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Note: Although some of these scenarios 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

During the course of a fieldwork project in Ecuador, two of the most dependable local employees approach the project co-directors and relate how, a year ago, while hunting, they had found four very beautiful unbroken pots in a small underground cave, in an area of the nearby river accessible only during a dry spell. At the time, they hid the pots inside a tree trunk. Now back in the area while working for the archaeology project, they had searched for the pots and found them still safe in the tree. Their descriptions indicate to the archaeologists that these are important pieces, made in a similar style to some of the most celebrated finds from the region.

The two men now want to return to collect the pots before someone else finds them, and they openly admit to the archaeologists that they intend to sell them. They ask for assurance from the project co-directors that the authorities will not be notified. The two project directors reply that they will not purchase the pots themselves, nor will they guarantee that authorities will not be notified. They do, however, loan the men some gasoline and a video camera for a day, to record the pots and their location. The pots are successfully collected and, along with the video taken that day, incite a great deal of interest and discussion in the village. Some people even suggest that the pots should be returned to the cave from which they had come. The fate of the pots becomes a public event, and it's likely that everyone in the village will know what ends up happening to them.

After considering the consequences, the project directors decide not to seize the pots themselves, as this would risk destroying hard-earned relationships with the community. They want to act in a way that would lead to the protection of more sites and artifacts in the area than these pots alone, and they do not want to promote artifact commodification.

Case #2

Dr. Jones, Curator for the Museum of Western Archaeology, has been asked to review a collection of pottery being considered for acquisition. The potential donor, who understands that his entire collection will not be exhibited at any one time, has made it a condition that the entire collection be accepted and retained in the Museum collections as a unit. Dr. Jones has examined the collection and has made two significant observations: (1) the collection is of tremendous research importance and would complement and benefit the Museum's existing collections, and (2) there are certain pieces in the collection that are almost identical to pottery that has been repatriated to American Indian groups in the state under conditions of the Native American Graves Protection and Repatriation Act. Dr. Jones has one week to make her recommendation to the museum Director.

Case #3

A cultural resource management firm (CRM) assigned one of its employees the task of testing a 6-acre parcel inside a 640-acre archaeological site that was previously determined eligible for the National Register. The employee was handed a completed Work Plan and Research Design and told to follow directions in the Plan. The Work Plan called for the excavation of “exceptional” structures (i.e., burned houses or those with numerous artifacts) that were located during testing, but did not specify that they must be excavated during the data recovery phase of work. This selective excavation strategy was recommended to avoid collection of “redundant data” because 40 acres of the site had previously been the focus of a major excavation conducted by a prestigious university and published 22 years ago.

Testing reveals one burned structure and three other houses that could provide data about research issues listed in the Work Plan as appropriate for further investigation. The employee requests permission to excavate the burned house during the data recovery phase from her supervisor, but is turned down. In fact, she is told not to excavate any of the houses in the project area. The explanation provided by the supervisor is that the client wants the CRM firm to complete the least amount of work possible and as quickly as possible. But the employee questions whether it is appropriate to ignore structures today because they might yield data that is redundant to what was found 22 years ago. Moreover, she questions whether the client should have the power to tell a CRM firm what features to excavate.

Case #4

A museum has long displayed a diorama of an Indigenous and First Nation gatherer-hunter encampment. The diorama is populated by body casts, made a century ago, by a meticulous scientist who even captured the variable suntan on his models (giving lie to the fact that, though clad in traditional gatherer-hunter garb, they were already at the time of casting wearing western clothes). The making of these casts required the subject be brought, sometimes forcibly, to the scientist, and covered in plaster for hours in a series of humiliating poses. The diorama is one of the museum's most famous and visited exhibitions. There are other displays of this particular gatherer-hunter group's history in the museum, including a rock painting that appears on the county's coat of arms.

A decade or so ago the museum's archaeologists persuaded the museum's management to allow them to place a revisionist display flanking the diorama in which the pros and cons of the casting project are explained, including photographs showing how the gatherer-hunters really looked at the time of casting and how they look today.

A change in museum management occurs and a new director, not native to the country and keen to curry favor with local and national politicians, decides the diorama should be closed so as not to cause offense to the gatherer-hunters displayed or their descendants. After much protest, the diorama is closed. Some of the most vociferous and pro-diorama protest comes from the majority of the descendants of the gatherer-hunters displayed. They argue that the diorama displays a major part of their history. If it is okay for modern Britons to dress as 16th-century Puritans in theme parks and museums, why can't the gatherer-hunter part of their history be displayed? Their wishes are not listened to because the closure makes contemporary politicians happy, and this means more money will go to the museum for public outreach and other core functions.

In this case, the initiative of a well-meaning, "progressive" museum is at odds with the more "conservative" stance of the people being displayed. What to do?

Case #5

An open letter written by the head of an archaeological project in Belize to an international archaeological association has accused a North American archaeologist of misappropriating the results of research performed by Belizean archaeologists along the western border. Extensive publications by the Belizean archaeologist and project team document two decades of uninterrupted excavation in the region, with a number of important results concerning the origins of agriculture in the Americas.

A few years ago, while visiting Belize, the North American archaeologist had been invited to see the excavations. He offered to have some radiocarbon tests done at the expense of his home institutions and subsequently suggested that more funding would be available to the project if it were bi-national and had his name associated with it. The Belizean archaeologist directing the project agreed. A few months later, however, information posted on websites at the home institutions of the North American archaeologist highlighted the discovery and dating of these important Belizean sites without giving credit to the Belizean archaeologist or to the Belizean university that sponsored the work, creating the impression that the discovery had been made by the North American. Because of this, the Belizean team decided not to collaborate on further funding ventures.

The North American then started his own research program in the next valley to the east. The Belizean findings and radiocarbon dates were instrumental in gaining financial support. The growing feeling in Belize is that the North Americans have largely ignored the decade of work done by Belizeans in the adjacent valley but have gained international credit and funding because of the earlier accomplishments of the Belizean team. The project director is calling for support from the international archaeological association and has asked the country's Ministry of Culture to sanction the North Americans for presenting as their own the results of the research of others.

Case #6

A recent controversy erupted in a non-profit State Archaeological Society over whether to publish the results of an excavation conducted on archaeological sites that have not been reported to the State. The archaeological work submitted for publication was not the result of an illegal dig. The excavation was done with landowner permission on private land using appropriate archaeological field techniques by experienced amateur archaeologists under the supervision and guidance of a professional. The landowner had chosen not to record the site with the State Division of Archaeology, but the state has no laws that require a private landowner to record archaeological sites on their property. In fact, many private landowners do not record sites because they fear it could result in interference from state and federal agencies that could be counter-productive to their intended land use.

The State Archaeological Society is composed of both amateurs and professionals, including many private landowners. One of the organization's missions is to work with landowners and amateur archaeologists to enhance sharing of information and advance the study of archaeology. Because of the organization, a growing number of private landowners and amateurs have been encouraged to record archaeological sites with the Division of Archaeology, monitor sites for looting, and stop activities that lead to further loss of information about the archaeological record.

One of the main concerns of the organization is whether publishing the results of this excavation would support or encourage pot hunting. The organization decides to have an open forum to look at the justifications for and against publishing this kind of archaeological information.

Case #7

Rebecca is a project director for a small CRM firm, which does work in Idaho, largely as a result of energy exploration and other similar activities on federal lands. Many of the jobs her firm performs are limited to lands under federal administration. Most ranchers and other private landowners in this region have never quite accepted the federal government's ownership and administration of vast amounts of land. Their distrust and sometimes animosity is on occasion directed at the archaeological consultant working on federal projects.

Several years ago Rebecca was conducting a survey, and at one point her crew had to take a road through private land to reach the project area. Rebecca had been instructed not to examine private lands for the presence of cultural resources, and she knew that she would not be compensated for any time or expense for work done outside of federal lands. While driving through the private property to get to the project area, however, Rebecca discovered a large ancient site. Rebecca and her crew were curious and decided to record this "off project" site at their own time and expense.

Upon completion of the project, Rebecca contacted the private landowner, to ask about some recent structures observed near the site, so that the site forms would be as complete as possible. The landowner became extremely uncooperative, demanding that "government agencies had no business knowing what sites were on his land!" He was concerned that the government knowing of the site represented a threat to the future development and exploration of resources on his land.

Rebecca was faced with a dilemma about what to do with the information—field notes, maps, etc.—she had already collected. The landowner had made it very clear that he did not want a site form turned in to authorities. Rebecca felt that her permission to cross the land also meant permission to record the site. Although Rebecca wanted to honor the wishes of the legal owner, she also felt a responsibility to report the presence of this cultural resource to the appropriate agency.

Case #8

A proposed residential development in southern California will destroy several large coastal midden sites. The development is quite controversial. Public hearings on the development plan have gone on for more than a decade, with legal challenges forwarded on a variety of issues including transportation, air quality, housing density, and the loss of open space. As part of the environmental review process, the archaeological sites have been thoroughly documented, and a treatment plan to mitigate the adverse effects of the development has been approved by all appropriate federal, state, and local agencies. Traditionally, the area lies within the territory of a non-federally recognized Indian tribe that is divided into multiple, divisive factions. Several factions have agreed with the treatment plan; members of these groups have been hired by the developer to monitor construction activities for cultural remains.

Upon completion of the data recovery excavation, the remainders of the midden deposits were graded during construction. At this time, multiple burials were discovered by the archaeologists. Members of Native American groups that were not chosen as monitors, backed by other groups opposing the development, including other archaeologists, have requested that all construction halt. They want time to re-evaluate the development plan and suggest ways to re-design around the burials. The archaeologists, however, have not found a pattern to the burials, which appear to be randomly dispersed throughout the midden deposits. The developer insists that they have the appropriate approvals and the right to continue.

Case #9

A well-known physical anthropologist visited Mexico in 1902. He went to see a battlefield where combat had taken place just three weeks before between Mexican troops and the Yaqui. At least 64 Yaqui, including women and children, had died. The anthropologist collected skulls and artifacts from the battlefield. On the same trip, he encountered the body of a Yaqui in another part of Sonora and removed the head from this body. He sent all of this material to a major museum in the U.S. The catalogue of the museum lists 12 Yaqui skulls and one complete skeleton were received, along with 37 objects including arrows, bows, and blankets. There are complete catalogue listings and photos for all of the human remains and the objects from the battlefield, including some illustrations. The anthropologist's journal offers a more detailed description of his activities, and additional photos. The museum did not include the collection in their NAGPRA inventory despite the fact that the Yaqui are a federally recognized tribe in the U.S., because the materials were from Mexico and therefore not covered by U.S. law. An archaeologist who has been working with the Yaqui is asked to help them repatriate the materials.

Case #10

The discovery by a joint Chinese and Canadian team of the remains of some extremely tall humans with elongated arms and legs who lived during the last ice age in the mountains of southern China created a stir in the world of science last year. Soon after they were found, the remains were taken without warning and locked away by a scientist from China, who refuses to let anyone else study them. The Chinese archaeologist is one of a small group of scientists that is highly critical of the theory that these elongated creatures are an early form of hominid, believing instead that their size is caused by a congenital disorder. He also has a number of other ancient and rare fossil hominid remains in his collection, and allows other scientists to see them only at his own discretion.

Media attention to this case has brought awareness of the fact that it is standard practice in many places for finds to be considered the intellectual property of the archaeologist who dug them up. Many never get around to publishing them or even handing over the information to someone else. Just how much archaeological information is locked away in museums and laboratories, essentially lost, is unknown.

The Canadian scientists who dug up the remains of *Homo extensis* plead for their return so they can perform DNA testing that would yield clues as to ancestry. When there is no sign that the remains will be released for study, the Canadians decide not to press the issue, which could risk inflaming the situation and lead to them not being able to return for further work in China.

Case #11

Almost twenty years ago, zooarchaeologist Helen Johnson was examining some mummified alpacas found by some colleagues during archaeological work in a small village in Bolivia when she noticed that the ancient fibers of the fleece of these creatures were many times slenderer and softer than that produced by alpacas today. Woolens made from softer fiber, like cashmere, command much higher prices on the market. Helen immediately saw this as a “golden egg” that could mean a major economic boost for Bolivian herders and weavers, if they could begin to produce textiles of this quality again.

She began piecing together the story of the alpaca through time; how animals once bred very selectively for ritual purposes became the coarser-haired breeds of today. It took many years of writing grants and struggling for permissions and support, but Helen’s persistence led her to work with experts to develop an alpaca DNA bank and to isolate the gene responsible for the fine fiber. Finally, after almost two decades, she had developed viable methods of breeding herds to select for the genetically pure fine alpaca fiber. Helen was just about ready to begin testing her methods with actual herds, but her funding sources had dried up for this final phase of her project, which promised to be expensive and take several more years.

A multinational woolen company heard about Helen’s work and offered to fund all remaining steps of the project, in return for the patent on the alpaca fiber and the condition that the project would, over time, become their own. Helen’s intention always was to benefit local herders, and the company’s involvement seemed to jeopardize the potential for local equity in the product of her work. On the other hand Helen had spent most of her career on this project, and the company’s offer seemed to be the one sure way she could to see her work to fruition.

Case #12

A federal agency has decided to develop an “indefinite quantities contract” with a single CRM firm for the next three years to test a selection of the archaeological sites on property the agency manages. These sites include single and multi-component sites of all sizes and functions, in several states, and in several environmental zones and conditions. The exact number of sites is unknown, and the actual sites to be tested will depend on not yet knowable factors such as future development of the areas. It is impossible to provide a proposal that can address all of the unknowns at this time, hence the reason for an “indefinite quantities” contract.

The agency assumes that all bidders are qualified to do the work, although there is no requirement for bidders to submit statements of their qualifications. As a way to compare the bids, the agency has decided to request a single price per cubic meter of excavation that covers excavation, analysis, and writing a report. Nothing more than this—no scope of work, methods, level of effort, or other parameters—is requested or taken into consideration; only the price per cubic meter excavated. Thus, on a particular site, the winning contractor would agree to dig, analyze, and report on whatever the agency and contractor agree is an appropriate level of effort (2 sq m, 5 sq m, etc.) for a particular site, which will be billed at a single rate per cubic meter. Since the agency has assumed that all bidders are equally qualified, the winning proposal will be based solely on the lowest bid.

Case #13

You are an archaeologist running a survey with a crew of two others in an area about 8 km from a small fishing village on the Mediterranean coast. Once a week you take a group of local students from a career-education program who have shown an interest in archaeology out into the field with you. You walk the fields, pointing out features, drawing, photographing, and surface collecting materials with a permit from the regional archaeological agency. You spend quite a bit of time explaining the role of an archaeologist to the students and why it's important to document finds and leave objects in situ.

After a few weeks, you begin to notice that some of the places you have visited with students have subsequently been disturbed, some to a major extent, by digging. The pattern of destruction is the same that you've seen in other parts of the region where professional tomb robbers operate. You are very concerned that your interest in the archaeology of the area seems to have stimulated these activities. Could it be that one of the students is actually a digger or an informer? If you don't allow the students to accompany you any more you are likely to offend people in your host community, as your participation in the career education program is part of the reason local authorities gave you permission to survey.