Although we know that ethics is a cultural construction, our problem in terms of Native Ameri-
can issues has often been the fact that our system of ethics is in conflict with the system of ethics of some of the descendants of the people we study and to whom we have certain obligations.

Although we may be quick to see that we have certain obligations to those we study, we are often less comfortable with our equally strong obligations to archaeology and anthropology generally. The anthropological or scientific worldview can also be seen as a cultural construction in which the excavation and curation of human skeletal remains is both proper and necessary. To put it simply, anthropology has a system of ethics beyond the notion that we have certain obligations to those we study. Eliminating sites or portions of sites from excavation or analysis because of the kind of items they contain is not an ethical stance for an archaeologist. Furthermore, we must publicly state and defend our position; it is not easy to be attacked by the people you consider your natural constituents, but we should not be practicing anthropology if we cannot defend our research. We have a mandate to preserve and protect the past for the future—an obligation to past cultures to tell their story and to future generations to preserve the past for their benefit. It is part of the culture of archaeology that we, as archaeologists, view ourselves as the stewards of the past. That point is addressed in several sections of this essay because our stewardship figures prominently in the future of archaeology.

From the perspective of those Native Americans who advocate reburial of all collections, the issue is often cast as a human rights concern—the deceased individuals, known elders or not, are ancestors and must be treated according to modern Native American wishes. Native Americans argue that the bones of their ancestors are being treated differently from those of others, and because the dead never gave their permission to be studied, they should be handed over to people who are at least their spiritual relatives. Excavation and analysis can only be done with the explicit permission of modern Native Americans. For the Native Americans who hold such views, their demands represent nothing more than righting a wrong.

How can we go about resolving such conflicts of ethics and cultures? A number of anthropologists would argue that because we are supposed to understand other cultures and because we have an obligation to the cultures we study, we should adjust our stance to align ourselves with modern Native American wishes and concerns. However, is that ethical for an anthropologist to do? Can we really shift our ethics based on the wishes of those we study? What about the ethics of our own discipline?

How do we, as archaeologists, balance our ethical concerns for knowledge and the archaeological record with our professional ethic of a belief in cultural relativism? I would argue that the only reasonable answer is compromise and mutual respect.

The development of a good or reasonable compromise is easiest when trust and mutual respect prevail between the parties. The trust is obviously enhanced through good faith interactions, but it is also enhanced by the perception of a "level playing field." The notion of a level playing field is very important to many Native Americans (Walter Echo-Hawk, personal communication 1989), and in my opinion, it is perhaps the key concept to acceptable resolution of the issues. Leone and Preucel (1992) argue much the same point from the perspective of Habermas’s theory of communicative action.

As professionals, we know the limits of our data; we know what we can and cannot say about a particular class of material or a particular dataset. It is obvious to us, but we often overlook the fact that it is not obvious to others. Since Native Americans often have little idea of what we do, they may invent our culture for us, based on the limited information they have on hand. If both sides honestly presented what they know and the basis for that knowledge, it seems likely that reasonable compromise would be the outcome, and both sides would learn a great deal from each other.

This section, in part, represents a summary of the arguments developed and presented by Goldstein and Kintigh (1990) and is based on the notion that only if we treat others and other cultures with respect, sensitivity, and tolerance can we expect and demand the same in return. That paper closes with an enumeration of some basic principles for ethical conduct, and it is worth summarizing those points here:

1) Collections policies should conform to the institution’s mission statement. Institutions whose mission does not require the preservation, study, and interpretation of human remains,
funerary objects, and sacred objects should not collect or retain such items.

2) Where possible and appropriate, institutions should consult with relevant living cultural groups before undertaking projects that will result in the collection of human remains, funerary objects, and sacred objects, whether or not consultation is legally mandated. Research questions relevant to the group—even if they are somewhat outside the investigator’s interests—should be considered seriously.

3) Institutions must interpret materials with accuracy, sensitivity, and respect, including consultation with appropriate groups whenever possible. Interpretation includes publication and dissemination of information to the general public, as well as to archaeologists and those who happen to visit museums. Interpretation must change as we learn more; we must also indicate the basis for such changes. There is not one and only one interpretation, and efforts should be made to be sensitive to and to include alternative interpretations.

4) Although financial considerations may be a major factor, institutions should take the initiative in compiling inventories and, in any case, should communicate with relevant native groups. Taking this initiative is the critical first step toward creation of a level playing field.

5) Institutions should promptly answer questions and requests for information. Even if the information they have is limited and minimal, they should share that information and explain the nature of the limitations.

The above items can be viewed as the first portion or basis of a call for action. Whether the institution is a museum, a university, a college, or some other kind of organization with collections, the above steps apply. Following those steps will lead to a series of case-by-case negotiations, involving descendants, archaeologists, and other interested parties. If the process of negotiation is open and fair, the parties can often reach a satisfactory resolution because such negotiations promote an atmosphere of good faith.

A significant number of archaeologists and cultural anthropologists argue that because of our obligations to the people we study, we should simply give materials to the people requesting them. I would argue that although it might be easiest to give the bones or whatever else is being requested to the group asking for them, what’s easiest is not necessarily what is ethical or right. Once again, we have to be willing and able to defend our positions and our research. We have to address our natural constituencies, educate all of the publics about the past, and make certain that we don’t alienate or disenfranchise past, present, or future generations. Even if we think we may lose, we cannot ethically fail to make the effort.

The next question becomes, What if we do all of this? What if we are indeed successful and fortunate and none of our original three scenarios come about?

The Racism Inherent in Archaeological and Native American Perspectives

Unlike many other countries in the world, Americans divide their country’s history into two parts—Indian history and European history. Traditionally, Indian history has not been considered the more prestigious of the two. Tell someone that you are an archaeologist working in the United States and are interested in pre-European contact sites. The most likely response is: “Oh, you study Indian stuff.” A number of authors, including Fowler (1986), Knudson (1986), and Trigger (1986), have raised the point, commenting on the fact that archaeological resources in the United States lack clear legal definition of ownership because there is no genetic continuity between the dominant political community and the prehistoric Americans. It is a point also raised by Goldstein and Kintigh (1990).

While public policies and laws may have changed some of our legal perspectives on the non-European past (cf. Knudson 1986:397), the public perception has not changed. The public divides the United States into “us” and “them,” and in many instances the view is “us versus them.” However, until we treat all of this country’s past as an integral part of the whole, racism in this area and others will continue. When newspapers and pollsters interview the public, they often record a general support for reburial. While it may or may not be surprising, the most telling point is that the individual interviewed will often indicate that since the bones are “theirs,” the Indians should probably get them. We categorize “our” past according to ethnic identities rather than in terms of the
heritage of the country as a whole. The categorization of heritage tends to happen in those countries where people are marginalized and racism is prevalent: it seems no coincidence that the United States, Australia, South Africa, and Israel come to mind. Changing the ethic will be difficult, but until the history and the prehistory of the United States are made the heritage of all Americans, Indian prehistory and history will never be treated with equal validity.

Return now to the notion that we are the stewards of the past—if there is the ingrained notion that the past divides into “we” versus “they,” then who are we to be the stewards of their past? The underlying racism outlined above and inherent in the previous sentence must be eliminated from archaeology. Specific methods to achieve this are discussed in the next section.

What about racism in the Native American perspective? There are at least two positions that can be attributed to a kind of racism. First, Native Americans are as guilty as the rest of the country in maintaining the “us versus them” approach to the past, although their position may be more understandable. Nonetheless, isn’t it racist to maintain that only Native Americans can discuss Native American culture, display Native American exhibits, or provide appropriate interpretations? While the Native American perspective must be considered in exhibits, it is not the only view or the only information available on the past. Further, shouldn’t the public be able to be educated where the bulk of the public lives? Should it be necessary to visit each Indian museum to learn about the country’s past? Second, Native Americans fall victim to the kind of racism that comes out of ignorance. They often know little about archaeology and they know few archaeologists so they fall into the trap of stereotyping and generalizing. If you read the statements made by some Native American activists (e.g., Echo-Hawk, cited in Lichtenstein 1991:112), archaeologists are often portrayed as looters who regularly dig up the graves of known Indians without permission and display human bones in their museums for the public’s gory interest. The reality, of course, is that there are few named individuals in the collections of the country’s museums, and most archaeologists do not excavate burials. The archaeologists who do conduct burial excavations are required in most states to get permits and to gain the consent of a variety of relevant groups; the remains recovered are often reburied after analysis. Finally, for many years, museums have operated under some fairly strict guidelines regarding the display of human bone. Some Native Americans may be aware of those facts but find the extreme and outdated positions easier to use in their presentations. Nonetheless, those kinds of statements do nothing to further the stewardship of the past, and they ensure that Indians and archaeologists maintain their distance from one another.

The Benefits and Burdens of Education

Archaeologists often state that if we can educate the public and Indian communities about what we do, people would begin to understand our work and everything would be fine. People don’t disagree with us: they just don’t know what we actually study and what we actually do. While it is difficult to argue with the importance of education, it is naive to think that education alone will solve our problems. Education is critical in this instance and others, and there is no question that we have been remiss in informing some of our most important constituencies about our work and what we have learned about the past. Nonetheless, while education is important and critical, it alone will not solve this or any other problem. We sometimes (consciously or not) assume that educating others will result in their agreeing with our perspective, but education does not mean changing someone’s mind. Well-educated people can and do respectfully disagree.

Even if all of our public education efforts came to fruition, we still would not have done our job. Public education is but one part of the education task that faces us. And it is for the other area of education that I am most concerned—and most afraid that we address too late. We have to do more than make certain that Native Americans learn about archaeology, we must make a concerted effort to encourage Native Americans to become archaeologists, physical anthropologists, and museum professionals. We may instill a desire to know about the past as well as a desire to build more tribal museums, but who is going to staff such museums? Who is going to have the expertise? The law profession guaranteed that there would be Indian lawyers by developing a nationwide, law school-sponsored, scholarship fund. Where there
were almost no Indian lawyers 15 or 20 years ago, there are now about 1,000 (Paul Bender, personal communication 1989). Similarly, Indian students have been encouraged to pursue careers in medicine and engineering, areas where the payoff is tangible and obvious.

Anthropology and other social sciences have a very different nature from law, medicine, and engineering. What is the payoff to an Indian student who follows a career in social sciences? Traditionally, no one has encouraged such efforts because those areas have always been considered soft: they are less desirable from the standpoint of personal careers—can you get a job, and if you do, will it pay as much as a beginning job in law or medicine? More significantly, how might a career in anthropology help you and the tribe? Any Indian who sees the use of law in everyday life can understand why being a lawyer can help Indian nations. The number of treaty resolution cases alone makes a law career relevant for any Native American student. Similarly, the lack of adequate medical care on reservations and in urban Indian settings makes a career in any aspect of medicine—from physician to nurse to counselor to physical therapist—seem worthwhile. If federal, state, and other programs are going to pay for Indians to study for advanced degrees, the argument is that they should be pursuing something that is worthwhile financially and also benefits the tribe or nation. As social scientists, we haven’t fought this pattern, and in fact we have bought into it. If we don’t think our work meets the requirement of financial and tribal benefits, why should Indians think so? If we don’t promote archaeology (or anthropology) as important and relevant for Indians, who will?

Why should a Native American student study anthropology or, more specifically, archaeology, physical anthropology, or museology? At my own university, the College of Letters and Sciences decided to prepare a brochure to encourage minority students (especially blacks and Native Americans) to follow careers in the social sciences. The decision was based on the knowledge that all programs, from the Bureau of Indian Affairs on down, encouraged students only in the “hard” sciences and law. To gather relevant information for the booklet, they sent a questionnaire to every social science department, asking it to outline why minority students would benefit from a degree in its field. Every department responded, but no department (including my own) really addressed the question. The answers indicated what one could do with a degree in a particular field, but not why an Indian or a black student should want to study in that field. The question we must begin to address is why anthropology or any part of it is relevant or helpful for a Native American. It’s great to say that archaeology will allow you to learn about your past, but it is not sufficient.

Indians need to become anthropologists for the same reasons that they are attacking anthropologists—they want to gain control over their past, and the best way to do it is to discover and understand it, rather than asserting it and creating it. The activism focused on archaeology and physical anthropology is often characterized as a debate over who owns the past. Why do we care about who owns the past, and what does owning the past mean? In the present situation, owning the past means controlling it and access to it. People in power feel little need to control their past—they control the present and are not marginalized. Indians, however, are increasingly marginalized and isolated. Many were not raised in situations where they were taught either their language or culture. They now find that they want that sense of culture and history. One apparently simple approach to the problem is to obtain control of that past. Everything else has been taken away; surely someone can’t take that too? In exploring this issue, Anne-Marie Cantwell (1989) develops the notion of the metaphor of the body (human bone) for the body politic. She documents the power of human bone and how, in a society’s political development, human bones (whether of actual ancestors or not) are often used to establish a “timelessness” for an emerging body politic.

There are compelling reasons why Indians need to become archaeologists, physical anthropologists, and museum professionals. More and more tribes conduct building projects that require environmental impact statements, including archaeological surveys and mitigation. Why not have trained members of the tribe available for that work? Similarly, many tribes and Indian communities are developing their own museums to display their heritage. Museums are wonderful institutions that can instill pride and teach about the present and the past, but who will plan and
administrate the museums? Where are the Indian museum professionals? How many non-Indians will rush to direct a museum on a reservation?

One might reasonably ask how anthropology can become a player in this game, let alone compete we have a different structure and a different resource base than law schools or medical schools. How can we ever hope to develop a real training program that encourages Native Americans to become anthropologists? The Smithsonian Institution has developed an American Indian program to train and involve Native Americans as scholars and museum professionals, but if our public education efforts are successful, they will never be sufficient to meet the demand. No matter how good our intentions may be, a large effort is necessary.

JoAllyn Archambault, director of the Smithsonian’s American Indian program, has been gathering data on the number of American Indian scholars in the social sciences (personal communication 1990). She has found that there are fewer than two dozen Indian cultural anthropologists, not even a half-dozen Indian archaeologists, and even fewer Indian physical anthropologists in the United States. What does this say about our commitment to Native American cultures and the future?

How sincere are we about our education beliefs? How willing are we to have multiple points of view and multicultural perspectives expressed in anthropology? While we criticize Native Americans for wanting to own the past, how willing are any of us to share it?

Solving the problem will take a lot of effort on the part of a lot of people and institutions. It will take coordination of the country’s anthropology departments and museums, and it will be necessary to find a number of ways to raise money for scholarships in anthropology and museum studies. Additionally, many of us will have to travel to actively recruit Indian grade school, high school, and college students to a career in anthropology. To do it, we must show that such a career will not only benefit them as individuals but as Indians. We have to become more active in creating a future for our profession.

This is how we address the racist partitioning of the past outlined in the preceding section. By actively recruiting Indian archaeologists, physical anthropologists, and museum professionals, we broaden the base of our discipline and make the perpetuation of such racism difficult, if not impossible.

The Nature of Assistance

Although many of the activists who bash archaeology would deny it, archaeologists have had a long history of providing assistance to Indian tribes and nations (some examples are presented in the 1991 Reburial Commission Report of the American Anthropological Association). The assistance has taken a number of different forms, from testimony in treaty rights cases and land claims to fighting looting of archaeological and historic sites to excavation and analysis of sites on Indian lands. Similarly, anthropologists who are museum professionals have assisted in the design and preparation of museum projects and exhibits, as well as grant proposals to create exhibits and to care for archives and photographs. That assistance has almost always been at the instigation of the Indian tribe, and it is both appropriate and correct. While such activity is laudable, the notion of assistance also raises some other points for discussion where the record is less impressive and the consequences more dire.

Most of us have no problem providing assistance to tribes and other Indian groups when it is requested, but we don’t want to offer before we are asked. None of us wants to encourage or present an image of condescension or elitism—the idea that somehow we know what’s good for you. At the same time, because of some of the education problems mentioned earlier, tribes may not know what we have to offer. Further, if we want to try and move toward being proactive rather than reactive, how do we balance between providing help that’s wanted without presumption and assuming we know what’s best? It seems to me that such actions are possible, as long as we approach the subject with great sensitivity and try to avoid the trap of condescension. Let me provide an example, beyond the previous discussion of the need to train Native American anthropologists.

With the increase in the number of Indian museums, tribes are discovering that while they want and need a museum, they cannot necessarily keep such a facility open at all times. Sometimes the museum will have to close because of economic difficulties, while in other instances the museum will close each year during the season(s)
when visitors are fewer in number. Regardless of when such closings take place, the museums may discover that they have a real problem: the cost of insuring items and storing them continues (or sometimes even increases) and puts an equal or greater financial burden on the tribe. How can we help? Museums and other institutions can offer several different kinds of assistance: 1) when the museum is being planned, they can provide design assistance in how to close the building seasonally; 2) they can offer to store items for the museums during their off-season; or 3) they can arrange for long-term loans so that the individual museum avoids the problem of storage completely—they simply return items to the lender. Several museums have instituted such programs and both the tribal and nontribal institutions have benefitted. Some tribes have actually returned items they received for repatriation because they had no place to adequately care for the items.

In another chapter in this volume, Leone and Preucel argue that the reburial issue can be profitably viewed from the perspective of Habermas’s (1979, 1984, 1989) theory of communicative action. Leone and Preucel discuss the four different speech acts outlined by Habermas for a communicative context in which every participant gets a fair chance to participate. While a critical analysis of the situation provides useful insights and potential directions for future interactions, I think that Leone and Preucel may have overstated their classification of the present situation. Their analysis includes a classification of the kinds of speech acts that archaeologists and Indians practice today, but I think the more significant point is that at present there is little communication.

It is presumptuous to talk about assistance and being proactive when so many archaeologists have never talked with an Indian. Over the past few years, I have conducted a number of informal surveys of American archaeologists and have discovered that talking about training Native American scholars may be premature since most of the archaeologists have been hiding in fear. Although the situation has improved dramatically over the last 10 years, it is probably still accurate to say that 10 percent or fewer of the archaeologists in this country have ever sat down and talked with an Indian, particularly about the archaeologist’s research. I have no doubt that the number of physical anthropologists making such contacts is even less, since several physical anthropologists have told me that they pretend to be archaeologists when placed in a situation where Indians might be present so that they can avoid having physical anthropology be directly attacked. What kind of assistance can we offer or provide when we are afraid to talk or identify ourselves? Is this ethical? Perhaps the first proactive stance we must take is to determine our Native American constituencies and sit down and talk with them. It may be more difficult in a state like Ohio or Illinois where reservations and tribal councils are rare or absent, but it isn’t impossible. Each archaeologist who talks with a Native American and gets him or her interested in archaeology will be taking a major step toward resolving many of the problems outlined here.

Finally, I’d like to comment on the ethics of working with Native American groups. I see the problem increasing in the present, and I fear that it may continue to increase in the future. An archaeologist working for a tribe recently told me that he would provide information and alternative views to the tribe when asked, but if the tribe told him to do something, he would do it. He thought that it was not up to him to question the tribe or its motives. Is that what we mean by respecting other views—agreeing with them no matter what? Do we agree even when that means doing something we don’t believe is right? I don’t think any tribe would sanction that or respect such a person for long.

The easiest approach may be to listen and to say that you respect the tribe’s views and will go along with their wishes. You carefully and thoughtfully provide information when asked, but keep silent otherwise. It may make for a less stressful relationship, but it can be difficult in terms of ethics. If an Indian tribe is hiring you, presumably they want your expertise and opinion. You do no one a favor by blindly agreeing with their position. Once again, people can respectfully disagree.

That same archaeologist provides an excellent example of why his approach is wrong. The tribe’s position on reburial is that no analysis should take place and reburial should occur on the spot. A burial was found eroding near tribal land, and another archaeologist was hired to excavate the grave and move it. The second archaeologist indicated that she could not and would not excavate the burial without analysis—after all, how could she even evaluate whether the individual belonged to that tribe? Her
position was simply stated: here are my reasons, and either I do the analysis or you can hire someone else. The tribe considered the position and realized that they wanted to know who the individual was—they didn’t want to rebury someone that might not belong to their tribe. After careful consideration they gave permission for full analysis, including destructive testing. What about our friend, the tribal archaeologist? He kept reminding everyone that the tribe didn’t believe in analysis and that he couldn’t recommend analysis because of that position.

Responsibilities for the Future and the Past

I have not completely outlined the future of Native American–archaeological relationships, but I think there are some very positive possibilities and some clear pitfalls. We will have to change the way we do business—we will have to incorporate the American Indian perspective and treat Native American claims equitably. An acceptance of the cultural conflict will need to be built into decision-making processes. The process will not be easy but will benefit all for the future.

This plan of action requires the input of individual archaeologists, institutions, and professional organizations. At all levels, we must try to create and maintain a level playing field. Some of the first steps can be outlined as follows:

1) Professional organizations—including the American Anthropological Association, the Society for American Archaeology, the American Association of Museums, and the American Association of Physical Anthropology—must coordinate efforts with each other and their members to develop a program to train Native American students in archaeology, physical anthropology, and museum studies. A comprehensive program must be developed, and funding sources must be located. The program might include a publication that clearly outlines why a career in anthropology would benefit Native Americans.

2) Departments of anthropology must find Native American students in their communities and encourage them to take courses. It is quite possible that waiting until students are in college is too late. Members of the department or graduate students in anthropology might develop a program to give presentations to grade schools and high schools and might travel to Indian reservations where practical. The focus must be on encouraging interest and outlining the direct benefits to the students, not on getting students to come to a particular school.

3) Museums and other institutions should include Native Americans in the development of exhibits and other materials and also should offer a variety of different forms of assistance in creating tribal museums and displays.

4) Archaeologists and anthropologists should make the effort to talk with Native Americans about their work. It might mean giving lectures or preparing special publications, but it can mean something as simple as talking with students or offering to serve as a mentor to a Native American student. The idea is to develop an interaction—the anthropologist learns about the concerns and issues of importance to the Native American, and the Native American learns why anthropology is relevant.

What might such changes mean? While we will have to adapt to the changing relationships between Indians and their heritage, we will also have to take an active part in creating some of the changes. By bringing Native Americans into the decision-making process, we will change the culture of archaeology and Indians: it will be a co-opting process. That process will result in changing interpretations of the past, and it will change the questions we ask about the past. The more involved Indian communities become, the less possible it becomes to support the notion of “us versus them.” Unless this process happens, we can expect years of polarized conflict with no real winner or loser, except the past. We must co-opt Indians into a joint stewardship of the past in order to establish the notion that the past is neither yours nor mine, but ours.

Notes

1. For ease of reference, the term we will be used to refer specifically to Americanist archaeologists, although it could equally apply to any anthropologically trained archaeologist, physical anthropologist, or museum professional.

2. Anne Woosley (1992) raises the issue in a different context. She notes that archaeologists will soon have to address the questions of why, what, and how we do archaeology not only from the perspective of social issues and interactions with others but also from the perspective of long-term museum curation.
Indians, Archaeology, and the Changing World

ELDON YELLOWHORN

Abstract. In recent years, Indians have started to reclaim their heritage as it is represented by the archaeological record. They have begun to assess the merits of archaeological theory and to influence the discipline. This article examines the nature of the relationship between archaeologists and Indians. It is argued that shifts in Indian demographic profile, education and average income account for the changes in that relationship. Historical practices are no longer sustainable and archaeologists must recognize the need to reconcile their efforts with Indians’ aspirations if they are to gain the trust and cooperation of the people whose heritage they manipulate.

Introduction

Archaeology is portrayed as an objective search for human antiquity, so it is promoted as the logical means for exploring the undiscovered history of the Americas. When the question of Indian origin is discussed in archaeological texts, the accepted theory posits that prior to 12,000 years ago small bands of Mongoloid people began colonizing northeast Asia and eventually migrated across Beringia to settle in America. Morphological similarities common to modern Asian and American Indian populations are accepted as proof of a common ancestry. Radiometric dating techniques coupled with biological analysis create a plausible scenario that is appealing to a secular palate. Relying heavily on scientific methods, archaeologists, perhaps inadvertently, have presented society with the “original immigrants” theory of Indian origins, without regard for the social and political consequences. This, of course, challenges the Indians’ own version of their origin: as Aboriginal people they were fashioned in situ by a benevolent creator. Countering scientific arguments, Indian scholars, perhaps not surprisingly, have shied away from the methods of their archaeological adversaries and instead appeal to legal and social reasoning.

These tenets represent the poles in the debate between Indians and archaeologists; in between is the constituency of interested parties who are cognizant of the utility of scientific methods but are compelled by conviction to do the right thing. Scholars on both sides have staked out their ideological terrain and in the process have exerted their influence on the manner in which the discipline is evolving. Opposing schools labeled by their particular “ism” such as nativism vs scientism, processualism vs postprocessualism, modernism vs post-modernism, identify the parties involved in this intellectual commotion. Each denounces the other as anti-Indian, anti-science, anti-modern, anti-intellectual, etc. The rhetoric may seem a distant rumbling emanating from the ivory tower, but the stakes are high when this noise translates into social policy. It is the intention of this paper to step gingerly into the fracas and examine the progression of this debate as it is articulated in science, politics, and Native studies.

A Brief Look Back

Archaeology as a discipline has its historical roots firmly set in the related field of antiquarianism, as indicated by publications like The Canadian Antiquarian and Numismatic Journal first published in Montreal in 1872. An arcane tradition, it consisted of collecting materials of exotic origin: typically aficionados of this practice were unconcerned with provenance, since their main goal was the unusual. Antiquity was a chaotic land where the travelers had no local guidebooks, or maps, to direct their visit; antiquities were sought as souvenirs for curiosity cabinets, rather than for academic or educational value. When the dilettantish collecting of antiquarians gave way to a more systematic study of the past, time became the variable against which material remains were contrasted and cultural tradition, were measured. Eventually archaeology evolved into a learned endeavor,
complete with professional accreditation and recognition in university programs.

Willey and Sabloff (1993) provide a broad scheme of the development of archaeology in America from the colonial era to the present. Beginning with the Speculative period (1492-1840), ranging from discovery to the mid-nineteenth century, it could just as easily be labeled the “wildly speculative” period. Their sequence continues on to the Classificatory-Descriptive period (1840-1914), followed by an initial Classificatory-Historical period (1914-1940), its preoccupation being with relative chronology. The second Classificatory-Historical period (1940-1960) was more concerned with context and function, though subsidiary goals sought to understand settlement patterns and the interface between cultural and natural environments. Finally, the Modern period (1960 to the present) describes the advent of the “New” archaeology and its fixation on cultural process. The archaeologists’ categories recapitulate the trends that dominated the field in their respective eras, each period being guided by authors whose work most influenced the discipline as a whole. While the research methods and theoretical perspective changed with each successive period, the Indian subject of their investigation remained constant, even if the researchers did not always appreciate it.

Speculation over the extinct “Mound-building” culture defined the earlier periods of American archaeology; it was an archaeological paradox that would endure throughout the nineteenth century. This enigmatic culture was thought to be descended from a race distinct from the Indians, since their impressive earthworks demanded a level of industry beyond that exhibited by local Indians. Especially influential were the writings of Atwater (1820), Squire and Davis (1848), the Reverend S. D. Peet (1878-1879) (as editor of the journal The American Antiquarian) and Cyrus Thomas (Willey and Sabloff 1993), who finally laid the myths to rest in 1894 when he demonstrated that the mounds were the work of an autochthonous culture. Witnessing the debate in the republic to the south, Canadian archaeologists would contribute, with alacrity, their share of personalities in the likes of Daniel Wilson (1855), professor of history and English literature at the University of Toronto; D. Boyle (1885), curator of the Canadian Institute’s collection, Charles Bell (1886), of the Manitoba Historic and Scientific Society, and J. C. Hamilton (1889). As members of the Canadian Institute, all were devotees of natural history and promoters of science. Assiduous contributors to the society’s official publication The Canadian Journal, they frequently engaged in their own wild speculation about the prehistory of their country. The founding of the Royal Society of Canada, in 1882, laid the foundation of a truly professional approach to archaeological study in Canada (Cole, 1973). By this time the Aboriginal cultures in North America had gained the dubious reputation as the “Vanishing Race.” Marginalized in their own country and isolated on reservations, they posed no threats to the nation-states that enveloped them.

Developments in archaeology during the twentieth century were reflected in the revised objectives of research, the utilization of innovative methodologies and a love affair with novel technologies (Patterson 1986; Willey and Sabloff 1993). Professionalization of the discipline mirrored the increased secularization of American society and the influence of natural sciences on cultural studies, particularly the advances made in Pleistocene geology and evolutionary biology; gone was any mention of Noah’s Ark and largely forgotten was Acosta’s impetus for initially proposing the Indian’s route to America. Instead, descriptive cultural histories of specific geographical regions dominate the literature, and the theological debates were replaced by questions of “early man” and “his” appearance on this continent. Arguments for a human presence in Ice-Age America, though initially dismissed, were explicitly resolved with the discovery of projectile points in direct association with extinct fauna near Folsom, New Mexico. The earlier Clovis fluted-point tradition was subsequently discovered, also in eastern New Mexico, and became the archetypal horizon for comparative chronologies (Bordes 1968).

Science became the great arbiter of antiquity as a result of the carbon-14 technique discovered by Willard Libby in 1949. Thereafter, archaeologists became preoccupied, some would say obsessed, with absolute chronologies as a whole series of radiometric dating techniques were invented, each professing to provide ever-more-accurate dates on smaller samples. Since then, it has become standard practice to subject every organic smear and strand to some form of radio-
isotope analysis; indeed, a site has not been thoroughly investigated unless and until it has been certified with a radiocarbon date. Perhaps as an indicator of its progress away from sacerdotalism archaeology has even introduced a new datum of time, B.P. (before present), to replace the relics of Christian time-keeping (the B.C./A.D. dichotomy). More recently, a trend toward biochronology (Greenberg et al. 1986, Merriwether et al. 1995) has entered the fray and, if nothing else, promises to make the debate over Indian origins more interesting and muddled (Pluciennik 1996; Weiss 1994). Whether biochemical analysis will prove any more successful at linking Indians with modern Asian populations than traditional approaches remains to be seen.

Reliance on scientific methods was paralleled by the adoption of theoretical paradigms that allied archaeology with anthropology and sought a task beyond the descriptions of regional cultural horizons (Binford 1962). Described as the Modern period, its birth and maturation coincided with the post-war baby boom and tile tumultuous social changes of the civil rights era. Practitioners became convinced that devising proper methods of study based on the raw data of artifacts would allow them to discern processes of culture change. By the 1970s, the initial confidence was giving way slowly to critical evaluations by a jaded, post-modern society (Kaye and Thacker 1994; Wylie 1994c). It was argued that methods applied to artifact recovery only seemed innocuous and draped the cloak of objectivity over the science of culture, but also disguised the subjectivity inherent in tile exercise of theory-building (Rush 1994). Finally, the last element added to the debate was the long-silenced Indian voice, inspired by the activism of Black Americans, Native people spoke out as advocates of the Aboriginal past which had been, for too long, the exclusive domain of archaeologists. Lost in the rush to provide logical explanations for the cultural detritus that comprises the archaeological record was the fact that construction of theory could be harmful to extant Native people (Hammill and Cruz 1989). Ignoring Indian concerns may have been symptomatic of their marginalization, but the deleterious effects are by no means irreversible (Deloria 1992a and 1992b).

Perhaps because so few Indians have written about the profession (Johnston 1977; Linklater 1994; Mayer and Antone 1986; Yellowhorn 1993), there has been no attempt to establish an equivalent scheme for the involvement of Indians in archaeology. If there were it would look something like this: There would first be an initial, Aboriginal phase; it would be delineated in chronological terms from time immemorial to the end of the nineteenth century, when Indians stopped living in their purely traditional lifeways; it would be defined by the creation of the archaeological record. There would be a Dormant phase, extending from the beginning of the twentieth century until 1970; it would be defined by a cultural hiatus during which time Indians were not appreciably involved in creating or manipulating the archaeological record. There would be a Reactivist phase, beginning in 1970 and marked by the emergence of Native activists reading to their exclusion from their heritage. It would be synonymous with requests for repatriation of artifacts, the legal challenges to the cultural status quo and the demand for a new relationship with mainstream archaeology. It would last until the present. Lastly, there would be a Nationalist phase like that described by Trigger (1984); beginning in the present, it would extend into the foreseeable future and be defined by the increasing presence of Indians working as archaeologists and serving the goals of the Indian community. It would foster a pan-Indian identity and appeal to the imagined communities of the Fourth World.

Contemporary Issues

It will be some time before a critical mass of Indians becomes active in the discipline of archaeology, but the days are gone when they were merely passive recipients of archaeological knowledge. One thing is certain, however, and that is that all this science has not appreciably improved the quality of life for most Indians. There exists, within Indian communities, widespread scepticism, mistrust, doubt, and suspicion about the validity of archaeological theory that purports to explain the Indian's past. Indians are not stumbling over themselves to hear the latest scientific discovery that announces a new method of inquiry, largely because of their deliberate exclusion from participation in their past. The perception is that, once again, the scientific agenda is being advanced on the backs of native people, that the science of the past is
inconsistent with the ideology of the past and for this reason the so-called dialogue of the present will continue to resemble a harangue. Indeed, the Indian reaction has been to embrace the fringe elements of pseudoscience, and most have demonstrated an incomplete understanding of physical processes that support archaeological theory (Deloria 1995). For the most part Indian activists have pursued their cause in a legalistic environment primarily because most of them are trained as lawyers rather than as archaeologists, even though they have succeeded in grabbing the attention of the archaeological profession.

Realizing that "business as usual" was no longer feasible, in 1992 the Canadian Archaeological Association (CAA) assembled the Aboriginal Heritage Committee, comprised of 11 members, including 5 from the First Nations, and gave it a mandate to consult with all interested parties, to solicit input on specific issues of concern and to develop guidelines for ethical archaeological practice. This initiative was to foster communication between archaeologists and Indians and to ensure the active involvement of Aboriginal people in the profession. From its inception, this committee sought input from federal and provincial government archaeologists, academics, Aboriginal organizations, and consultants. Finally, in 1994 the draft Statement of Principles for Ethical Conduct Pertaining to Aboriginal People was produced and widely distributed to interested parties (Nicholson et al. 1997). It was debated at the 1995 national conference of the CAA and returned to the committee for revision. In 1996 the revised statement was presented to the members for a vote and accepted by an overwhelming margin; since then it has been adopted as an official accord by the CAA. Although admirable, national laws are motivated by national interests and tend to be ineffective once an object leaves the country of origin. In response, international agreements have attempted to control the movement of antiquities across national boundaries, but scholarly interest may legitimate the export of certain objects, and the illicit traffic typically works outside official channels. Complications arise in that differentially applied laws may posit subjective aesthetic priorities that discriminate legislation and the changes in public institution policy, it has become the standard by which to measure gains made by Native people in other segments of the discipline. Ancillary matters related to the above topic include the ownership of archaeological collections and funerary objects (McManamon and Aubry 1990), and protection of sacred sites and graves (Moore 1991; Walker 1991). Collateral affairs encompass the repatriation of artifacts, traffic in cultural property and the treatment of archaeology in land claim settlements. In light of the initiatives taken by archaeologists, the following discussion will examine the status of these issues.

Archaeological Artifacts as Cultural Property

There are assumptions applied to objects of ancient provenance: that if they exist, then someone must own them; and that discovery bestows ownership. This has prompted amateur collectors and pot-hunters to invest hours scouring the land looking for unclaimed artifacts. It has also prompted governments to lay claim to undiscovered cultural property and international agencies to devote considerable energy to limit trafficking in it. Canada has a Cultural Property Export and Import Act, but there is no national legislation that specifically addresses antiquities, which severely limits the effectiveness of protecting Native heritage, especially on federal Crown lands, where protection relies on isolated statutes (Burley 1994: Walden 1995). Provincial legislation partly fills this void by curtailing individual claims to property of unknown origin, even on private land, such that the finders cannot transfer greater title than they can legitimately claim (Bell 1992a). However, these laws vary from province to province, and provincial legislation cannot be applied to federal lands within their borders, like national parks and Indian reserves.

Although admirable, national laws are motivated by national interests and tend to be ineffective once an object leaves the country of origin. In response, international agreements have attempted to control the movement of antiquities across national boundaries, but scholarly interest may legitimate the export of certain objects, and the illicit traffic typically works outside official channels. Complications arise in that differentially applied laws may posit subjective aesthetic priorities that discriminate
against objects that may be considered poor quality, or not of exceptional standard, and national laws vary; moreover, although some international agreements require export permits or certificates, they do not oblige signatory nations to impose import controls (Bator 1981; Burke 1990; Nafziger 1983; Schneider 1982). Following the celebration of the International Year of Indigenous People in 1993, the United Nations requested the preparation of a report on protecting the heritage of Indigenous peoples (Daes 1994). The report endorses the return of moveable cultural property, including human remains and associated funeral objects, to their traditional owners, and it proposes that national governments sponsor legislation to support the rights of Indigenous people to their heritage. The situation is complex in a way that only legal scholars can appreciate.

Aggravating this tangled web is the emerging definition of Aboriginal rights in national laws where nation states have imposed their boundaries upon Aboriginal peoples. In Canada this has implications for treaty lands and areas with unextinguished Aboriginal title. Paradoxically, artifacts found on reserves become Crown property in right of Canada, and those recovered in their customary lands become Crown property in right of the province where they are found, while in neither case are the Indigenous people recognized as the traditional owners. Since antiquities are not mentioned in treaties and no test cases have yet gone before the courts, it is an ambiguous situation, but one in which a compromise may be achieved through negotiation (Pullar 1995; Walker and Ostgrove 1995). When Canadians hear the word “repatriation,” they automatically think of constitutional affairs rather than human remains or cultural patrimony, but physical repatriation may become the accepted means of resolving future cases (Bell 1992b; Paterson 1995; Prott 1995). Land claim agreements negotiated in northern Canada explicitly declare the rights of Indigenous populations to control their heritage (Canada 1993a, 1993b). They may provide the model for future directions because they speak of co-management, rather than surrender or ownership. Materials recovered from archaeological sites have become a point of contention because they are the product of human labor, in this case the ancestors of modern Indians. Their anonymous origin does not diminish traditional ownership, which must be communal, since no individual can make a claim to the material, and communally owned material is inalienable cultural property.

Alienating “inalienable cultural property” in previous eras has inevitably led to the current crisis in museums, since in most cases the items were never intended to be the property of one person. An early quest in the United States, by the Onondaga, set the precedent in the debate regarding cultural property and human remains (Blair 1979). The case for the repatriation of several wampum belts began with their sale to the New York State Museum in the closing decade of the last century. Subsequently, in 1907, a lawsuit to recover these items of tribal patrimony was brought before the courts by John Boyd Thacher on behalf of the League of the Haudenosaunee. His arguments, and those of the museum, mirror, almost to a word, the controversy currently surrounding unidentified human remains. Thacher argued that the belts were culturally significant and could not be sold by any individual, that they were sacred and essential to a viable culture. The museum argued that they were legitimately collected and only institutions like museums had the necessary facilities for their safe-keeping. Much later they would also question the motives of the claimants, denouncing them as publicity-seeking adventurers, and portraying the Indians as self-serving ahistorical militants, seeking to alienate the nation’s heritage. Ultimately, the effort to recover the wampum belts was successful, and in 1989 the long quest resulted in the recovery of Haudenosaunee heritage (Barriero 1990; Hill 1990; Williams 1990).

The parallels between this case and those dealing with human remains are not trivial, since both question the mandate of public institutions. Typically the reactions resound with accusations of anti-scientific and irrational behavior on the part of Indians. As Hill (1994:184) notes:

American Indians seeking the repatriation of remains and objects have not infrequently been labeled as acculturated militants, and their requests categorized as political rather than religious in nature...This type of defensive reaction on the part of museums is a way of discrediting the moral basis of the repatriation request.

However, as Indians continue to insist, it is a spiritual matter to preserve the integrity of
human ritual, and legal means only provide a remedy (Echo-Hawk 1991; Loesch 1993). Cultural property may be the appropriate definition for inanimate objects taken from the ground, but it cannot be expanded to include the physical remains of their ancestors.

**Physical Anthropology and Indian Activism**

Physical anthropology, the branch of the discipline concerned with the study of human remains, has become the lightning rod for much of the controversy that has erupted between science and Indians. It is a high-profile topic, one that arouses passions and emotions on both sides; while some scientists may genuinely regard the Indians as akin to Luddites, the polemics have collided to represent the disregard that scientists have toward Aboriginal peoples. Juxtaposed with this thorny issue is the discrimination that Indians have experienced from the larger society which sponsors and condones the work conducted on their ancestors (Cybulski 1977; Hammill and Cruz 1989; Hubert 1989; Vivian 1990). Research in this field, it is claimed, displays only insensitivity, and represents the type of hegemony that is responsible for the marginalizing of Indians. Although this debate has been played out primarily in the United States, resulting in the passage of statutes like the *Native American Graves Protection and Repatriation Act* (Killion and Bray 1994), it has international significance, as indicated by reports from South America (Condori 1989) and Australia (Pardoe 1991; Richardson 1989). Similar travails have been noted in countries like Israel, where ultra-orthodox Jews have forced Israeli scientists to rebury human remains regardless of provenance and antiquity.

Disinterring human remains has an early-nineteenth-century vintage that started from the interest displayed in the nature of the races and the comparative analysis of the peoples encountered during Europe’s “Age of Discovery.” Early modern science was intrigued by the question of race, its origins and the variation observed in human populations (Bieder 1986, 1992). The presence of an entire continent, previously unknown and teeming with inhabitants, was of particular interest; their origin was a perplexing issue that meant they had to be incorporated into the known universe within the context of Christian traditions. Musing on the evidence, the ethnologist Albert Gallatin (1845) opined that they were descended from the original couple, that they were related to Asians and that they had reached American shores within 500 years after the biblical flood. Given the popular understanding of human history of his day and the absence of secular thought, it was not an unacceptable conclusion. Equally vociferous in the campaign was the physician Dr. S. G. Morton, who began his own research into the known races culminating in the publication of his tome *Crania Americana* (1839). His intent was to cast light upon the meaning of race, and the physical and moral character exhibited by the “Five Races of Men.” An erstwhile proponent of comparative physiognomy, he amassed human crania with alacrity, having been invited to lecture in an introductory course in anatomy, and left smarting that he could “neither buy nor borrow a cranium.” The paucity of available specimens was the stimulus that led to his mission and 16 years later he proudly proclaimed having deposited in the National Academy of Science, “a series embracing upwards of seven hundred human crania” (Morton 1848:217). His exhaustive treatment was more an exercise in subjective conviction than in scientific scrutiny; nevertheless, his conclusions and methods would influence the discipline of physical anthropology for the rest of his century and beyond.

Taking his cue from Morton’s work, Daniel Wilson (1855) promoted a similar endeavor for Canada, going so far as to provide instruction for the careful removal of human remains. He discussed methods of retrieval and advised against using cruder implements, such as picks and shovels, noting that finer tools, like hand trowels, were more appropriate for this delicate task. He mentioned the importance of field notes and careful observation of the placement of bodies, advising excavators to “trust nothing to memory” since provenance was important for later reconstruction of the site. Special mention was made of grave goods that might be included, since this was a “common practice among the savage races.” He was not about to let his American cousins leave him behind, and it was important for Canadian institutions to keep up their end of scientific investigation. It was imperative that this practice be reserved for trained archaeologists, who alone were deemed capable of appreciating the extent of knowledge that could be gained from human crania, though
lack of governmental support, woeful funding, and inadequate personnel conspired to limit their effectiveness. They could not possibly monopolize the practice so long as they faced competition from pot-hunters, though they grudgingly acknowledged the contribution of amateur societies.

Although governments have sponsored policies set in public institutions, scientists have not always had governmental support in amassing human skeletal remains. Isaac (1993) illustrates this point by including two laws passed by the nascent government of the Colony of British Columbia in the mid-nineteenth century: the Indian Graves Ordinance (1865) and the Indian Graves Ordinance (1867). These two statutes extended protection to Indian graves and grave goods, ostensibly for the preservation of the public peace. However, the sanctions were not meant to establish the rights of local Indians; instead, the items mentioned were described as Crown property. Illegally collecting antiquities, including human remains, was a criminal act against the Crown, rather than against Indians. These statutes specifically prohibited collecting bones and associated articles, and imposed a penalty of up to 100 pounds and 6 months’ incarceration for a first offence; a second offence was punishable by 12 months hard labor. The revised statute halved the penalties for incarceration, but not the fine. However, it did not stop anthropologists from pursuing their objectives as scientists; it only required of them to be more surreptitious.

The case of collecting for the sake of collections was the major rationale for disinterring Aboriginal skeletons and, as the nineteenth century rolled into the twentieth, very little had changed. Human crania were still in demand for comparative collections, so physical anthropologists were encouraged to seek new burial grounds (Hrdlicka 1916). While the discipline of physical anthropology evolved, its methods and techniques being refined with ever-increasing sophistication, its objectives remained conspicuously static. It seems the only innovation was the reworking of the vocabulary, such that researchers came to speak of “synchronic skeletal groups [displaying] discriminating suites of traits [of] unknown groups of prehistoric provenance” (Heathcote 1996:3). There was no discussion of the utility of this information to Aboriginal peoples; the interests of the discipline took priority and the case was still being made for the “importance of collecting complete cemetery populations” (Charles et al. 1988:6).

Just as collecting skeletal material finds its origins in the nineteenth century, so too does Native protest over this same practice. Peet (1883) describes the case of Black Hawk, the famous Sauk warrior who led the ill-starred attempt to push the Americans back to the east side of the Mississippi River, and more recently, the spiritual mentor to a professional hockey team. His grave was desecrated and his bones were set on display in a museum at a medical college in Keokuk, Illinois; however, after much protest on the part of his descendants, the remains were finally returned to his community. He was promptly reburied, but not at the original gravesite. Instead, he was buried in a secret ceremony to ensure that his final resting place would remain hidden from prying eyes. This isolated incident foreshadowed by nearly a century the debate that is currently playing itself out in cultural institutions in North America.

Contemporary Native protests can be traced to the civil rights movement in the United States during the tumultuous decade known simply as “the sixties” (Echo-Hawk 1991; McGuire 1992). For most of this century Native people have lived on the fringes of North American society. Their reality was neglected by, or dismissed as irrelevant to, a modern world, until the idea of pluralism took hold in the mainstream. Liberalizing society brought out the old grievances, which were finally debated in a public forum (Vizenor 1990; Zimmerman 1992). Far from their grievances being a recent phenomenon, in vogue because we live in a politically correct time, their late recognition only points out the reluctance of the larger society to explore options that favor its marginalized segments.

Native groups have relied more on legal and political means to secure remedial action, but the political will to activate statutes remains a serious limitation (Peregoy 1992). Compounding this is the fact that human remains cannot be defined under the auspices of cultural resources legislation commonly instituted by governments for two reasons. First, by definition, deliberate interment of a skeleton, and the associated grave goods, is not equal to relinquishment. Laying a body in the final resting place is a perpetual act that does not diminish with time, so the ritual objects must be exempt from the principle of
“finders keepers,” since they were never lost. Second, the full extent of Aboriginal rights has not been explored: it is possible that residual rights exist, and if they can be successfully argued on religious grounds, then the original intent of burial must be respected (Bell 1992a, 1992b; Walker and Ostrove 1995).

Settlement of Native land claims exhibits one area where negotiations have successfully resolved the issue of human remains with the creation of a prescribed formula embedded in the legal text. In the Council for Yukon Indians Umbrella Final Agreement (Canada 1993b), the 14 Native groups in Yukon have agreed to a standard procedure in the event that human remains are discovered. The favored scenario is one of avoidance, where burials are left undisturbed in order to respect their dignity. Situations arise in which development causes the discovery. In this instance the remains are brought to the community in whose traditional territory the burial is discovered. Where a burial is found on the border between two adjoining groups, the case is subject to the dispute resolution mechanism described in the agreement. In all cases, reburial is the accepted result and the affected group can apply its discretion as to whether or not any scientific examination occurs.

Comparative collecting may have been sufficient in prior eras to rationalize disinterring human remains, but in the present era it is simply not good enough. The modern generation of Indians began voicing their displeasure with enough volume that governments eventually heard their complaints. Legislative bodies compelled publicly funded institutions to assess the merits of their collections (Zeder 1994) and, where possible, to consider repatriation as a remedial policy (Canadian Museum of Civilization 1992; Hill 1992; McGuire 1992). While some researchers may have expressed dismay with this proposal, feeling their rightful claim to the data would be undermined, others felt the discipline need not view this as a loss to science. Hence it may have had the effect of making scientists review their activities and social responsibilities (Klesert and Powell 1993). The rhetoric surrounding collections had the echo of a battle cry, and some even went so far as to refer to this debate as a battle between Indians and museums (Blair 1979; Higginbotham 1982).

Referring to the Over Collection, which was excavated between 1946 and 1969 in South Dakota as part of the Missouri Basin Project and slated for reburial in 1986, Ubelaker (1994:391) described the “crisis atmosphere” over the future of “threatened collections” that would no longer be available for scientific examination. As the decade came to a close, the museum community felt it had lost the battle and resigned itself to hoisting the white flag. The silver lining was that it provoked scientists into salvage research to recover as much data as possible before collections were handed over for reinterment. Coming in the midst of Amerindian activism, one can surmise that the archaeologists were “digging in” for the final round.

Notwithstanding the research crisis, nineteenth-century attitudes seem to be abating and it is now generally acknowledged that Native concerns are not subordinate to scientific ones. Anthropologists who assume that the reburial issue is merely the petulant exercising of the meager power available to a marginalized people grossly underestimate the resolve of Indians. Cultural institutions have begun interdisciplinary study of their collections prior to repatriation and publication of the results (Bray and Killion 1994; Owsley and Jantz 1994), so it would seem the effect of Indian activism has been to drag the discipline into the late twentieth century. As was noted, the “repatriation laws mandated the development of a whole new set of guiding principles, the adoption of which forever altered the way in which scientific research may be conducted” (Killion and Bray 1994:5). Belatedly, scientists are showing how the study of human remains can provide some useful insights into the health and diseases of Aboriginal peoples (Herring 1992; Ortner 1994a; Williams 1994), and they are also more aware of Native concerns and are amending attitudes to be more responsive to their social responsibilities (Ortner 1994b; Sockbeson 1994). It may not be such a bad thing, since evolving attitudes at public institutions might yet reveal the human face of archaeology that has remained hidden for so long (Trigger 1990).

Archaeology on Indian Lands

In the broadest sense, all American archaeology is conducted on Indian lands; however, the current reality suggests a more modest use of the phrase. Where archaeology is concerned, Indian lands fall into four distinct categories: reserve lands, traditional lands, the sacred landscape and,
as Native people settle land claims, a fourth category will be added. Reserve lands encompass most Indians communities in modern times and these are often defined by treaty. Traditional lands are those surrendered by treaty, and in some cases these have been bisected by international or provincial boundaries. Native people can still exercise certain rights within their traditional lands; for example, in Canada treaty Indians are able to hunt and fish on unoccupied Crown lands under provincial jurisdiction. Court rulings, as in the case of *R. v. Sioui*, have expanded the rights of Indians to pursue traditional practices, such as religious ceremonies (Miller 1991). The full extent of these rights has not been defined and, as more cases are tried, or through negotiations, greater clarity may result.

Archaeology, when it is practiced on reserve lands, can fall under local government, but on traditional lands it must heed provincial- or state-level government. Competing claims may foment uncertainty, but that has not stopped the creation of protocols and cooperative arrangements where the law falls silent (Nicholson et al. 1997). Models, or options, for co-management are being defined in land claims settlements through negotiation, as in the Nunavut Final Agreement which has provisions for Inuit involvement (Canada 1993a). Specific cases that have gone before the courts indicate that the judiciary acknowledges Native claims, but is ambivalent in its protection of them (Blair 1979). Their specific nature revolves around interpretations of treaty rights. Treaties signed in the nineteenth century are vague and have not been updated to respond to an evolving society. As novel situations arise, like development or use restrictions, consideration must be given on their benefit, or harm, to Native use rights. Frequently, Native activism is stirred by other users trampling on treaty rights on traditional lands, and individual acts of civil disobedience have become a common expression of protest.

Reviewing the literature reveals that the First Nations in Canada lag far behind their counterparts in the United States in the realm of heritage management on Indian lands (Anyon and Ferguson 1995; Klesert and Downer 1990). This situation is due primarily to the U.S. federal government’s initiatives, beginning with enactments such as the Antiquities Act in 1906, which extended nominal protection to prehistoric ruins and monuments on Indian lands. However, even though well-intended, in its 73-year history only one person was ever charged under this act and he was eventually acquitted because of the vague definition of historical resources (Cooper 1976). However, it made the American Indians aware early on of the value of these unique structures and led to their use in expanding the limits of Indian governments (Yapko 1987). In more recent times superseding legislation such as the *National Historic Preservation Act* of 1970 (Saugee and Funk 1990), the *American Indian Religious Freedom Act* of 1978 (King 1990) and the *Archaeological Resources Protection Act* of 1979 (McManamon and Aubrey 1990) have clarified existing ambiguities and enabled Indians to become active players in managing their cultural patrimony. Coupled with the self-governing model of tribal government, individual Native groups have enacted their own homegrown statutes to provide direction for conducting, or limiting archaeology on their lands (Navajo Nation 1988).

In contrast, the only Canadian attempt to produce comprehensive federal legislation, the proposed *Archaeological Heritage Protection Act*, presented to the federal parliament in 1991 as a discussion paper, died at the committee stage as a result of the objections of provincial representatives (Burley 1994). It may be a moot point now, but if it had been adopted and passed into law, it would have had implications for archaeology on Indian lands since these fall under federal jurisdiction. Thus, the default legislation is still the much-maligned *Indian Act*, whose potential for accommodating archaeological management on Indian reserves would require little more than political will (Yellowhorn 1993). Federal legislation prior to 1990 concerning Indian lands was notable for its silence about heritage matters. Statutes like the *Indian Act* were mostly about administrative details. Since then, the policy of including articles recognizing Native interest in the archaeological record have become standard elements of land-claim agreements.

The third category is the sacred landscape, those obscure, esoteric landscapes that are as real as they are imaginary. Although Indians control only a minor portion of their ancestral customary lands, they continue to be conscious of their former territories, especially those places that have spiritual or ritual significance (Reeves 1994). The sacred landscape maintains a strong grip on the imagination of Native people in spite
of the fact that developments like hydroelectric dams have flooded large tracts (Linklater 1994). In other instances, they retain the oral history that associates certain features of the landscape with transformer sites, spirit residences, vision quest rituals and ceremonial areas (Mohs 1994). Unlike other archaeological sites, ritual sites may not be readily identifiable through artifactual data since, by their very nature, the activities surrounding them may not leave tangible elements. Offerings form an integral part of Native ceremonies, but these tend to be organic and, ultimately, biodegradable. Also, avoidance of areas such as burial grounds or ceremonial areas because of prohibitions or cultural bias would select against any deposits of secular origins. In such cases it is the extant traditions of contemporary Native people that are represented, and these are extended into Aboriginal times. Accepted definitions of archaeological sites may be too exclusive, and too artifact-dependent, to accommodate this category, and in the long run it may mean that those definitions will have to be expanded.

Finally, 25 years have elapsed since the landmark ruling that brought land claims into the lexicon of modern Canada, and in that time government policy has recognized claims to be of two types, specific and comprehensive claims. Specific claims result from cases where reserves established by treaty had lands improperly surrendered or alienated, and residents may now apply for redress. Comprehensive claims involve vast tracts of land that were never ceded, by treaty or other legal means, to Canada, and therefore Aboriginal title was never extinguished. The theater for the comprehensive claims is primarily in the northern part of the country, those lands north of 60° N latitude, as well as northern Quebec and British Columbia. Unlike their nineteenth-century equivalents, modern land claims do not result in reserved lands; rather, they construct agreements that cover a broad range of interests. Although land inevitably is negotiated, it is only one of many concerns that the affected Native group addresses. Archaeology has become one of those concerns; in the current generation of land claim agreements, it is woven into the text as heritage, but there are implications for the conduct of fieldwork and the disposition of artifacts (Canada 1993a, 1993b).

According to Native people, ambiguity may exist in the minds of archaeologists about cultural continuity, but the legal environment demands certainty; thus, Natives view the archaeological record as evidence of their use and occupancy of lands and resources. In this context, making explicit statements about ownership of artifacts is a reality and a necessity. The archaeological record is not simply a field laboratory that allows scientists to test their latest theories: it has spiritual, cultural, religious and educational significance for Native people (McClellan 1987). Recognition of their Aboriginal association with the archaeological record is expressed as special rights, interests and responsibilities in the conservation management and development of their heritage. These are manifested by their participation in developing government policy and legislation concerning archaeology; in creating heritage trusts to ensure the safekeeping of cultural property; in establishing permitting systems to facilitate research on settlement lands and traditional lands; by accepting, with government, co-ownership of specimens; and by taking an active role in mitigating the impact of development.

Discussion:
Towards a New Millennium

Society places a great deal of emphasis on anniversaries: witness the commotion regarding the quincentenary of the Columbus incident, then the arrival of John Cabot and soon the new millennium. The fact that a number of years has elapsed from the date of an event is cause for celebration that we have seen that many years expire; or a chance to reflect on what has transpired: to consider what lessons have been learned; to take stock of our attitudes; to gauge how much, or how little, has changed in our worldview. Like divining in the entrails of chickens, it is somehow hoped that all that retrospection will conjure up some profound meaning, displace the regret, or provide a context to make sense of the details. It is hoped that, somehow, we will all be better for having lived the experience, that we will be stronger and more able to face whatever transpires until we reach the next milestone. Approaching the new millennium provides another anniversary to celebrate, another pause for reflection, but anticipating it also gives cause for predicting the trajectory of inchoate trends that may offer some insight into future relations.

In archaeology, this means examining the
influence that Indians will exert on the discipline, because their motivations will invariably affect the conduct of archaeologists and their work. Given the limited number of professionals and academics of native origin, this is a career option that is still in the gestation stage, but one with a lot of opportunity. The demand for a skilled labor pool for fieldwork and the desire of band leaders to have their members participate effectively in the wage economy ultimately will fulfill the goal of involving native people in the profession. This has started in some Native communities where consulting archaeologists have been retained to supervise the training of band members, but the fact that this expertise must come from outside their communities only underscores the paucity of Indians active in the discipline. The growth of consulting archaeology may be a direct spin-off from cultural resource management legislation, but it exhibits the greatest potential for creating the requisite labor force. Consultants do provide the field experience that can be a valuable foundation leading to formal training. Presently the trend is to employ Indians as laborers at archaeological sites (Anyon and Ferguson 1995; McMillan 1996) or to consult Native elders for their traditional knowledge (Hamilton et al. 1995). While this may be laudable, it leaves an imbalance that will not be remedied until more Native people opt for careers in archaeology.

Consulting is not without its hazards, and it best illustrates the dilemma of the modern archaeologists. It is a business that satisfies legal obligations of development, but on the one hand Native people may see an ulterior motive to this practice. The industry may see it as too sympathetic to the Native cause (Hamilton et al. 1995). Being pulled in too many directions by details like who the client is, what the development is, and who the developer is impinge on the consultant’s freedom; often consultants are forced to take sides and in doing so are tainted with accusations of bias. Credibility becomes a factor by causing future clients to wonder if a particular consultant would be able to produce an objective report because of his or her past associations. Exacerbating the situation is the client’s concern with confidentiality, so that much of this work is lost to the discipline and is rarely available for research. It is enough to cause one to wonder if the business landscape is really the proper place for archaeology. Nevertheless, the archaeological consultant with an Indian clientele seems to be replacing the ethnographer as cultural mediator and in some instances such consultants have become advocates for Indian bands, especially in the context of litigation and land claims.

The greater challenge lies in examining the ideology of the past, and paying closer attention to archaeological research and the theories derived from it. The construction of theory is typically seen as a hallmark of academic freedom, but unrestrained theory-building can be hostile to the well-being of Native people who find their past being manipulated for goals unrelated to their concerns. In particular, Native academics have pointed directly to the theory that posits colonizing populations crossing the Bering land bridge to America as just one more attempt to demote the Indians from Aboriginal peoples to merely original immigrants (Churchill 1995; Deloria 1995). Despite the elaborate scientific window-dressing to support it, it remains a reiteration of the immigrant story that lies at the heart of the dominant culture—the implicit message being, if the wielders of the reins of power are an immigrant culture, then everyone must be an immigrant. For this reason, these Native academics are inclined to dismiss archaeologists as little more than the intellectual puppets of the body politic. This may be the reactivist rhetoric of postmortem, or postprocessual scholarship, but a Native presence may serve to make archaeologists more aware of the social and political implications of their theories, not because these individuals will act as censors but because they will have the intellectual faculties to challenge archaeologists’ ideas with critical analysis rather than emotional polemics.

One trend that will have an impact will be the emergence of an Indian middle-class, particularly when considering Indians as producers and consumers of the cultural industries. Some Indians have established well-deserved reputations for themselves as artists, and therefore as producers in the cultural industries, but unfortunately little attention has been paid to them as consumers. Access to disposable income, cultural tourism and Indians as cultural tourists will cause a profound reevaluation of conventional archaeological interpretation. As builders of heritage parks or museums, Indians will draw on their own heritage, aesthetics and sense of self to promote their own visions of reality, visions that do not necessarily rely upon standard academic dis-
course. As consumers they will pick and choose whose version of the past they will accept. There is already a growing network of Aboriginal heritage parks and tourist facilities, and a national Aboriginal tourist association even presents awards of excellence to their operators. Certainly the allure of the “powwow trail” is a popular staple in Indian communities and the images they present to visitors challenge the stereotypical representations associated with usual roadside attraction. The growth in cultural tourism may eventually have its parallel among Indian families who choose to spend their vacation dollars on substance rather than appearance. As consumers of cultural products, after the initial euphoria, Indian tourists may become disenchanted with the Disneyland holiday and hanker for an alternative that educates while at the same time catering to their cultural traditions.

One trend associated with increasing Native awareness of archaeology will lead to the emotional elements that are part of the symbolic currency of nationalism (Dietier 1994). Already, the perennial specter of Indian activism has caused institutions like museums to reevaluate their policies regarding the curation of Indian patrimony (Merrill et al. 1993). It is also causing the review of attitudes that professional archaeologists hold in their mandate as stewards of the Native heritage. Activism is symptomatic of an ongoing struggle against the reality of the colonial experience, but the undercurrent of nationalism will inspire a search for the heterogeneity of Aboriginal America. It may start with reclaiming tribal names to counteract the homogenization of Indigenous cultures, but ultimately the construction of identity will broaden to include the past. When that happens, it will be the archaeological record that will be the source of inspiration for a Native heritage. Undoubtedly, there will be a political motive for alloying extant cultures with ancient ones, since it will serve as an antidote to the “original immigrant” scenario espoused by archaeologists. When it comes to portraying the past it may just as easily be artists who will be the purveyors of antiquity, and their images will be infused with the concepts borne of their spiritual connection with the creators of the archaeological record.

Finally Indians now recognize they have a stake in the trust-like relationship that exists regarding cultural patrimony and their concerns must be incorporated into future management schemes (Knudson 1995). Unfortunately extant approaches still insist on employing the resource management model, as opposed to a legacy or collective inheritance (Le Master 1995). Although this may seem little more than semantic word-play, there is a valid difference, since the perception remains that all resources exist to be exploited. When this is extended to archaeological material, especially human remains, it promotes the unpalatable terminology, of resource extraction (Brady et al. 1995). Even when Indian communities become involved in heritage management, they inevitably adopt the language of this resource paradigm, precisely because the qualified managers are recruited from the larger society where the pervasive concept has never been challenged. There is a lesson to be learned here, since part of the current repatriation debate with museums was precipitated by Indians themselves when prior generations converted their objects of culture into saleable resources and the ownership of “inalienable cultural property” passed from their hands to collectors and museums. If a true fiduciary obligation is inherent in their stewardship, then Indians must accept their responsibility, assess their role and extricate themselves from the resource mentality. An alternative concept, one that resembles a cultural estate, would be a valuable contribution to the discourse on heritage management that Indian archaeologists could make.

Certainly an exhaustive discussion of the impact that Indians are likely to have on archaeology is yet to be articulated. In the dialectics of academe there are no concluding arguments, and archaeologists and Indians will move beyond their current positions. It may also be the case that unanticipated events or discoveries will add new intrigue to the debate, but that is the nature of the trade. In any event, those who assume that Indians will divert their attention to bigger and better things are deluding themselves. It is, after all, their heritage, and their affiliation will not be of the dilettantish, antiquarian variety. It is far more likely that they have only begun to cogitate upon the issues that they would like to address and that they will voice their concerns as they arise.
Ethical Dilemmas in Archaeological Practice: Looting, Repatriation, Stewardship, and the (Trans)formation of Disciplinary Identity

ALISON WYLIE

Abstract. North American archaeologists have long defined their ethical responsibilities in terms of a commitment to scientific goals and an opposition to looting, vandalism, the commercial trade in antiquities, and other activities that threaten archaeological resources. In recent years, the clarity of these commitments has been eroded from two directions: professional archaeologists find commercial entanglements increasingly unavoidable, and a number of non-archaeological interest groups object that they are not served by scientific exploitation of the record. I offer an analysis of issues having to do with the identity of archaeology that underlie this debate and outline one strategy of response now emerging.

I. Introduction

From its inception as a museum- and university-based discipline early this century, one of the central and defining features of North American archaeology has been its identification as a scientific enterprise. This is evident not only in the programmatic literature and, indeed, in the training, and practice, institutional location, and funding base of most North American archaeology, but also in the bylaws and “statements on ethics” that have been adopted by the major archaeological societies in the past 30 years. In some cases, most especially that of the Society for American Archaeology (SAA), these ethics policies have undergone several rounds of revision as archaeologists grapple with profound changes in the contexts in which they are trained and employed and in the ethics conflicts they face. The emphasis on responsible scientific practice remains a central commitment but has been contested and reformulated over the years.

Two developments are of particular significance in this connection. One is a pressure to professionalize that has grown as an increasing number of archaeologists have found themselves involved in “culture resource management” (CRM), employed by government agencies responsible for heritage protection and as consultants to industry, rather than in academic research. From the mid-1950s, a vocal contingent within SAA has argued the need for some form of codification of scientific standards of practice, some definition of “who an archaeologist was and what that person was qualified to do” (McGimsey 1995: this volume). In addition, since the mid-1970s archaeologists in all sectors have been increasingly active in advocacy and conservation efforts, in response to the accelerating destruction of archaeological resources by construction, agriculture, and other land-development projects on one hand, and by vandals and looters of antiquities on the other. Here, a commitment to scientific goals provides the justification for archaeological conservation policies and salvage efforts; archaeological sites and artifacts are to be valued and protected because they are a crucial and irreplaceable resource for understanding the cultural past, our collective cultural heritage.

In the past five years, challenges from quite different directions have put this disciplinary identity—this alignment of scientific goals with an emerging professionalism and conservationist ethic—under enormous strain. The ideal of professional disengagement from commercial (nonscientific) interests in the archaeological record is proving increasingly hard to realize, especially given dramatic expansion of the antiquities market and the pervasive, often indirect and unintentional, entanglement of professional archaeology with commercial interests in archaeological resources. At the same time, a number of nonarchaeological interest groups, most especially but not only members of the First Nations (Native Americans), object that
they are not served by scientific exploitation of the record. Within SAA these challenges have precipitated a new round of review of existing ethics policies that, I will argue, throws into relief a fundamental tension in the ethics stance developed by SAA and sister organizations: North American archaeologists identify themselves both as primary users of archaeological resources (i.e., as scientific practitioners and professionals whose central aim is to exploit the archaeological record in a particular way) and as advocates for and protectors of these resources.

My aim in this paper is to elaborate this analysis of issues having to do with disciplinary identity that underlie the current ethics debate in North American archaeology and to outline a response that is now emerging in SAA. I consider the history of programmatic debates in which North American archaeologists have formulated the conception of scientific aims and responsibilities that defines the field and then describe some of the conflicts that are now pushing the limits of this disciplinary identity and of the ethics policies it underpins. The debates I discuss are complex and very much in process; what I offer by way of analysis must remain tentative, although I hope it will serve to demonstrate how closely interconnected are the epistemic goals of the discipline and the ethical, political commitments of its practitioners.

II. Science, Community Standards, and Conservation

Early this century a North American cohort of scholarly, professional archaeologists undertook to distance themselves from the “woefully haphazard and uncoordinated” forms of practice associated with an antiquarian interest in the archaeological record (Dixon 1913:563) and to define the goals and forms of practice appropriate to an emerging discipline of archaeology. There had been, they allowed, “a time when being an archaeologist meant being a mere collector of curious and expensive objects once used by man” (Wissler 1917:100). But by the end of the First World War, these advocates of a “new archaeology” (Wissler 1917) confidently declared that a narrow preoccupation with the objects themselves was no longer acceptable: “The time is past when our major interest was in the specimen....We are today concerned with the relations of things, with the whens and the whys and the hows” (Dixon 1913:565). For Wissler and Dixon, among others, this reorientation meant that archaeology should be practiced as a subfield of anthropology; its defining goals should be to enrich our understanding of cultural diversity and affinity, and the processes responsible for “the development of culture in general” (Wissler 1917:100). Above all, they emphasized that these anthropological ambitions would require archaeologists to develop distinctively scientific modes of practice. The “mere finding of things” (Wissler 1917:100) could never put archaeologists in a position to answer key questions about culture history and cultural development; they must commit themselves to “saner and more truly scientific methods” (Dixon 1913:565), methods capable of filling in strategically important gaps in existing evidence and systematically testing working hypotheses (Dixon 1913:564).

These themes—the insistence that “archaeology is anthropology or it is nothing,” as the point was later put (e.g., Binford 1962:217, quoting Willey and Phillips 1958:2), and that it must be practiced in a rigorously scientific manner—reappear in the 1930s, shortly after SAA was established, and in the period when federal works programs in the United States generated the first massive expansion of archaeological training and employment. They are the subtext of methodological debates that appeared in the 1950s, when archaeologists were struggling to bring order to the vast body of material that was by that time available for analysis and proliferating in all directions as a much expanded postwar cohort of archaeologists took to the field. And these themes are reasserted in the strongest, most uncompromising terms in the late 1960s and 1970s by the proponents of a self-consciously positivist research program, the New Archaeology. The resolutely scientific orientation of the New Archaeology dominated the field in North America through the period when the scale of professional archaeological practice was again dramatically expanded by the development of the legislation that gave rise to CRM programs and requirements for environmental impact assessment that apply to archaeological sites and resources. It is only in the past decade that scientific ideals have been challenged by sustained criticism of the New Archaeology², opening a space for the exploration of deliber-
ately humanistic and “critical” (politically reflexive) approaches. Even so, a majority of North American practitioners continue to embrace the broadly scientific conception of their discipline that has been entrenched through periodic debate over aims and methods, and through ongoing negotiation of the boundaries between archaeology (proper) and various forms of undisciplined, nonscientific, and, increasingly, nonprofessional interests in the archaeological record. On this view archaeologists are properly concerned, not with the recovery of archaeological material as an end in itself or with archaeological “objects” as such, but with systematic investigation of the archaeological record as a scientific resource, a basis for understanding the cultural past.

At the same time, as indicated at the outset, these scientific, anthropological goals have been juxtaposed with and articulated in terms of a number of other emerging concerns and responsibilities. The first of these, the pressure to professionalize, had become an explicit focus of debate within SAA by 1954, when the postwar expansion of graduate training employment in archaeology led some members to urge the society to establish a system by which archaeologists employed in increasingly diverse settings could be held accountable for minimal levels of training and standards of practice, subject to a common code of professional conduct. As reported in a recent summary of these debates, however, there was a strong countervailing sentiment that SAA should not undertake to “define the difference between professional and non-professional (amateur) archaeologists” (McGimsey 1995: this volume), and, in fact, the commitment to maintain SAA as an organization that is inclusive of avocational archaeologists has prevailed. Avocational practitioners are recognized, not only by SAA but also by many of its sister organizations (e.g., the Archaeological Institute of America [AIA] and the Society for Historical Archaeology [SHA]), as playing a central role in the field, and, in many cases, they are as well trained and as committed to anthropological goals as those who do archaeology for a living.

When SAA did adopt a position on standards and ethics in 1961, it took the form of a report drafted by its Committee on Ethics and Standards entitled “Four Statements for Archaeology” (Champe et al. 1961). These statements defined the central objectives of “the field of archaeology” and provided general guidelines for practice and training but avoided any detailed specification of professional credentials and responsibilities. Archaeology was characterized, in the first statement, as “a branch of the science of anthropology...concerned with the reconstruction of past human life and culture” (Champe et al. 1961:137; elsewhere, a “scholarly discipline” 1961:138) whose “primary data lie in material objects and their relationships.” A second statement on “Methods in Archaeology” stressed that the value of these objects ties in “their status as documents, and is not intrinsic” (Champe et al. 1961:137). Given this emphasis on the research value of archaeological material, the committee censured “disregard of proper archaeological methods” (p. 137) in collecting, recording, and reporting these data (it was grounds for expulsion from the Society). In all aspects of their practice, archaeologists were to “aim at preserving all recoverable information” (p. 137) and at making the material they recover available for further study. A final statement acknowledges that some “leading archaeologists” had, in the past, acquired the necessary skills “without formal training” but immediately adds that they had necessarily “spent years in the study of archaeology as a science” (Champe et al. 1961:138); some recommendations for minimum levels of training were offered “for persons planning to enter archaeology as a career” (Champe et al. 1961:138).

The message of these statements is clear and conforms closely to the central themes of the programmatic debate that had begun 50 years earlier: whether career professionals or skilled avocational practitioners, archaeologists are distinguished by their commitment to scientific goals and standards of practice. The SAA “Statements” thus condemn, as a violation of the responsibilities associated with these commitments, any form of “uncontrolled excavation by persons who have not been trained in the basic techniques of field archaeology and scholarship” (Champe et al. 1961:138), as well as the “wilful destruction, distortion, or concealment of the data of archaeology,” and the “buying and selling of artifacts” (Champe et al. 1961:137). In connection with this last the rationale for censure explicitly reaffirms a central commitment to scientific goals; the commercial trade in artifacts is prohibited “inasmuch as [it] ... usually results ...
in the loss of context and cultural associations” (Champe et al. 1961:137) and therefore compromises the value of archaeological material for scientific, anthropological purposes.

A decade later the question of professional standards was reopened by members of SAA and some of the major (governmental) employers of archaeologists who shared a concern that, as the demand for archaeological expertise in cultural resource management expanded, “the field [was growing] so large that certain segments of the profession were almost unknown to other segments, and...the nonacademically associated members of the community were not subject to any form of peer review (other than that of the market)” (McGimsey 1995:this volume). In 1974 SAA struck a Committee on Professional Archaeology, which proposed that the Society adopt a code of professional conduct establishing the standards for training, professional performance, and managerial practice necessary for specific sorts of professional activity and recommended that it develop a registry of members certified as professional archaeologists. Although SAA membership voted to support the development of such a registry, there was enough resistance to the proposal (on grounds that it would change the character of the society and perhaps put it at risk legally and financially) that, in 1976, its main proponents established an autonomous Society for Professional Archaeologists (SOPA). Under the rubric of SOPA a formal code of ethics was established, along with a registry of professional archaeologists and a grievance procedure for reviewing violations of professional standards (McGimsey 1995:12-13; see also Woodall 1990 and Green 1995).

In the SOPA code of ethics, archaeology is defined, first and foremost, as a profession: “the privilege of professional practice requires professional morality and professional responsibility, as well as professional competence, on the part of each practitioner” (SOPA 1991:7). The responsibilities of professional archaeologists and the criteria of competence for which they are accountable are set out in considerable detail and with reference to clients and employers, employees, colleagues, students, the public at large, and the field as a whole (SOPA 1991:7-8). Where “Standards of Research Performance” are concerned (SOPA 1991:9-10), the SOPA Code describes the “research archaeologist” as having a responsibility to “design and conduct projects that will add to our understanding of past cultures and/or that will develop better theories, methods, or techniques for interpreting the archaeological record” (SOPA 1991:9). Several clauses in this section require that the work of professional archaeologists should be informed by a “scientific plan of research,” should conform to scientific standards of excavation and recording (SOPA 1991:9-10), and should be reported to “colleagues and other interested persons” (SOPA 1991:10). But the emphasis throughout is on professional responsibilities. An engagement in the scientific enterprise of archaeology—“stay[ing] informed and knowledgeable” about developments in relevant aspects of the field, contributing to the larger goals of scientific archaeology, respecting scientific standards of research design and practice—underpins but does not exhaust the standards of conduct specified for professional archaeologists.3

For its part, SAA subsequently developed a statement of the objectives of the Society, which elaborates on those aspects of the 1961 “Statements” that outline the orienting commitments all archaeologists should share but minimizes even further the specification of standards of practice or training. The central theme of this updated policy, which was incorporated into SAA’s bylaws in the 1980s (SAA 1995), is a commitment to promote “the archaeology of the American continents,” including archaeological research, publication, education, and public interest in archaeology (e.g., as embodied in regional or local archaeological societies). Although no definition is offered of what constitutes archaeology as a field (as was provided by the 1961 “Statements”), several clauses make it clear that the archaeology advocated and represented by SAA is that which contributes to the scientific understanding of past culture: the Society as a whole is to “operate for exclusively scientific and educational purposes” (SAA 1995:17; article 11.8) and is committed to “promote and support all legislative, regulatory, and voluntary programs that forbid and discourage all activities that result in the loss of scientific knowledge and of access to sites and artifacts” (SAA 1995:17; emphasis added). Most striking, given the history of debate that led to the formation of SOPA, these objectives include an explicit assertion that the common interest uniting professional and avocational, CRM and academic archaeologists should be a shared
commitment to the goals of scientific inquiry: the Society itself is to “serve as a bond among those interested in American Archaeology, both professionals and nonprofessionals, and to aid in directing their efforts into scientific channels” (SAA 1995:17, article 11.4, emphasis added).

It is also significant that SAA’s bylaws include a new theme which did not figure in the 1961 “Statements.” The second of nine objectives listed is that of “advocat[ing] and...aid[ing] in the conservation of archaeological resources.” The addition of conservationist interests reflects a second development, a “crisis” of unprecedented proportions, which has been as important in shaping the disciplinary identity of North American archaeology as the pressures to professionalize. In the mid-1970s Lipe began an influential article advocating “A Conservation Model for American Archaeology” with the observation that “all of us in the archaeological profession are aware of the present crisis in American archaeology precipitated by the growing rate at which sites are being destroyed by [human] activities—construction, vandalism, and looting of antiquities for the market” (Lipe 1974:213). At that time, there was already a growing literature projecting that, at current rates of development and exploitation, the majority of archaeological resources might well be irrevocably destroyed within a generation. Given this assessment, Lipe argued that “if our field is to last more than a few more decades, we need to shift to a resource conservation model,” as opposed to an “exploitative model of utilization of archaeological resources” (Lipe 1974:214). And this shift, he argued, will require a quite substantial reassessment of disciplinary priorities. He urged that archaeologists make it their primary goal to identify, protect, and conserve archaeological resources, “for maximum longevity,” rather than to exploit them for immediate (scientific) purposes; that they develop nondestructive techniques for documenting archaeological resources, excavating only when there are no other means of addressing crucial research problems and, ideally, when there are no prospects for protecting a site; and that they involve themselves in public education, and in planning and resource management “whenever land surface alterations are involved” (Lipe 1974:223).

Although Lipe is clear about the need to reorient research practice, the rationale he gives for embracing conservationist values remains scientific. The archaeological record is a scientific and anthropological resource that must not be squandered; conservation is desirable, not as an end in itself, but as a means of ensuring that future archaeologists, who may be in a position to make more effective use of this resource, have sites and materials with which to work. In effect, the imperative to pursue scientific, anthropological goals in the short run must be weighed against a more general, longer term responsibility to ensure that archaeological resources are available in the future. In a statement that anticipates later developments, Lipe insists that “a focus on resource conservation leads us to a position of responsibility for the whole resource base” (Lipe 1974:214).

This conservation ethic has implications for a number of other aspects of disciplinary identity that are reflected in archaeological statements on ethics. On one hand, it reinforces the commitment of SAA to maintain close ties with avocational practitioners and the interested public. From the time North American archaeologists confronted the “crisis” described by Lipe, it was acknowledged that conservationist goals will not be realized unless professional archaeologists can engage nonprofessionals in the enterprise of documenting and protecting archaeological sites and materials. On the other hand, the commitment to conservation makes possible a different contrast between archaeologists, whether professional or avocational, and a particular type of non-archaeologist who now takes the place of the 19th-century antiquarian as a foil for definitions of the discipline, viz., looters, traders, dealers, “acquisitors” (Pendergast 1991), collectors, and others whose primary interest is in the artifacts themselves, specifically, their commercial value. While the 1961 SAA “Statements” explicitly censured only direct involvement in the antiquities market—“the buying and selling of artifacts” (Champe et al. 1961:137)—the objectives later drafted for the bylaws of SAA include the broader commitment to “discourage commercialism in archaeology and to work for its elimination” (SAA 1995, article 11.7:17). In 1991 SAA adopted an editorial policy for its journals, Latin American Antiquity and American Antiquity, that further strengthens this opposition to commercial exploitation of the record. This policy states that “neither journal will knowingly publish manuscripts that rely on archaeological, ethnographic, or historic period objects that have
been obtained without systematic descriptions of their context; that have been recovered in such a manner as to cause the unscientific destruction of sites or monuments; or that have been exported in violation of the national laws of their country of origin” (SAA 1992).

One aspect of SAA’s recent editorial policy, the requirement that archaeologists respect legal restrictions on the export and trade of antiquities, is now a standard component of the ethics policies endorsed by archaeological societies in North America (see also the “Code of Conduct” adopted in the United Kingdom by the Institute of Field Archaeologists [IFA] in 1988). Most support the UNESCO Convention on Cultural Property as well as condemn practices that violate local laws. In the case of the SOPA code of ethics, professional archaeologists are expected not only to avoid any form of illegal activity themselves but to refrain from making “exaggerated, misleading, or unwarranted statements about archaeological matters that might induce others to engage in unethical or illegal activity” (SOPA 1991:7). Substantially stronger claims appear in the ethics statements of two other societies that also represent North American archaeologists, the Society for Historical Archaeology (SHA), and the Archaeological Institute of America (AIA). Both give conservation first priority, although they are also committed to the support and promotion of archaeological research; the AIA is “dedicated to...the protection and preservation of the world’s archaeological resources and the information they contain” as well as to the promotion of research and publication (AIA 1991:285), and the SHA lists the support of research as the third disjunct in an initial statement of objectives that begins with “conservation” and the “preservation...of archaeological resources” (SHA 1992:36). Consistent with this conservationist orientation, the AIA not only condemns the “illegal trade in antiquities” but also urges its members to “refrain from activities that enhance the commercial value of such objects” (AIA 1991:285), while the SHA condemns “the collecting, hoarding, exchanging, buying or selling of archaeological artifacts and research data, for the purpose of personal satisfaction or financial gain” (emphasis added, SHA 1992:36). Both societies also stipulate that their meetings and publications are not to be used as a forum for the presentation of material destined for the market. What SAA adds in its recent editorial policy is the further requirement that material published in its journals must not have been recovered in such a way to have caused “unscientific” destruction of the archaeological record. Although archaeologists differ in their response to and interpretation of these principles, a recent survey of “attitudes and values in archaeological practice” establishes that most North American archaeologists do subscribe to a conservation ethic broadly defined; the values associated with “stewardship” have become “a strongly embedded value” (Zimmer et al. 1995:12)

What had emerged in North American archaeology by the late 1980s is, then, a disciplinary identity in which scientific, professional, and conservationist goals are treated as interdependent or, indeed, mutually constitutive. Professional archaeologists may not be exclusively dedicated to scholarly interests, but their responsibilities include a commitment to ensure that the work they do produces information about archaeological resources that enhances “our understanding of past cultures” or otherwise supports the goals of scientific archaeology. And although the advocates of a conservation ethic insist that archaeologists may have to forego some attractive research opportunities in the interest of conserving scarce resources for future use, the long-range goals of archaeological science are not themselves called into question. Indeed, it seems widely assumed that, although archaeological material should not be treated as having “intrinsic value” (to use the language of the 1961 SAA “Statements”; Champe et al. 1961:137), the systematic, scientific investigation of the archaeological can be treated as a non-parochial interest, promising an understanding of the past that has intrinsic value. Scientific, scholarly goals are thus assumed to take precedence over the interests of anyone—such as looters, commercial salvors, dealers, and private collectors of antiquities—who exploits archaeological resources for personal gain or for the benefit of a small number of interested parties, and not as a basis for enhancing the common store of what is presumed to be humanly significant (scientific) understanding of the past. Looters are condemned not just for failing to contribute such knowledge, but for destroying the necessary foundations on which it might be built in the process of seeking “personal satisfaction or financial gain,” to use the language of the...
SHA statement on ethics (SHA 1992:36).

Given this conceptualization of disciplinary goals, North American (anthropological) archaeologists define themselves as authoritative experts on a resource of considerable public significance, which they are best fitted to document, appraise, and exploit. Any tensions or conflicts of interest implicit in adopting a stance as protectors of a scarce and valuable resource and being a primary user of this resource, will remain uncontentious only so long as two presuppositions can be maintained:

1) that archaeological practice can be clearly distinguished from nonscientific and, increasingly, nonprofessional, uses of the record;
2) that the scientific goals central to archaeological inquiry can be presumed to yield an understanding of the cultural past that is a common good, that serves humanity or society as a whole.

In the past few years it is precisely these assumptions, and the priorities they establish among disciplinary goals, that are being challenged by critics both within and outside the discipline. In what follows I describe four controversial cases that illustrate pressures that are straining to the limit the disciplinary identity of scientific, anthropological archaeology that underpins the ethics commitments endorsed by SAA and many of its sister organizations.

III. Two Challenges

Professional vs Commercial Interests

Where the first principle is concerned—that disciplinary (scientific) archaeology can be clearly distinguished from the object-oriented, self-serving practice of antiquarians and their successors—it is important to recognize that the pressures that have given rise to an increasingly sharp articulation of these boundaries serve, at the same time, to systematically undermine them. Given the enormous expansion of employment in CRM, a majority of archaeologists now work for undeniably commercial interests in a variety of settings. And at many junctures they find their commitments to the larger goals of scientific archaeology compromised by the requirements of running a business and meeting the demands of employers and government regulations. In addition, to the shock and horror of many, it has become increasingly clear that even the purest of academic, scientific research all too often plays into the hands of the market for antiquities. This is a market that has expanded dramatically, especially through the 1980s (see, e.g., Pendergast 1991; Kaiser 1990,1991) and is responsible for such massive looting and commercial salvage that these threats to archaeological resources are routinely cited as among the most significant we now face (Harrington 1991). As reported by Vitelli, the U.S. Customs estimates that “the dollar value of the traffic in smuggled artifacts is second only to that of the traffic in drugs” (Vitelli 1984:144). Four cases bring into sharp focus the ethical difficulties created or exacerbated by these developments.

a. Donnan and National Geographic. An exchange between Christopher Donnan and freelance science writer Brian Alexander, published in Science in 1991, illustrates how sharply contested are the boundaries between archaeological and commercial interests in the record. That year Donnan had published, in National Geographic, an article describing a spectacular series of royal burials at Sipan, a site representing the Moche culture of coastal Peru at its height (ca. 400-600 A.D.), and two years earlier he had published, also in National Geographic, an analysis of warrior-priest imagery found on richly decorated Moche grave goods. Both were illustrated with glorious color photographs of Moche artifacts, and the earlier article prominently featured material held in private collections, some of which was undeniably looted (Donnan 1988:551-52; Donnan 1990; Alva 1990; see also Kirkpatrick 1992).

Alexander interviewed the main Lima-based collector, Enrique Poli, who had acquired some of the most impressive pieces and made no pretense of how it was recovered. Indeed, Poli gloated publicly that Donnan’s interest and the National Geographic publication had confirmed just how important his collection was.

Evidently, Donnan had long maintained connections with private collectors of Moche art. In his 1988 article he draws on the resources of a “major photographic archive” of Moche art held in both private and public collections that he had developed over the previous 20 years (Donnan 1988:531; see also 1990:23). By juxtaposing material from this larger assemblage with excavated material, Donnan was able to develop a comparative analysis of the elaborate imagery of Moche ceramics and metalwork that made pos-
sible the identification of religious political roles and leaders in Moche society, and the reconstruction, in broad outline, of Moche technology, social and political organization, systems of belief, and ritual practice (Alva and Donnan 1994; Donnan 1988, 1990). Donnan concludes his response to Alexander with the observation, "if I had known now what a crucial difference the information [recovered from privately held collections] would make in our ability to accurately reconstruct this ancient society, I would have gone about recording it with even deeper resolve" (Donnan 1991:251). As Alexander describes the dilemma posed by Donnan's work, his analysis and publication of looted, privately held material raises the question of whether "archaeologists [should] make use of looted data to increase the body of knowledge, even if that means tacitly justifying looting" or whether, instead, they should "take the high road, shunning all looted objects perhaps at the expense of knowledge lost forever" (Donnan 1990:250).

Donnan responded to Alexander's article with a letter to the editor that was printed in the next issue of Science (Donnan 1991). He was, he said, dismayed by the accusation that what he had done had aided and abetted the international art market whose lust for Moche antiquities was clearly the main catalyst for the vast increase in the destruction of these coastal sites (Donnan 1991:498). He protested that he abhors looting and sharply rejected the suggestion that the decision to record looted data should be treated as "the low and unscrupulous road in contrast with the "high road" of dealing only with scientifically excavated material (Donnan 1991:498). He described a set of guidelines that he and the editors of the National Geographic had drawn up specifying what sorts of material could be published in the journal when he proposed to include photographs of privately held Moche antiquities in his 1988 article. These guidelines require that publication respect the UNESCO Convention on Cultural Property and local laws, Donnan offers a positive rationale for making use of looted data that depends on two lines of argument. In his rebuttal to Alexander he formulates what I will call a “salvage principle” arguing that archaeologists who refuse to work with looted data abrogate their primary responsibility to document and preserve whatever information survives of the archaeological record that will make a difference to our understanding of the cultural past: "it is tragic that looting takes place, and I know of no archaeologist who does not decry the loss of critical information that results. But to stand by when it is possible to make at least some record of whatever information can still be salvaged simply compounds the loss” (Donnan 1991:498). In addition, in a statement quoted by Alexander, Donnan insists that professional publication has little impact on the market for antiquities; therefore, prohibitions against publishing looted data are a futile gesture: “Not recording what we can is not going to help....Ninety-nine out of 100 people from liaqueros to collectors wouldn’t even know if an archaeologist stopped publishing” (Donnan, as quoted by Alexander 1990:1075). This is a contentious claim, but even if it were accepted (e.g., as true for the Moche case), it seems most immediately aimed at critics who object that the publication of looted data causes direct harm, enhancing the value of antiquities and stimulating the market for them. It does not so clearly address the concern Alexander raises about indirect harms: that such publication may “tacitly legitimate” looting (Alexander 1990:250), reinforcing complacency about looting and perhaps compromising the credibility archaeologists have when they take a public stand against the “commercialization” of archaeological resources. Perhaps Donnan would respond to this objection by citing his own record of activism against looting. As Sidney Kirkpatrick describes his involvement with the Sipan project, he played a crucial role in arranging for the protection of the surviving tombs against further looting and in supporting their excavation, under armed guard, by Peruvian archaeologist Walter Alva (Kirkpatrick 1992); Donnan’s 1990 publication in the National Geographic is paired with a report by Alva on the results of these excavations (Alva 1990). In addition, Donnan is described by Kirkpatrick as having made it a priority to educate local communities about the significance of
nearby sites and to engage them in the project of protecting archaeological resources. And he has recently mounted a high-profile exhibit of Moche culture (which toured nationally) that includes documentation of the damage done to Moche sites by looters and condemns the antiquities trade that fuels this destruction. Presumably Donnan believes that these active strategies of opposition are more effective in mobilizing public opinion and (it is hoped) action against commercial exploitation of the archaeological record than a passive refusal to publish looted data; and presumably, too, he believes that they serve to counter any suspicion that, in publishing looted data, he condones the practice of looting.

Although many archaeologists find Donnan’s position deeply disturbing, it has to be said that, considered in the broader context of debate described above, the various elements of his response to Alexander are largely consistent with the statements on ethics set out by the major North American archaeological societies, with the exception of the editorial policy subsequently adopted by SAA and related policies of the SHA and AIA. As Donnan points out, the material he documents had not been illegally exported (i.e., in violation of the UNESCO Convention on Cultural Property) and was registered with local authorities (i.e., in conformity with national antiquities laws). In arguing that publication has a negligible effect on the antiquities market, Donnan seems mindful of the requirement (central to the ethics policies endorsed by SAA, the AIA, the SHA, and SOPA, among others) that archaeologists not engage in practices that stimulate or legitimize the commercial trade in antiquities; he maintains that he is not in violation of injunctions against involvement in the “commercialization” of archaeological resources. Moreover, he can point to ways in which he has actively worked to “direct the efforts” of those interested in Moche antiquities “into scientific channels” and to “discourage commercialism,” as required by the SAA objectives and the SOPA code of ethics.

Finally, Donnan’s appeal to a salvage principle fits quite comfortably into the long tradition of the programmatic and ethics debates that have affirmed scientific goals as the central methodological and ethical commitment of North American archaeology. Indeed, he could well have invoked, as the rationale underlying his salvage principle, the consequentialist wording of SAA’s 1961 “Statements.” Here, involvement in the “buying and selling of artifacts” is censured because—“inasmuch as”—such practice “usually results in the loss of context and cultural associations” (Champe et al. 1961:137, emphasis added). By focusing on the consequences of the trade in artifacts for scientific inquiry, this formulation leaves open the possibility that, in circumstances where the loss of context and associations is not total or does not completely compromise the scientific value of the data, archaeologists may be justified in dealing with commercially traded artifacts. Donnan’s justification for analyzing and publishing looted data exploits precisely this logic: given that information of scientific value can be salvaged, he urges that archaeologists set aside scruples about working with looted and commercially traded data.

If anything, Donnan’s use of this consequentialist rationale is more restrictive than the word, if not the spirit, of the 1961 “Statements.” His assertion that the market is largely unaffected by archaeological publication suggests that he believes the costs of pursuing the goals of science must be taken into account; he defends his own position on grounds that, in the Moche case, there is not only much to gain but also, he believes, little to lose by recording and publishing looted material. Taken together, these two arguments suggest a doubly conditional salvage principle: archaeologists should do what they can to salvage information from looted data insofar as it promises to be of scientific value, despite the loss of context and associations, and insofar as these interventions do not exacerbate the threat to archaeological resources posed by commercial exploitation (directly or indirectly). The only ethics statement that unambiguously rules out Donnan’s decision to publish looted Moche artifacts is SAA’s recent proscription against publishing (in its own journals), not just illegally acquired and traded artifacts, but any material that has been recovered in such a way as to “cause the unscientific or intentional destruction of sites or monument” (SAA 1991), a condition that is violated by some of the material Donnan describes in his National Geographic articles.

While it is conceivable that a conditional salvage principle of the sort suggested by Donnan’s discussion could sometimes justify the publication of looted data or, indeed, other forms of collaboration with and involvement in
“commercializing” processes, by no means does it establish a general warrant for such practices, even where scientific goals are understood to be central to the mission of (anthropological, professional) archaeology. By Donnan’s own argument, if it were the case that professional publication served to enhance the commercial value of antiquities and to increase the demand for looted material, then the costs of looting that he deplores might actually be compounded by pursuing scientific goals, and under these circumstances it is not at all clear that the salvage principle would support his conclusions in favor of publishing looted data. There is, in fact, an extensive literature documenting cases that counter Donnan’s claims about the relationship between academic publishing and the commercial value of and trade in antiquities. These discussions predated his exchange with Alexander in the pages of Science (for an early summary, see also Cook 1991; Davis 1986; Elia 1991; Ford 1973; Green 1984; Herscher 1984; Joukowsky 1991; Kaiser 1990, 1991; Vitelli 1981, 1984) and have expanded dramatically in the 1990s. Here are two especially poignant examples.

b. Ban Chiang Ceramics. In a discussion published in 1984, K. D. Vitelli documents the role played by archaeological publication in creating the highly lucrative market for Ban Chiang ceramics in the 1970s. These Thai ceramics came to the attention of archaeologists when, by a circuitous route, a sample of Ban Chiang shards were sent to the United States for dating and were found to be surprisingly old; thermoluminescence dates of 5th and 4th millennia B.C. (now disputed) were released by the Museum Labs at the University of Pennsylvania in 1970 (Vitelli 1984:145). Vitelli argues that it was the publication of early dates for this site, not just the intrinsic beauty of the material, that drew the attention of collectors. This attention, in turn, established a market for the material and precipitated massive looting that has now destroyed virtually all the sites where these ceramics are known to occur.

Although this is an especially tragic case, it should be noted that the role played by archaeological analysis and publication in establishing the market value of Ban Chiang ceramics (indeed, in creating a market for them) is by no means idiosyncratic. The conditions of confidentiality respected by the auction houses that handle the legitimate trade in antiquities effectively reinforce a dependence on precisely the sorts of scientific authentication and publication that concerns Vitelli (see, e.g., Harrington’s discussion of the conditions under which this trade operates; Harrington 1991:29). It is the rule, rather than the exception, that information about the circumstances under which antiquities were originally acquired and traded are held in the strictest confidence, with the result that they are frequently traded without any detailed documentation of provenance or market history. In such cases, comparison with published descriptions, scientific dating, and materials analysis of similar artifacts are often the only grounds on which the authenticity of antiquities and, therefore, their market value can be assessed. Directly or indirectly, the assessments of archaeologists and of the specialists on whom dealers and acquirers rely for artifact analysis are crucial to the “commercialization” of archaeological material. Several sharply critical discussions have recently drawn attention to ways in which the integrity of archaeological assemblages is irrevocably compromised when, closing the circle, professionals also publish on looted material (Chase et al. 1988; Chippindale 1993; Elia 1993, 1994; Gill and Chippindale 1993; Renfrew 1993).12

c. The Looting of Arkansas. A special feature on “The Looting of Arkansas,” published in Archaeology within a year of Donnan’s exchange with Alexander, includes a disquieting article by a county archaeologist involved in protecting archaeological sites in Arkansas (Harrington 1991). He argues that archaeological publication stimulates the antiquities market even if it concerns only material recovered through legitimate excavation: “if an archaeologist publishes something about an important artifact—say, end scrapers—then all of a sudden end scrapers become items that are sold...and all of a sudden people want them in their collections and bang! end scrapers are selling for five bucks a piece....Every time we publish we aid and abet the market that’s costing us our data base” (Harrington 1991:28; see also Chase et al. 1988; Halsey 1991; Kleiner 1990; Messenger 1989).

In this case and that of the Ban Chiang ceramics, a refusal to publish looted data might well be a futile measure, where the conservation of archaeological resources is concerned, but not because professional publication has no impact on the market for archaeological material, as
Donnan suggests. It may be the case that the gold foil masks and strikingly beautiful ceramic art of the Moche would find a lucrative contemporary market no matter what archaeologists publish, or refrain from publishing, about its cultural significance (although many are less sanguine about this likelihood than Donnan; see, e.g., Adams 1991). At the same time, there is a wide range of material whose marketability and market value is directly dependent, in various ways, on archaeological assessments of its significance. And in these contexts the publication of data recovered even from the most careful scientific excavation may have the negative consequences Donnan deplores. If it is appropriate to weigh the benefits of pursuing immediate scientific goals against the (foreseeable) costs of stimulating the market for archaeological material, worries about consequences may extend well beyond illegally acquired, commercially traded, and destructively looted data. This is by no means a new or original suggestion; policies have long been in place that restrict access to information about site location (e.g., Halsey 1991), and informal discussion suggests that a good many archaeologists are judicious about publishing information that is not already in circulation and that would be of use to looters, dealers, and collectors in locating and marketing antiquities.

A final case illustrates another way in which appeals to a salvage principle push the limits of archaeological wisdom about the boundaries separating (scientific, anthropological) archaeology from commercial interests in the record. If under some circumstances it may be appropriate to publish looted data (e.g., when the impact of publication on the market is likely to be negligible and the gains for science substantial), is there a distinction to be made between publishing looted data held in public as opposed to private collections? If it is acceptable to document material held by dealers and in private collections in order to salvage information that will otherwise be lost to the scientific community, is it ever appropriate to collaborate in other ways with those responsible for bringing archaeological material to the market? This last is the question raised with particular force by the controversy over the involvement of professional archaeologists in commercial salvage of the Whydah shipwreck; such cases proliferate in the worlds of underwater and historical archaeology (see, e.g., Arnold 1978; Bass 1979, 1985; Cummings 1986, 1988; Geisecke 1985; and for a parallel case, Miller 1992).

**d. The Whydah Controversy.** The Whydah Galley was a pirate ship sunk off the coast of Cape Cod on April 26, 1717. It was a slave transport that had been captured by the pirate captain Samuel Bellamy in the Caribbean and is evidently the only verified pirate vessel ever discovered in the coastal waters of the United States. As such, it has attracted considerable professional attention as a very significant “early colonial site,” worthy of nomination to the U.S. National Register of Historic Places. It is in the jurisdiction of the present state of Massachusetts, which will issue permits for legal commercial salvage, although it requires compliance with scientific standards of recovery and reporting of the material salvaged. Mel Fisher initiated the project for commercial salvage of this wreck, secured a permit to proceed (although there has been dispute about the legal status of his rights of salvage), attracted a large pool of investment capital, and set to work in his inimitable way. The project attracted a series of professional archaeologists who, one after another, have said they thought it was worth trying to work with Fisher and his successors because the wreck is so significant. In effect, they invoke a version of the “salvage principle” articulated by Donnan, construed in this case literally as well as figuratively: they were prepared to collaborate in the recovery, not just the postrecovery documentation, of material that was destined for the market, in the hope of salvaging scientifically valuable information about the wreck. One after another they resigned from the project and made strong public statements against the naivete of ever assuming that the investors and high-living principals involved in commercial salvage will honor a commitment to support the expense of properly scientific documentation and recovery of underwater cultural resources. Critics of the project insist that the financial interests that drive ventures of this sort are inimical to the demands of responsible archaeology (see Reiss in Ruppe et al. 1986; Beaudry 1990; Bradley 1990; Elia 1990, 1992; King 1985a; Lees 1985; and see the response from Hamilton [1991], and a more general position statement in Hamilton (this volume).

Christopher Hamilton, the one professional archaeologist who stayed with the Whydah
project, has been the center of an acrimonious controversy that began when he was barred from presenting a paper on the results of the Whydah salvage project at an annual meeting of the SHA in the late 1980s. The ground for this judgment (made by the program committee) was a policy of the SHA that prohibits the presentation of the results of commercial salvage at society meetings (Elia 1992; Hamilton 1991). Hamilton did subsequently present a paper on the Whydah controversy in a session on ethics issues raised by collaboration with commercial salvors that was held at the annual meeting of the SHA in 1991. In this context he too invoked the salvage principle not only to justify his own involvement with commercial salvage, but also to condemn those who had excluded him from the earlier SHA program; in his view archaeologists who close a professional forum to the presentation of valuable data (however acquired) breach their own commitment to the goals of science and their responsibility to ensure the free exchange of information within the scientific community and with the wider public (Hamilton 1991).13 If, by collaborating with responsible commercial interests, it is possible to save archaeologically useful information about the wreck, why compound the loss that will result when the artifacts are sold at auction and the assemblage dispersed?

Hamilton frequently adds that there are no grounds for systematically distinguishing what he does from the work of any number of other archaeologists involved in “legitimate” commercial archaeology. He insists that the salvage operation in which he is engaged is not fundamentally different from that undertaken by contract archaeologists when they are employed on CRM projects to recover whatever material they can from sites threatened by, for example, road or pipeline construction. This comparison is made especially contentious when it is acknowledged that, under U.S. law, private landowners whose property is transected by such projects retain the right to claim possession of any artifacts recovered by contract archaeologists in the course of survey or excavation; they can dispose of these artifacts in any way they please. Finally, Hamilton urges his colleagues to consider the possibilities for educating commercial salvors, for example, by convincing them to create “theme parks” that might eventually meet the requirements for a return on investment and also keep the recovered collections together and available for more detailed study. This was his ambition for the Whydah project, but at last report the future of a proposed pirate theme park built around the Whydah wreck seemed uncertain. Nevertheless, the question remains: Are there no partnerships with commercial interests that might serve the (scientific) purposes of archaeologists? Is it realistic to refuse to consider such partnerships, even if they involve some compromises, given that government bodies and public agencies cannot afford to protect the sites and collections already in their care, let alone fund much primary research in areas as expensive as underwater archaeology? Hamilton’s view is that a commitment to scientific goals requires archaeologists to salvage whatever information they can in face of a rapacious commercial demand for antiquities and that this may justify not only documenting material recovered by others for commercial purposes but even some forms of direct involvement in the legal recovery of archaeological material for commercial purposes.

Critics of Hamilton’s appeals to this expanded (and unconditional) version of the salvage principle generally begin by observing that the Whydah wreck was not endangered until Fisher got a permit to salvage it, so the claim that commercial exploitation of the wreck is analogous to the practices of CRM is spurious, indeed, it perniciously misrepresents the nature of the case (see, e.g., Elia 1992; Ruppe et al. 1986). Moreover, his critics make the point that in most of the jurisdictions that will allow commercial salvage, the relevant legal and governmental bodies will not grant a permit for salvage unless a professional archaeologist has agreed to work with the project. In this case professional collaboration is a necessary condition for these sites being endangered, in the sense of being subject to destructive exploitation by commercial salvors. Why not collectively refuse to make it possible for such operations to get under way?

Finally, Hamilton’s critics object that, time and again, experience has demonstrated that the likelihood of productive collaboration is so slim, given the economic realities of the investment climate in which these projects operate, that even the seemingly promising exceptions are not worth the gamble. The indirect cost of legitimating the commercial exploitation of the record by participating in it (i.e., the anticipated loss of credibility for archaeologists who otherwise
oppose commercial salvage), not to mention the direct costs of destroying a wreck that was otherwise not in danger, seem just too great to be worth the limited, indeed, some would argue nonexistent, returns of collaboration under current conditions. In this case it is Hamilton’s critics who insist on a consequentialist reading of the salvage principle; if Hamilton is truly committed to the protection and scientific investigation of archaeological resources, as he insists he is, he should take more seriously the larger negative consequences of his collaboration with commercial salvors.

Cases of this sort are proliferating in all directions as the antiquities markets expand and as public funding for “scientific” archaeology diminishes. They have the effect of throwing into sharp and agonizing relief the tensions between scientific goals and the increasingly urgent demands of an ethic of conservation. No longer can these commitments be assumed to be congruent. On one hand, the Ban Chiang and Arkansas cases suggest that even the most purely scientific practice may put archaeological resources at risk. And on the other, Donnan and Hamilton argue that if archaeologists are serious about their scientific commitments, they should be prepared, under some conditions at least, to set aside their scruples about working with looted data or with those directly involved in commercial exploitation of the record; commercial exploitation is so pervasive and the forces driving it so powerful that it is counterproductive to refuse to “salvage” what information survives in private collections and material destined for the market.

The common feature of these otherwise quite different cases is that they arise under conditions that make it increasingly difficult to maintain a sharp separation of scientific from nonscientific practice. The entanglement of professional with commercial exploitation of the record is inexorably eroding the disciplinary boundaries defined by intentions that, I have suggested, constitute the first condition for maintaining the stance of experts who have both a mandate to exploit the record and a commitment to protect it (from others). Under these conditions ambiguities abound; practices that are morally exemplary by conventional wisdom may have deplorable consequences in one context, while, in another, practices that have been censured, often because of their consequences, may find (limited) justification under the very guidelines that prohibit them. It is striking, in fact, that what divides archaeologists is often not so much a conflict over fundamental ethical principles as a disagreement on essentially empirical questions about the relationship between archaeological practice and the antiquities market. As Donnan observes, archaeologists on all sides of the controversy about publishing looted data staunchly oppose the commercial trade in antiquities and the destructive looting that feeds it. For the most part they also concur that their central responsibility as archaeologists is to develop as rich an understanding of the cultural past as they (scientifically) can. Where they disagree fundamentally, however, is on the question of whether these archaeological goals are served by the analysis and publication of looted data and, crucially, whether or to what extent these practices affect the commercial market responsible for the looting that is so rapidly destroying the richest archaeological sites and resources.

I suspect that the contexts in which archaeologists practice are now so complex, in all the ways indicated by the cases considered here, that the dilemmas posed by competing commitments will not be resolved by establishing a simple rule for or against certain kinds of controversial practice. The consequentialist intuitions that I find implicit in Donnan’s appeal to a salvage principle seem appropriate, perhaps even inescapable, under current conditions (although I expect that they will as often undercut as support the conclusions he endorses). A doubly conditional salvage principle offers a flexible, context-responsive way of sorting through options that inevitably involve compromises.

If such an approach is adopted, however, the onus will be on individual researchers to justify their weighing of benefits and costs in quite concrete and local terms. For example, those who endorse the publication of looted data will bear the burden of demonstrating, with reference to specific contexts of practice, not only that they are operating within the law and that the data they would salvage offer insights which cannot be gained by any other means, but also that their use of these data does not, in fact, put archaeological resources at greater risk of destructive exploitation than they already face. At present, as Brian Fagan has argued, relatively little systematic analysis has been undertaken of the diverse markets in which archaeological material circulates and of the ways in which archaeologi-
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cal research is entangled with the commercial valuation of and trade in antiquities (Fagan 1993). If shared (conditional) principles are to be effectively applied, it will be crucial to invest in research that can provide the nuanced empirical understanding of conditions of practice that will be necessary for responsible decision making. Moreover, it will be crucial to make the process of deliberation on ethics issues an integral part of archaeological practice—indeed, part of the process of deciding which projects to initiate and how to design and conduct them—not a set of supplementary considerations that arise largely after the fact, and then mainly when things have gone badly.

Nonarchaeological Interest Groups

While North American archaeologists debate these issues internally, they have also faced a series of highly visible and effective challenges from a quite different direction in the last decade. They have been called to account by a range of nonarchaeological interest groups, most successfully by First Nations and aboriginal groups in the Americas and elsewhere, and also by other cultural, ethnic, and religious communities who consider the archaeological record to be a part of their heritage and do not necessarily regard its scientific exploitation as serving their interests in this heritage. What follows is a brief survey of stances adopted in this connection. These challenges call into question the second presupposition identified above—that a commitment to scientific goals establishes special justification for archaeological uses of the record—putting further pressure on the uneasy alignment of scientific commitments with conservationist values.

Some of the groups that challenge archaeologists’ rights of access to archaeological sites and materials take a strongly conservationist stance and object to destructive use of archaeological resources, scientific or otherwise. For example, some First Nations communities argue for the preservation of sites as sacred and invoke traditions that closely circumscribe who can visit a sacred site and what they can do there; this is, for example, a central issue in the public debate over appropriate uses of the Black Hills. In other cases, however, traditional practices may call for uses of sites that are not strictly conservationist. In Australia, some aboriginal groups strongly object to any suggestion that rock art sites should be protected as a static archaeological record of a vanished form of life; they regard them as living sites that must be regularly repainted (Bowdler 1985; McBryde 1985; Mowaijarlai et al. 1988). Likewise, some southwestern Pueblo groups insist that sacred images be left out in the elements to decay naturally, and some Canadian tribal groups prefer that threatened destruction of graves should take its course and does not justify archaeological intervention, even when this destruction is perpetrated by road and suburb construction projects.

Even when sites are not regarded as sacred in senses that prohibit nontraditional uses of them, there is a wide range of views about whether archaeological research is (ever) desirable or acceptable. Many First Nations groups are willing to collaborate with archaeologists and see archaeological interests in investigation of the record as complementary, even essential, to their own cultural and legal interests. But they often urge or, indeed, require, that archaeologists address different questions than those to which they would ordinarily give priority (Deloria 1992a), and they routinely insist that archaeologists proceed in their research with very different sensibilities than have been typical in the past. Janet Spector offers a compelling discussion of the decision not to pursue archaeological investigation of a suspected dance floor and describes in some detail how, at the same time, her research project was much enriched by ongoing collaboration with direct descendants of the Wahpeton Dakota community that had occupied the contact period site she was investigating (Spector 1993:121-22; 1994).

In addition, a not insignificant contingent of Native, aboriginal and other cultural, ethnic, and religious communities are overtly hostile to archaeologists and archaeological research of any kind (e.g., Sanchez 1992). Indeed, some insist that, from their point of view, archaeologists are really just glorified looters. Much archaeological research is undeniably destructive of the sites and features investigated. Moreover, this destruction serves what such critics regard as the parochial concerns of a narrowly defined (if powerful) interest group most of whose members have little connection to the cultural heritage they exploit and who do, in fact, derive financial and other economic and social benefits from their exploitation of the archaeological record (see Deloria 1969 for an early formulation of these critiques directed at anthropology generally). The charge
leveled against archaeologists by such critics is, in effect, that they are foxes who have set themselves up to guard the chicken coup: they are primary users of the archaeological record who establish their priority of access to it by claiming the status of guardians of this record. From the point of view of these critics, the distinction between archaeological and commercial interests in the record is unsustainable precisely because they reject the second presupposition identified above: that archaeological investigation of the archaeological record promises an understanding of the cultural past that has intrinsic value for all people. In legal, practical terms this critical stance has carried the day. Any assumption that archaeologists have priority of access to archaeological resources (or that museums have unconditional rights of ownership of cultural property) because they serve society as a whole has been decisively challenged in most jurisdictions in North America, with the establishment of the Native American Graves Protection and Repatriation Act (NAGPRA) in the United States and related legislation in Canada.

While the most powerful of such challenges have come from outside the discipline, some have been articulated internally. A most striking statement comes from William Y. Adams, a self-avowed “rescue archaeologist” who worked on salvage projects in the Sudan and Egypt for many years. In the early 1980s he argued against the scientism lie found among North American archaeologists, objecting that, while archaeologists have been clear about their responsibility to science and their own discipline, “they do not seem to be aware that they have any other responsibilities” (Adams 1984:11). They betray “a moral myopia not much different from that of the 19th century treasure-seeker...both engaged in excavation—which is to say, destruction—of archaeological sites for narrowly defined objectives of their own, disregarding any interests which other scholars, or the lay public, may have in the same sites” (Adams 1984:11). He concludes that, “in truth, [archaeologists have] many publics with many interests, and most of them are as legitimate as ours” (Adams 1984:11): “What price science, then?” (Adams 1984:13).”

Here, Adams shares with the advocates of a conservation ethic a concern with the depletion of scarce archaeological resources, but he draws much stronger critical, reflexive conclusions than they did. His demand for public accountability suggests that responsibility “for the whole resource base” (to use Lipe’s phrase, 1974:214) may require archaeologists to take seriously not just long-term as opposed to immediate scientific goals but a range of nonscientific interests and goals as well. This willingness to call into question the scientific commitments so central to North American archaeology echoes the sharply antipositivist critiques of the New Archaeology that were then beginning to appear in the programmatic literature, although Adams does not explicitly cite them or align himself with any broader critical movement.

Some of the most recently established archaeological societies have formulated ethics statements that make archaeologists directly accountable to nonarchaeological interest groups and explicitly acknowledge the legitimacy of a diversity of interests in the record. For example, SOPA requires its members not only to accept responsibility for ensuring the systematic recovery and public reporting of archaeological material but also to “be sensitive to, and respect the legitimate concerns of, groups whose culture histories are the subjects of archaeological investigations” (SOPA 1991:7). The only code that considers in greater detail the obligations archaeologists have to nonarchaeological interests is that which was recently adopted by the World Archaeology Congress (WAC 1991; see also Australian and Canadian proposals along these lines described by Davidson 1991 and Zacharias 1994). Its central focus is “members’ obligations to indigenous peoples” and the implications that these obligations have for research methodology, for heritage conservation, and, above all, for consent from and ongoing consultation and collaboration with those indigenous groups whose heritage may be the subject of archaeological investigation. While the reasons for foregrounding public accountability are very different in these two cases,”” they are indicative of the external and internal challenges that have called into question the second pivotal assumption identified above: that scientific goals have special status, that they serve humanity is a whole and thus guarantee privileges of access to archaeological resources.
IV. In Conclusion: The Move to an Ethic of Stewardship

With the proliferation of these conflicts, ambiguities, and challenges, North American archaeologists are now at a critical juncture: they are under strong pressure to reassess the balance struck in the 1970s and 1980s between scientific goals, conservationist commitments, and various forms of public, professional accountability. Most interesting, from a philosophical perspective, the process of negotiating these issues has far-reaching epistemological implications for the discipline. They are one component of a thoroughgoing reassessment of disciplinary identity as has been undertaken in North American archaeology, either at the point of its initial formation as a discipline or subsequently.

Appearing at a time when the meaning of a commitment to scientific goals is being rethought more generally, the current ethics debates are one site at which shifting contextual values (in Longino's sense, 1990) can be seen to infuse and transform a program of scientific research. Therein lies a complex story of interplay between contextual and constitutive values that I hope to tell in more detail in subsequent analyses of this process of disciplinary transformation as it unfolds. For purposes of drawing together the threads of this diagnosis of what is at issue, I conclude with a brief account of how archaeologists in SAA are now addressing to the tensions I have described.

The response North American archaeologists are making to these issues has been enormously diverse. Many abhor the restrictions imposed by NAGPRA and related legislation and have adopted a defiantly defensive stance in the face of charges that they are in any sense “like looters” or should in any way compromise their scientific ideals and goals by making their practice accountable to nonarchaeological groups. At the same time, others take seriously the sea change they are witnessing and see in it the potential for productive transformation. Many have been active in exploring possibilities for fruitful collaboration with members of the First Nations and other ethnic and religious groups and continue to build connections with avocational archaeologists working in a variety of contexts. At the same time, efforts to oppose looting are redoubled and questions about the ethics of collaboration with commercial interests are more contentious than ever. On both fronts, archaeologists are taking the initiative in making their research more relevant to various publics and in communicating more effectively what kinds of understanding of the past archaeology can offer that are not accessible by other means and that are irrevocably lost when the record is destroyed by commercial exploitation.

The tenor of these last responses to pressures for change characterizes the work of an ethics committee struck by SAA in 1991. Its mandate has been to review the ethics commitments embodied in SAA's bylaws and editorial policy. Through a series of workshop and panel discussions and several rounds of consultation, this committee has drafted a set of “Principles of Archaeological Ethics” that are now under review by the Executive Board of SAA. These make “stewardship” the primary commitment of SAA members. The first of what began as six principles (now expanded to eight) specifies that “it is the responsibility of all archaeologists to work for the long-term conservation and protection of the archaeological record by practicing and promoting stewardship of the archaeological record”; stewards are defined as “caretakers of and advocates for the archaeological record” who must “use and advocate use of the archaeological record for, the benefit of all people,” drawing on their specialized knowledge to “promote public understanding and support for [the] long-term preservation” of archaeological resources.

Subsequent principles draw out the implications of a commitment to stewardship in specific areas: accountability to nonarchaeological groups affected by archaeological research (including, but not limited to, those who regard the record as their cultural heritage); a commitment to discourage the commercial exploitation of archaeological resources; and responsibilities for public education, public reporting of the results of research, the preservation of archaeological collections and records, and appropriate training (Lynott and Wylie 1995b).

There are several points to be made about these principles in light of the history of debate described here. First, the professional status of archaeology as a discipline and of SAA as a society continues to be ambiguous. The demand for concrete guidelines by which to assess archaeological credentials and performance is an increasingly urgent concern among professional archaeologists, but, at the same time, there has
never been greater need for effective public outreach and collaboration with avocational archaeologists; strong democratizing pressures continue to counter any impulse to set professional sharply apart from nonprofessional practitioners.” The current SAA Ethics Committee has thus followed the precedent set by previous committees; it has drafted principles that articulate quite general regulative ideals. They are exhortatory, to use a standard phrase; that is, they define “ceilings” rather than “floors” for archaeological conduct, and the process of developing them seems as important as the product.

Second, as general guidelines these “Principles” do not specify how exactly archaeologists should realize the various ideals they articulate. In their most recent formulation, for example, they require archaeologists to have “adequate training and experience” to conduct the projects they take on but do not describe the sorts of training archaeologists should have to work in particular areas (e.g., as is set out in the accreditation guidelines for SOPA). They likewise require archaeologists to publish the results of their research in a timely fashion and to ensure that archaeological records are preserved and made available to others who might want to work with them but do not say what will count as publication or adequate archival conditions. More controversially, the “Principles” impose a strong requirement to consult with those who will be affected by archaeological research, with the aim of establishing working relationships, that will be “beneficial to all parties,” and they require archaeologists to do all they can to discourage and avoid activities that commercialize archaeological material. But, again, they do not specify whose interests must be considered, what will count as beneficial, and what activities are to be avoided because of their commercial implications.

While this lack of specificity is unsatisfying for those who seek the security of clear-cut rules about what archaeologists can and cannot do, the “Principles” do represent a quite decisive shift in emphasis, with concrete and wide-ranging implications for practice. By making stewardship central, they broaden the scope of archaeological accountability on a number of fronts: they take seriously Lipe’s insight that “a focus on resource conservation leads us to a position of responsibility for the whole resource base” (Lipe 1974:214) and add an appreciation that, from the perspective of divergent interests in the record, there may be different ways in which this “resource base” has value. Scientific goals remain central to the research agenda of most North American archaeologists, but they are not invoked in the “Principles” and are not assumed to take precedence over all other interests in the record. My own view is that archaeologists do, in fact, have a special role to play where the protection, valuation, and use of archaeological resources is concerned, by virtue of their scientific interests and expertise. Effective conservation depends on an understanding of the significance of these resources. But the significance of a cultural resource cannot be defined exclusively in terms of the interests of a specific research discipline; it must be negotiated among as many parties as have a claim on the resource, and most likely must be negotiated locally. As “stewards” of a scarce and irreplaceable resource, archaeologists are accountable to publics who may not share their disciplinary goals; therefore, the onus is on them both to explain what their research contributes of general value and to take seriously the ways their practice affects others.

Finally, a related point: it is clear that the recognition of competing interests central to the “Principles” does more to acknowledge than to resolve tensions between scientific, conservationist, professional, and public responsibilities. While this lack of resolution is, again, unsatisfying for many, it does reflect the complexity of the circumstances under which archaeologists typically work. I suspect that there are no simple, generalizable answers to questions about how archaeologists should proceed; they must always weigh the benefits against the liabilities of different courses of action under specific circumstances. The open-ended form of the “Principles” underscores the need for ongoing deliberation on these matters. More specifically, as suggested earlier, it foregrounds the need to establish the empirical bases necessary for making informed decisions and for integrating this decision making into all aspects of archaeological education and practice. Values are, indeed, constitutive of scientific understanding.

Acknowledgments. The catalyst for writing this paper was an invitation to present a seminar on ethics issues in archaeology while visiting the Department of Anthropology at the University of British Columbia in
November 1992. I benefited greatly from discussions with both archaeologists and philosophers at this seminar and in subsequent presentations at Arizona State University, the University of Toronto, the University of Western Ontario, Indiana University, and the University of Denver during 1993-95. The final version of this paper was drafted in two stages: for presentation as the keynote address at a joint meeting of the Southeastern and Midwest Archaeological Conferences (held in Lexington, Kentucky, in November 1994) and for a symposium on “Ethics and Science” sponsored by the International Council of Scientific Unions, held at the London School of Economics (September 1994).

I am grateful to the organizers of these conferences and seminars for the opportunity to discuss the ideas central to this paper with colleagues from widely different backgrounds who share a concern with ethics issues in archaeology, and in science more generally I learned a great deal from these exchanges, which I hope is reflected here.

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Notes

1With G. I. Bill support, the demography of archaeology in the United States changed dramatically in the postwar years. Where the size of the field is concerned, Patterson reports figures that suggest that the membership of SAA and its sister societies doubled between the late 1930s and the early 1960s (Patterson 1995:81-83).

2The affirmation of a scientific identity occurs in face of several quite different forms of resistance to it, few of which represent an outright rejection of scientific and anthropological goals. Dixon and Wissler faced critics who shared their long-term goals but believed it was premature for archaeology to move beyond a more antiquarian, culture-historical preoccupation with data collection. Similar objections arose in the 1930s and 1950s when critics argued that the volumes of data then accumulated must be described and systematized before more ambitious reconstructive or explanatory questions could be addressed. The most recent challenges are more resolutely antiscientific; the sharpest critics of the New Archaeology reject its positivism (see, e.g., Hodder 1982, 1985; and Shanks and Tilley 1987) and advocate culture-historical, interpretive, hermeneutic, symbolic, “critical,” and various other approaches, some of which are meant to be alternatives to scientific modes of inquiry (for an overview of these see Patterson 1989; for discussions of some of these alternative approaches see Gero and Conkey 1991; Hodder 1991; Leone 1982; Miller and Tilley 1984; Preucel 1991). Frequently, too, archaeologists trained in the traditions of history, art history, and classics, or more generally in European and (some) British archaeological traditions (often identified as “old world” traditions) regard as anathema the scientism of the dominant tradition in North American, anthropological archaeology that I describe here. The account I give of programmatic debates in North American contexts is elaborated in Wylie (1996b). Trigger provides a comprehensive review and comparison of national traditions of archaeology that puts these North American developments in broader perspective (Trigger 1989).

3In fact, there are several points at which the authors of the SOPA code of ethics seem to acknowledge conflicts between the contractual obligations of professional archaeologists and a commitment to scientific goals. For example, where “scholarly” interpretation and reporting is concerned, professionals are enjoined “not to enter into a contract which prohibits the archaeologist from including her or his own interpretations or conclusions in the contractual reports, or from a continuing right to use the data after completion of the project,” although it is acknowledged, in the preface to this clause, that “contractual obligations in reporting must be respected” (SOPA 1991:10). Elsewhere it is noted that the requirement to follow a “scientific plan of research” will always be open to qualification “to the extent that unforeseen circumstances warrant its modification” (SOPA 1991:9), a consideration that applies to all archaeological practice but seems especially salient where the exigencies of contract research are concerned.

4A commitment to conservationist goals also figures in the SOPA code of ethics. It is the second item listed in an initial section on the professional archaeologists’ responsibilities to the public: “an archaeologist shall...actively support conservation of the archaeological resource base” (SOPA 1991:7). And it appears in the section on “Standards of Research Performance,” where the SOPA code requires professionals to develop projects in such a way as to “add to our understanding” while, at the same time, “causing minimal attrition of the archaeological resource base,” and ensuring an “economic use of the resource base” (SOPA 1991:9).

5This pessimistic assessment has been reiterated with increasing urgency by many subsequent authors. In 1991 Spence Harrington warned that, with the destruction of archaeological sites continuing unabated, we can expect 90 percent of the world’s cultural heritage to be irrevocably damaged or destroyed within the next 50 to 60 years (Harrington 1991).
Lipe provides five “positive arguments about the values of archaeology to society,” four of which have to do with its potential to provide important anthropological and scientific insights about the cultural past, insights that promise “contemporary people with a vital perspective” on contemporary cultural life and on the scale and instability of human cultural history (Lipe 1974:217-19).

The SHA is a smaller and younger society than SAA, whose membership substantially overlaps that of SAA, while the AIA represents a broad range of archaeological interests that are not North America-specific, most especially archaeology in the “old world” traditions of art history and classics with which “anthropological archaeology” is frequently contrasted.

The SHA endorses the goals of “scholarly research” (SHA 1992:32), and the AIA “encourage[s] and supports archaeological research and publication” (AIA 1991:285), but neither makes scientific goals the defining interest of responsible archaeological practice.

The AIA includes, in its guidelines for the submission of manuscripts, the statement that the official journal of the AIA, the American Journal of Archaeology, “will not serve for the announcement or initial scholarly presentation of any object in a private or public collection acquired after 30 December 1973, unless the object was part of a previously existing collection or has been legally exported from the country of origin” (AIA 1991).

Alexander refers to a critique of Donnan’s practices that describes him as involved not only with collectors but also with dealers and smugglers of antiquities (Nagin 1990). In rebuttal, Donnan rejects the suggestion that he has been “severely criticized by the media,” insisting that Nagin’s discussion is the only criticism in print. In Lords of Sipan: A Tale of Pre-Inca Tombs, Archaeology, and Crime, Kirkpatrick describes, for a popular audience, the complex web of interconnections between collectors, dealers, smugglers, heritage officials, customs officers, and archaeologists in which Donnan is implicated (Kirkpatrick 1992).

In a letter to the editor published in the same issue of Science as Donnan’s rebuttal, Adams commends Alexander for his critical treatment of Donnan’s use of looted data and cites two further reasons for not condoning such practices: most looted data have lost “90% of [their informational] value by the time they reach a collector”; and SAA’s by-laws prohibit members from engaging in activities that “may promote the commercial value of artifacts” (Adams 1991). The first principle captures the rationale for not participating in the market for antiquities, articulated in the 1961 SAA statement on ethics, while the second is actually closer to the wording of the AIA code that specifies that members should “refrain from activities that enhance the value of [illegally traded antiquities]” (AIA 1991:285). SAA by-laws endorse a similar policy but require members, more generally, to “discourage commercialism and work for its elimination” (SAA 1995:17). I share Adams’ appreciation of the intent of SAA’s by-laws and the earlier “Statements” but was struck, on review of these ethics policies, that they are ambiguous in crucial areas: e.g., on questions about what counts as commercialization (or, as “promot[ing] the commercial value of artifacts”) and what follows for archaeological practice if privately held material does retain informational value. It was reflection on this letter that stimulated the analysis I present here of the consequentialist rationale underlying Donnan’s “salvage principle.”

Gill and Chippindale (1993) give an especially compelling account of ways in which the routine publication of privately collected Cycladic figures has resulted in a research assemblage in which so few figures have well-established provenance that it is virtually impossible to determine the authenticity of new figures when they appear on the market. They argue that a large proportion of documented material may be fake and believe the elaborate comparative analyses based on this material to be highly suspect. Elia considers this case from a related perspective, condemning Renfrew’s publication of material held in prominent private collections, on grounds that his collaboration with collectors legitimates precisely the commercial and aesthetic interests that are responsible for destructive looting. By contrast with Donnan’s response to Alexander, Renfrew takes Elia’s point in a reply entitled “Collectors are the Real Looters” (Elia 1993; Renfrew 1993).

In addition to this general principle Hamilton could also cite section 2 of the “Ethical Positions” adopted by the SHA as part of their constitution: “The society supports the dissemination of research results within its own profession, to other disciplines, and to the public...[and] encourages its members to communicate the results of research, without undue delay, to appropriate colleagues, employers, clients and the public” (SHA 1992, article VII).

In fact, as Fagan argues, we have little systematic understanding of the effectiveness of different strategies for countering the trade in antiquities. Refusing to publish looted data may be crucial in some contexts but irrelevant in others; museum exhibits that condemn looting may deter some collectors but have no impact whatsoever on others or on the dealers and “acquirers” for whom archaeological material is just a commodity; some looters and dealers may be educable or, indeed, can afford to treat...
archaeological sites as a common heritage rather than a desperately needed economic resource, while others are irrevocably cynical and self-serving or have few other options for survival. Fagan recommends a diversion of at least some resources to research on questions about the psychology and political economy that drives the antiquities trade and that informs public response to it.

Fagan recommends a diversion of at least some resources to research on questions about the psychology and political economy that drives the antiquities trade and that informs public response to it.


This last was a case described by an archaeologist working for the Ontario Ministry of Culture, in discussion of an earlier draft of this paper presented at the Westminster Institute (London, 1993).

See, for example, discussions of collaborative efforts that have appeared in the SAA Bulletin in the last few years: Bockoff 1994; Bruseth et al. 1994; de Barrios 1993, Schwab 1993; also Klesert and Downer 1990.

For a more recent formulation of these concerns, see McManamon 1991.

SOPA's code reflects a concern with professional accountability, as described above. WAC is a different case, it has attracted an enormously diverse international membership, and those active in founding the Congress and on its executive board have been committed from the outset to ensuring that a much wider range of interests (nationally, culturally, professionally, politically) have a significant voice in the Congress than is typical of the North American societies. It may also be significant that formation of the Congress and of its code of ethics came at time when critics of the New Archaeology had decisively challenged its positivism, including its ethos of value-neutrality. The "First World" archaeologists who have played a role in sharing WAC include many who have made a priority of advocacy for nonarchaeological groups and for political responsibility. For example, Larry Zimmerman played an instrumental role in the development of the ethics code (see Zimmerman 1989, 1990, and his contribution to this volume).

I cochaired this committee with Mark Lynott. The "Principles" described here were drafted at a workshop funded by the National Science Foundation (the "Ethics and Values Studies" section of "Studies in Science, Technology and Society") and the U.S. National Park Service, and hosted by Culture Resource Management Policy Institute at the University of Nevada—Reno. Participants included the nine members of the SAA Ethics Committee and seven advisers to the Committee who represented key interest groups and areas of expertise relevant to the issues under discussion (e.g., Native Americans, legal experts, commercial interests, and representatives of other archaeological societies and committees of SAA whose mandate overlaps that of the SAA Ethics Committee). For further detail, see Wylie (1993, 1994a, 1994b) and Lynott and Wylie (1995b).
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