

Case studies for the

# Sixth Annual Intercollegiate Ethics Bowl

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Note: Although some of these case studies were inspired by actual events, the scenarios are intended to be educational and hypothetical. Ethics Bowl participants should only consider the information provided in the scenarios below.

## Case 1 – Public Reporting and Publication

Stephen Palm has been an Associate Professor at Green University for ten years and is now up for promotion to full professor. As a well-known scholar and popular teacher with undergraduate students, Palm felt confident he would get the promotion.

Palm's work has included supervising a Green University field-school. Excavations at the Roman-era site have gained international attention in popular media due to some of the unique finds, such as well-preserved historical texts including some predicting the future of the Roman Empire. Palm always provides the Italian government with timely research reports (a requirement of his research permit) and maintains a Website with information and reports about the research. Palm has appeared on numerous national television shows, such as "Good Morning United States" and "120 Minutes," telling the story of the site and advertising the field-school. Palm has also written articles for "Archaeology Magazine," and "NewsMonth."

In addition to the field-school, Palm teaches an "Archaeology Fiction" class, where students read and attempt to write fiction novels about archaeology. Palm knows something about the subject, having written two popular fiction books which can be found at national bookstores. His new book, inspired by the finds at the field-school, is titled "The Roman Prophecies." Palm has also written peer-reviewed articles in archaeology journals about the methods and theory involved in writing for the general public.

Despite his excellent teaching record and numerous popular publications, Palm's is denied the promotion and receives a negative review. Although Palm has co-authored a few articles with several undergraduate students in professional journals, the review stated that Palm had yet to produce sufficient scholarly work to qualify him for a full professor position. Specifically, his review states that his "extracurricular" work in the popular media has detracted from his scholarly responsibilities to the university and to the discipline of archaeology. The review notes that while he has accurately reported to several news outlets the results of the field-school excavations, he has not published detailed results in more "traditional" archaeological publications like "American Journal of Archaeology." And, the review states that Palm's scholarly work on archaeology fiction, while beneficial to fiction writers, does not directly relate to archaeology.

Palm is infuriated with the news. He notes that other full professors in the department have not published anything in recent years and have never published works for the general public. Palm is uninterested in writing "grey literature" or an archaeological monograph that may only be read by 30 other people. He feels his fiction novels and media attention have done more for the department, the university, and the discipline than any peer-reviewed article could ever do. Upset with Green University's review, Palm is now considering resigning, though he would miss his students, and he is unsure if another department at a different university would support his interests.

## Case 2 – Training and Resources

Controversy has recently erupted in the Southern Peach College Anthropology Department. The basic problem stems from a disagreement among faculty over what undergraduate and graduate students should be required to take for an undergraduate archaeology major or for their PhD coursework.

Suzanne Smith initiated the debate last semester when she took over as chair of the Anthropology Department. Dr. Smith is a popular professor who runs a unique field-school that is comprised of half students from Southern Peach and half students from a local Tribal College. As part of the field-school, Dr. Smith gives lessons to students about the history between archaeologists and Native American groups, archaeological ethics, and working with various stakeholders of the archaeological record.

Now that she is chair, Dr. Smith has decided that all undergraduate and graduate students who are studying archaeology should be required, as part of their coursework, to take a new class titled “Sensitivity Training for Archaeologists.” The course will deal with topics such as archaeological ethics, indigenous archaeology, and public education as well as issues of conflict resolution, management, and sensitivity and diversity training. Dr. Smith plans to propose the revision to the required course-list at the next faculty meeting.

Bob Crawford, former chair of the department, is against Dr. Smith’s class and her proposal to make the class mandatory. He claims that “Sensitivity Training” is not nearly as important to being an archaeologist as knowledge of prehistory, archaeological methods, theory, Geographic Information Systems, and artifact analysis. “The curriculum is already overcrowded. This class would take away from the professional scientific training of our students!” complained Crawford. Dr. Crawford also claims that no one in the department is trained to teach sensitivity: “We are archaeologists, not public mediators!” he exclaimed. Dr. Crawford and the professors who agree with him believe the ethics of accountability and public education are context-specific, and can only be learned in the field, while working. “I figured out how to deal with local people when I was working out in the field with people. Not in a classroom.”

The debate about the new requirement has moved beyond Dr. Smith and Dr. Crawford to the entire faculty. The faculty meeting this week should prove to be a decisive one for the future of the Southern Peach Anthropology Department.

### Case 3 – Stewardship and Accountability

Janice Jackson is a graduate student at Central Eastern College (CEC), where she is studying for her PhD and working for the college's CRM firm. The CRM firm, headed by Dr. Rose, Janice's boss, recently finished Phase 1 work at the site of a proposed ethanol plant. CEC is located in the suburbs outside a major city. The community and the University have been hit hard by the national economic downturn. In fact, unemployment is at a 50-year high of 20 percent. Everyone in the region seems to be in support of the proposed ethanol plant that, during construction and its operation, will provide hundreds of jobs to local citizens and farming subsidies to nearby farmers. Additionally, the ethanol company has offered a \$1 million endowment to develop a new environmental engineering program at CEC. Construction of the plant is on the "fast-track" for construction, with strict and short deadlines, as mandated by the governor.

Janice supervised most of the Phase 1 work, alongside Dr. Rose and graduate students in the anthropology department. When the work was completed, Janice's opinion was that the findings were not "significant" enough to warrant further investigation. Her PhD supervisor, Dr. King, agreed and encouraged Janice help write the report a.s.a.p. so that construction could begin. "We have fulfilled our obligations to protect the archaeological record and now the community needs our help," said Dr. King. Dr. Rose, however, disagrees with Janice and Dr. King. Although only a few artifact clusters were discovered during the survey, Dr. Rose wants to suggest a year of full-scale mitigation for the site because he feels this may be the only opportunity archaeologists will ever get to research the sites that may be under the proposed ethanol plant. Dr. Rose said, "All findings are significant. Every artifact has the potential to tell us something important about prehistory - and prehistory is important to everyone and belongs to humanity."

Dr. Rose also feels Janice and Dr. King are being unduly swayed by the economic situation. "As archaeologists, we have a responsibility to the archaeological record," Rose said to Jenna. "And, don't you think archaeologists are part of the hard economic times too? Don't you want to continue to get paid? And don't you want your friends to get paid too?" he concluded.

Janice is conflicted about what to do next. She feels for her colleagues who need work but also feels for the local community which desperately needs the plant to open. She knows whatever she writes as part of the Phase 1 report will only be edited by Dr. Rose, so what can she do to voice her opinion?

## Case 4 - Commercialization

Casa Blanca National Park, the premier archaeological park of southern Texas, includes over one hundred documented archaeological sites, an active archaeological excavation run by park officials, and a well-acclaimed museum that draws thousands of visitors every year. Stewardship of the park and its resources has been extremely successful, due to the park's rural location, and the work of the park's two principal archaeologists: Frank Wade and Jim Pine. Recently, however, the park has become less rural and tensions have risen between Frank and Jim.

The area surrounding Casa Blanca has been owned privately for years as ranchland in what was a basically uninhabited landscape—until now. The expansion of a nearby interstate and exploding suburban developments in the area have made the land around Casa Blanca prime real estate. One nearby fledgling development, inspired by its proximity to Casa Blanca, is called “Indian Hills.” Its slogan, “Your Connection between the Majestic Past and Your Incredible Future,” is less offensive to local archaeologists and Native Americans than its recent advertisement: “Sleep alongside ancient Americans! You will have ancient Indian artifacts on your property, guaranteed!”

“I can't believe you quit to be a part of this, Jim” complained Frank Wade, head archaeologist and site manager for Casa Blanca, after hearing that Jim had resigned from Casa Blanca and taken a job as an archaeological consultant for Indian Hills. Frank disagrees with Jim's decision to work with the developers because he feels it violates the archaeological ethic of commercialization. “By advertising the archaeological record as a selling point for property, people will be encouraged to dig in their yards and reap the “value” of their lands, the same way anyone would with oil or natural gas,” worries Frank. “And if people know about artifacts in Indian Hills, what's to stop them from trying to loot Casa Blanca?” He added, “To make it worse, Jim, your being in Indian Hills management lends credibility to the company's claims and its offensive advertisements. You are further commercializing the archaeological record beneath those houses and not being accountable to the interests of indigenous peoples.”

Jim replied, “But, Frank, you don't understand. By being a consultant for Indian Hills management, I can suggest how they should manage the property. The housing development will start whether I am with them or not. They've already agreed to outlaw digging for artifacts on any of the land. And, they have started work on a museum for all the artifacts that are discovered during the building of the house foundations. In terms of commercialization, I just don't get what you are saying. Tell me, when is it ok to commercialize the record and when is it not? We advertise Casa Blanca National Park like crazy. We sell t-shirts with pictures of artifacts. We sell artifact replicas. People pay huge amounts of money to dig with us each summer. We've even purchased local artifact collections when they have been deemed “valuable” enough. Aren't all these things commercializing the record?”

## Case 5 – Stewardship and Accountability

In the mid-1800s, African men, women, and children were forced to work in ceramic workshops for little or no pay in the country of East Baslia. The ceramics they produced were used as china for early colonial settlers in the region, and shipped to Europe as souvenir pieces. Tens of thousands of plates, bowls, and serving platters were created, by hand, in these factories.

Today, less than a thousand of the East Baslia Porcelain pieces remain and those that do are considered important artifacts and works of art. The intricate designs on the pieces have been interpreted by many as symbols of resistance etched by servants of colonial powers. Historic archaeologists have extensively studied the pieces and documents about their context of their production. The Gateway Museum in Toronto, Canada, is the primary collector of East Baslia Porcelain pieces and documents relating to them. But, because of recent changes in East Baslia, the museum is now potentially losing its collection.

A new leader has emerged in the politically hostile East Baslia, General Akhim Denom. Denom has called for the repatriation of all colonial-era artwork produced by citizens of the country. Denom and his political allies believe anything of the colonial era should be destroyed. “It is the only way for us to move beyond our terrible history and towards a new beginning,” said Denom. Colonial buildings in the country are being torn down and re-built. Slave records and other books from the colonial era are being burned. And, if Denom gets his request, the East Baslia Porcelain collection of Gateway Museum will also be destroyed.

Stephen Walsh, head curator of The Gateway Museum, is outraged by the request. “We have to save these symbols of the colonial era. We have an obligation to these artifacts” he says. “In these documents and porcelain pieces are the lives of East Baslia people” he continued. Nancy Sherwin, historic archaeologist and assistant curator, disagrees with Stephen. “If this is what the people of East Baslia want, then we have to repatriate the collection,” she said. “We also have obligations to those people affected by the archaeological record,” she concluded.

Walsh has called a meeting of the Gateway Museum Trustees and staff to have a final vote on the issue.

## Case 6 – Intellectual Property

Sally Ann Weathers has been working in the Sonoma region of the southwest for years. During that time, she has developed positive working relationships with both Native American communities and other local communities. Although Sally Ann loves her work and the communities she works with, she is now in an ethical dilemma. Sally Ann is president of the regional archaeological organization. Members of her organization have written a letter of protest against the Sonoma Tribal Nation, and are asking Sally Ann to sign it.

The controversy stems from the fact that the Sonoma Tribal Nation has decided that all archaeological reports written about excavations on their land, and written about the lives of their ancestors, should be published under the names of their tribal elders, after they have read and edited the work. The archaeologist would be second author to all publications. The Sonoma Tribal Nation has decided on this new policy for various reasons. First, they state that the policy will make it easier to explain the findings of archaeological work to their people. Second, the Sonoma Tribal Nation declared: “Artifacts of our ancestors belong to the Tribal Nation, along with the symbols on their pots. It makes sense, then, that the stories archaeologists discover also belong to the tribe. This way, the artifacts, symbols and facts primarily belong to the tribal nation, not the archaeologists.”

Additionally, under the new guidelines, the Tribal Nation would insist that the first publication of any archaeological work be published in their own language. After editing and translation, work could be published elsewhere, with tribal permission.

Most archaeologists in the region around Sonoma are worried about the new policy. In their letter of protest, the archaeologists wrote: “As archaeologists, we are trained to scientifically discover, identify, and interpret the archaeological record. As archaeologists, we also have a responsibility that the stories we uncover are told accurately and without bias. If we give up authorship of our work, we are not being true stewards of the archaeological record. Archaeologists want to work with indigenous communities, but we also require primary access to original materials and documents.” Although it is said that intellectual property is part of the archaeological record and not a personal possession, local archaeologists wonder whether they shouldn’t be allowed to “own” their own words and ideas. Archaeologists are also concerned that if they are not first authors, it may hurt them professionally (for tenure, promotion, and for general professional advancement).

Sally Ann sees both sides of this contentious issue. In conversations with friends and colleagues, she discovers that other indigenous communities are interested in the Sonoma Tribal Nations decision and are considering adopting similar procedures. Now she has the important and difficult task of deciding what to do next.

## Case 7 – Records and Preservation, Stewardship

Tough economic times are affecting the world, and the situation is no different for Cultural Resource Management (CRM) firms in the United States. One particular firm, We Can Dig It, Inc., has been hit by financial woes strong enough to bankrupt the company. With no money to pay employees, C.E.O archaeologist Stacey Landis has been forced to lay-off her entire staff and even sell off equipment to pay the electric bills for her climate-controlled storerooms. Once, We Can Dig It was a booming business, having completed over 100 phase-III projects. Now, Stacey realizes that she is in a terrible ethical dilemma.

Stacey no longer has money or property to pay for the curation of artifacts her company excavated. Tough economic times have also hit other local CRM firms and public museums, who are unwilling to take on her massive collections because of the curation costs and lack of curation space.

Not making the situation any easier, a private art museum in the region has offered to curate the collections—but not all of them. This facility is not interested in boxes of brick-fragments, nails, and undecorated pottery. They only want parts of the collection that will complement their own collections and be of “real use and interest” to their researchers and donors.

Stacey cannot decide what to do with what amounts to her life work. As an archaeologist, she feels a responsibility to all of the archaeological record—to make it accessible, and to preserve it for as long as is possible. She does not want the collection to be picked through or to be divided across the country. In her heart, she believes all the excavated objects she curates have the potential to unlock stories from history and prehistory. But, she also realizes the situation she faces. In another month, the artifacts she feels responsible for will no longer be properly cared for. She worries that other CRM firms may soon be in the same situation.



## Case 8 – Stewardship

The D’Sani Tribe was recently granted sovereignty by government officials in the country of New Winsland, and given land within the country to live in privacy. Included in this territory are several important archaeological sites that were previously protected by the national government. One of the first actions the D’Sani Tribe took was to hire archaeologist Sanjay Srivam to survey their territories for additional archaeological sites. Sanjay finished her survey and produced a report for the tribal elders, which listed the locations of numerous sites with artifacts and structures visible on the surface. Sanjay was excited to report that one site she discovered was a cave-site with early human paintings. The site is unique, as far as Sanjay knows, and is desperately in need of conservation. She also handed over artifacts she collected during the survey.

The D’Sani tribal elders were very pleased with Sanjay’s work and thanked her for her efforts. Then, they made an unusual request: they asked Sanjay to destroy all the data she collected and any other copies of the report she made (other than the one given to the tribe). “I’m a little confused,” responds Sanjay, “I thought you wanted to know more about these sites.”

“Yes, we did,” replies one of the elders. “But, we only wanted to know the location of the sites of our ancestors in order to hold a ceremony for them at those locations. The location of these sites is now to be a secret known only to the elders. We wish no further archaeology work be done to the sites because we believe the best stewardship of these places and things of our ancestors is to allow them to deteriorate as nature will allow.”

“But cave paintings like those have never been documented. They must be preserved and studied further!” said Sanjay. “We simply disagree,” responded another elder. “And we request that you respect our wishes.”

After serious consideration, Sanjay decides to acquiesce to the tribe’s request. Before she can destroy her records, however, word of the situation reaches the national government and the national archaeological association. Both entities are enraged that Sanjay is even considering destroying her records. The archaeological association threatens to ban Sanjay from their membership. “As an archaeologist, your sole job is to protect the archaeological record, which includes information about the past, not to destroy it!” they write to her in an angry letter. The government vows to never work with her again if she complies. Now, Sanjay is reconsidering her initial decision.

## Case 9 – Public Education

James Cunningham is in the middle of a six-year grant-funded research project. His research has been quite successful, resulting in the identification of ten new late pre-contact sites including one major occupation center he named “Estufa.” After a year of survey in rural Cohune County, James has been supervising summer excavations at Estufa. As part of the excavations, as he indicated in his grant proposal, James has been organizing and implementing various public education and outreach activities. James felt obligated to try and teach local populations about archaeology, Native American prehistory, and his recent discoveries.

Unfortunately for Dr. Cunningham, the local community does not seem interested in his work at all. James organized a public lecture at the town library and only one person attended. James offered to come in to the elementary school and show artifacts to the students, and the principal said: “Thanks, but no thanks. Our teachers are overwhelmed with the curriculum as is.” James produced informational bookmarks about pre-contact Native American culture and archaeology, but no one seemed to read them. For the last two years, James and his assistants have even organized an expensive “Archaeology Open-House” at Estufa, inviting the public to see the excavations in progress and try-out experimental archaeology activities like grinding corn and flint-knapping. Though the events cost James nearly \$4,000 to rent shuttle vans to bring people to the site and tents for viewing areas, only 15 people attended.

James discusses his disappointment with his public education program with a friend and colleague, Tina. “Well, it’s too bad, but maybe next year will be better,” Tina says. “I don’t think there will be a next year,” James replies. James explains to Tina that he has made the decision to stop doing his educational outreach. He believes the public education program is a waste of valuable time and grant-money if there is no significant educational benefit or interest in the end. Also, James disagrees with forcing education on people who seem uninterested in archaeology. “The SAA Principles of Archaeological Ethics even acknowledge that some archaeologists are unable to do public education and outreach in their areas of research,” James says.

Tina completely disagrees with James. “If you don’t have any public support, and you are not presenting your work to the public, then why are you there doing the work in the first place?” asks Tina. Tina knows the area where James works and she theorizes that people are not attending because the predominately white population has never interacted with Native American populations and is apathetic about learning about Native American culture.

“Well, that just proves my point. Nothing I do will make people come out and learn about archaeology and prehistory,” says James. “No, you are absolutely wrong, James. The fact that people cannot or will not identify with another cultural group means you have even more responsibility—as an archaeologist and an anthropologist—to do public education activities,” replies Tina.

## Case 10 – Accountability and Commercialization

Steven Price recently received his PhD in archaeology and is now anxious to start his first independent field project. Steven has dreamed of organizing a community-based archaeological project in the country of Belkan (where he did his dissertation research). He is specifically interested in working in Lighthouse Village. The village chair-woman and her council are excited at the prospect of a multi-year archaeological project because they want to learn more about local archaeological sites and believe the project will bring in much needed money.

Steven's plan was to spend 3-6 months living in the village, interviewing stakeholders and finding out how best to organize his project. Before beginning the project, Steven needed a permit for his work from the Belkan Office of Archaeology (BOA). The BOA officials had no problem with Steven's plan, but did make one stipulation. According to a new Belkan law, all archaeological sites and artifacts belong to the government. Individuals are not allowed to own or possess archaeological artifacts. The BOA officials tell Steven they suspect people in Lighthouse Village have artifacts in their homes and that some may be selling artifacts illegally. "Non-professionals are not appropriate stewards of the past. They will damage or sell the artifacts, causing future damage to Belkan archaeological sites," says one official. BOA officials tell Steven that if he sees any artifacts in people's homes, regardless of what they are or when they were collected, he is to confiscate the artifacts and contact the police. He is told that the offending persons will be fined and possibly imprisoned. Not wanting to be denied a permit for his work, Steven agrees to help and is granted his permit.

When he arrives in Lighthouse, Steven is encouraged to find that many villagers are interested in archaeology. Upon entering the house of his first interviewee, Steven is disappointed to find a small collection of broken pottery displayed on a table. "Aren't these pieces wonderful?" asks the man. "My grand-father found them while digging a well. We having been passing them down through the family and caring for them and one day I hope to give them to my children," he adds. Steven recognizes the pottery as examples of the prehistoric undecorated ceramics found in the area by the thousands. Hoping this was an isolated incident, Steven continues his interviews and discovers that nearly every family either has or knows someone who has artifacts. None of what Steven sees is really of interest to archaeologists, but he knows the BOA officials will want it anyway. Steven also knows, however, that the pottery will likely be put in a government storeroom with other unprovenanced pieces that may never be looked at by a professional.

Steven has not discovered any evidence of people selling artifacts. When he explains the national law to the village council, they are outraged. "We had no idea!" the chair-woman says. "That law is wrong. These things are part of our history and we have always cared for them. We should be able to do what we please with what is found on our own lands," she continues.

This is not how Steven dreamed his project would start. While Steven sympathizes with the community, he does not want to break the law and possibly lose his permit. Steven also does not want to send half of Lighthouse Village to jail and lose all good-will with the local community. He considers moving to another village, but the situation might be the same there.