

Case studies for the

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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 8 is adapted from "Case 1" as used in the 2007 Intercollegiate Ethics Bowl National Competition in Cincinnati, Ohio.

Case 1

Dr. Charles has been working in the rural community of Morningside in West Africa for many years. The town council initially encouraged him to work at the site of Hummingbird Cove, and he has brought undergraduate field schools to the local site several times. Over the years, Dr. Charles has developed good rapport with community leaders and strong relationships with many local families. The project has always relied on community support for employees, services, construction help, and more. Reciprocally, the community has come to depend on funds, employment, and things like school supplies from the archaeological project. The project has been collaborative since its inception, and Dr. Charles has organized numerous school field-trips and community open-houses at Hummingbird Cove. Additionally, he has published a great deal about the site and the collaborative nature of the project for archaeologists and for West Africans.

Hummingbird Cove, however, is a small archaeological site and after many years of research there, Dr. Charles has answered many of his original research questions and feels he needs to look at comparable sites in other locations to address those that remain. The site is also becoming harder to access due to deteriorating road conditions. Additionally, Dr. Charles has several new research possibilities in other areas of the world, in places where his current students seem more interested in working. To make matters more complicated, although Morningside has always been interested in developing Hummingbird Cove for heritage tourism, recent political changes have made it clear that government support for tourism development is not going to come in the foreseeable future. Community members are becoming frustrated and discouraged and so is Dr. Charles. Thinking back to his graduate training, he recalls how he basically had to find his own way in doing community archaeology—a topic he now teaches to his students. But not until recently has he ever considered an important though difficult aspect of community archaeology: how to leave.

Case 2

The Midwest United States is home to thousands of impressive archaeological sites. Many sites have been surveyed and collected for generations by local landowners and other interested parties. The Nelson site is no different. For years, archaeologists and collectors have been visiting the Nelson site, named after the Nelson family who has owned the property as a family farm for four generations. Some visited the Nelson site with the family's permission, others did not. In 1970, the Nelson family finally had enough of people digging holes in their fields and they were tired of running off looters. Mostly, the family was tired of people acting like they had more right to be on the Nelson's land than the family did. The Nelsons issued an ultimatum—no more collectors, archaeologists, or any other visitors.

Now, after more than 30 years of not allowing people on the site, the family has had a change of heart. The older generation of property owners has passed, and the younger generations are willing to listen to scientists and collectors alike, now that people seem to have an understanding about staying off the site (unless they have explicit permission to be there) and respecting the Nelson's private property.

Stephanie Jones is a graduate student in search of a dissertation topic. Stephanie is interested in geophysical surveying and, after numerous conversations with the Nelson family, they have given her permission to work on their property. Stephanie has even been awarded a research grant to perform ground penetrating radar and topographic surveys on the well-known but poorly understood site. Everyone knew the site was important, but the results of Stephanie's survey suggest it could be the largest pre-contact site in the region. Stephanie had planned to publish the results of her survey in a confidential state report (as required by her grant) as well as in peer reviewed journals. After seeing the results of the research, however, the Nelson family is concerned about Stephanie publishing her data anywhere. They don't want a line of scientists and collectors at their door (or in the field at night). The family sees the results of Stephanie's geophysical research as an "X" marking the spot of hidden treasures. Even if Stephanie does not disclose the name or location of the site, the owners (and Stephanie) believe the survey work will inevitably be connected with the farm. Stephanie is concerned—how could she ethically publish the results of her surveys which could potentially point looters right to prehistoric houses and pits now and forever into the future? At the same time, how can she not share the results?

Case 3

A CRM firm near Tuscaloosa, Alabama is cleaning out its storage because it has run out of room to store equipment and collected materials. Randall Field, a technician for the firm, is asked to go down to Basement Room C, assess the state of the collections, and develop an action plan. In the damp, dark, and cold room, Randall finds hundreds of boxes of artifacts meticulously labeled and organized, some more than 30 years old. In addition to the artifact boxes, there are a large number of paleobotanical samples from the 1980s and 1990s that were never studied. Many of the boxes are damp, and some are moldy. To make matters worse, the catalog for the samples has gone missing.

The director of the firm wants to throw away the moldy samples to make room for future collections. Randall is worried that throwing away the materials could raise questions about the firm's professional accountability. After all, might some argue that a preservation ethic means that everything we collect should be kept forever? Who knows what data someone in the future could glean from these samples. But, Randall worries whether the samples are worth saving when space is so tight. Without the catalog, can they still be considered useful to study in the future? Also, keeping these samples means less space for new materials that are being collected daily—materials that the firm is also required to conserve. On top of this, re-cataloguing, organizing, and storing the materials will take valuable time and money, which the firm does not have to spare. And even if it did have time and money to spare, perhaps these resources could be better utilized in its outreach program.

Case 4

Tim West is an archaeologist who is often hired by the Murunjini Land Council of southeastern Australia to conduct contract work. One day when Tim was in the community, Mikey Johnman and two other highly respected elders came to speak with him about a matter that was troubling them greatly. Fifty years ago a well-known anthropologist (now deceased) had worked in the community, interviewing elders and taking copious notes, particularly of his conversations with the “eldest elder,” Mikey Johnman’s grandfather. These fieldnotes had been deposited in the archives of a university located 900 miles away from the community. The anthropologist had placed restrictions on their access, specifying that the notes be kept private. His intention was to protect the Aboriginal community, fearing that mining companies or others could potentially use the information in ways that might harm the community or compromise their land claims. Twenty years ago, when the anthropologist died, his widow honored his wishes to keep the notes in the archive, restricted from public access, according to Australian law, for fifty years after his death.

Recently, a mining company approached the Land Council offering to establish “co-management” agreements regarding the use of and access to portions of their traditional lands for exploration and development. Although the situation is not ideal, the Murunjini see this as an opportunity to have a voice in how the land should be treated, according to the ways of caring for country that their ancestors practiced, which kept the community from harm and the world in balance. The anthropologist’s notes contain volumes of information that is necessary for the elders today to understand the proper ways of treating and managing the land—customary laws about places where women should not walk, where men should never gather, and where holes should not be dug. Mikey Johnman and several others who are direct descendants of those whose words and stories are recorded in the field notes, have contacted the archivist at the university, hoping to gain access to the materials. She replied that she must follow institutional policies and Australian law and therefore denies their access request. The Murunjini are also worried that if the mining companies learn that this knowledge has been locked up for three generations, they will say it has been “lost,” use this as evidence of the community’s lack of association with the land and their traditions, and decide to go ahead with their own plans. The land will then continue to be treated improperly, further upsetting the balance of the Murunjini, and indeed, of the whole world. The elders have come to Tim to ask for his help.

Case 5

Amelie is an archaeologically-trained collections manager who works for a small public art museum in the European country of New Hilland. Recently, Amelie was asked by the museum's new director to research claims that the museum has in its holdings mummies that were once acquired under dubious circumstances from the country of Temek. The director has received several letters from the Temekian government requesting the repatriation of any Temekian human remains. Upon searching the basement archives, Amelie did indeed come across mummified human remains labeled as collected in Temek in the early 20th century by a New Hilland archaeologist and donated to the museum for "scientific and aesthetic purposes." According to museum records, the mummies were a popular display item for nearly 50 years, until they were put in storage because of "preservation issues."

Amelie notifies the museum director, who wishes the remains to be repatriated immediately. The mummies are carefully packaged and a note of apology is drafted to be signed by everyone at the museum. The repatriation process is going splendidly until another art museum in New Hilland hears of their plans and contacts government officials. Immediately, the New Hilland courts ban the museum from returning the mummified remains, saying that it would create a precedent for the possible return of other national treasures currently in New Hilland cultural institutions.

Although some people agree with the museum's decision to repatriate the mummy, other New Hilland museum directors and government officials believe the decision to repatriate any object considered as national cultural patrimony requires the advice of the National Scientific Committee, whose role it is to verify that the nation's heritage is not harmed. Other directors and officials disagree with the repatriation because they do not believe that any one country should "own" heritage that enriches all humanity. Besides, Temek is much smaller, more remote, and less wealthy than New Hilland, and so the mummies are seen and appreciated by more people and better cared for in New Hilland. Still others are unhappy about the fervent repatriation claims Temek has made in recent years, demanding that other countries repatriate all cultural artifacts once discovered inside its borders. Temek has even cancelled a national program that circulates cultural artifacts to Temekian cultural institutions in its smaller cities, opting instead to hold all Temekian cultural property in the national museum.

With both the Temekian and New Hilland governments becoming increasingly upset by the "mummy controversy," the director of the museum turns to Amelie for help in deciding how to best proceed.

Case 6

Jane Anderson is a professional art conservator who works with archaeologists on excavations and also runs her own conservation business. A few months ago, she received a visit from Tony Smith, a local art collector in her area who asked her to conserve an ancient Roman iron helmet that he owns. The iron object was badly corroded but Jane could see many interesting details still visible on its surface. Tony, an amateur historian with a great passion for Roman artifacts, wanted the helmet conserved so that it could someday be donated to a regional museum.

Jane completed the conservation work on the helmet, a task that revealed significant decorative and historic details, and greatly improved its physical stability. When she returned the object to Tony, she asked where he had acquired it. He responded that there was a lot of ancient Roman material available on eBay and other websites for reasonable prices. As Jane accepted Tony's check in payment for the conservation work, she realizes she made a big mistake in not asking about the object before. She worries that she worked on an illegally excavated and/or exported artifact, something that goes against the Code of Ethics of her professional organization.

A few months later, Tony emailed Jane asking her to work on more objects that he had recently purchased on the Internet. From the digital photographs he sent, Jane could see that these artifacts were gravely in need of conservation work, and that leaving them unconserved might mean eventually losing any information still preserved on their surfaces. Nevertheless, she told Tony that she could no longer work on any objects that did not have a proper provenance as it might compromise her reputation as a professional conservator and indirectly support the illicit art trade and the destruction of sites. He pointed out that she had already worked on artifacts that he purchased from the Internet, and he defended his actions by claiming that if he didn't buy them, they might simply disappear or be bought by someone else. Tony also asked if it wasn't more important to preserve materials that had come out of a site that might have been destroyed as a result of illegal excavations than to ignore them and thus lose any and all remaining information they might have to offer.

Case 7

Last summer, Chris Dean, an archaeologist and also the manuscript editor for a small publishing company that specializes in rural history, was approached by a young woman whose uncle had written a book. The woman said her uncle's book was a collection of Native American folktales and he was interested in getting it published "some day." The 83-year-old uncle is a bachelor farmer who lives in a rural corner of Indiana. Lovingly, he passed a copy of his 450-page manuscript to Chris upon their meeting at a local coffee shop.

After reading the manuscript, Chris was initially horrified, because it was so far from what she knew to be true about Native American history as to be laughable. On so many levels, the Uncle had totally mixed fact with fiction. His book had the glacier retreating and the "Indians" appearing in the space of a single generation. He had "Indians" sitting around a campfire, swapping stories of the mammoth they killed that day and drinking corn whiskey while the women made porcelain tea cups. As fiction, the writing wasn't bad, and in fact the manuscript was quite engaging in parts. But many of the stories, based on the Uncle's melding of his own experiences with stories he imaginatively created, could be construed as insulting to Native Americans. Also, the manuscript contained images of artifacts the Uncle had collected and Chris worried that people might confuse this work of fiction with a non-fiction archaeology report.

The Uncle had collected artifacts since he was a little boy, looking for arrowheads and pottery and making up stories about them; stories about "Indian" princesses, tragic love stories, great heroes, and noble sacrifices. His stories were deeply ingrained; part of the leathery skin and permanent tan of an old farmer. Chris tried to tell him, gently, that his book was completely inaccurate in terms of factual knowledge, but he would have none of it. "This is a work of history," he maintained, and just because Chris had a fancy degree and worked as an archaeologist didn't make her an expert.

Chris considered saying she wanted nothing to do with this publishing project, but she also appreciated the stories as representative of the experiences of a lifelong amateur collector in rural Indiana. Chris wondered, how important are these stories? How are they connected to the archaeological record? And what should her role be as an archaeologist and manuscript editor in preserving and/or correcting them?

Case 8

Daishi Hiroshi, former CEO of the Takata Car Company, recently paid record prices for what are considered two art masterpieces: a Mycenaean gold funerary mask (\$15.2 million) and a 6th century mosaic of Christ (\$30.1 million). The Christ mosaic, from a Cypriot church, had previously been visible to the public for several years when, in 1950, the church decided (legally) to sell this and several other mosaics, both to raise funds to support its activities in the community and because they could no longer preserve the badly deteriorating mosaics. Since 1950, the mosaics have been bought and sold by several art collectors and loaned to major art museums around the world. The gold funerary mask had not been known to exist until it recently appeared on the international art market. Attempts were made by archaeologists to stop the sale, but no evidence could be provided to prove that the mask had been looted or illicitly acquired. The only information available on the mask connects it to the collection of an antiquarian in Switzerland, who supposedly acquired it in the 1800s.

After purchasing these artifacts in 1990, Hiroshi had them shipped to a secret climate-controlled storeroom in Tokyo, where he viewed the masterpieces for a few hours, then had them packed and locked securely away. Hiroshi would not even allow his family to see them. Over the next seven years, the artifacts were taken out of storage only once, for a dinner at a restaurant where Hiroshi entertained a guest from Sotheby's auction house. The sale of such significant works to a private individual and their removal from public access had initially been somewhat controversial. However, this controversy was minor compared to the uproar that ensued when Hiroshi declared his intention to have the artifacts buried with him when he died. The mask and mosaic were later saved from reburial only because upon Hiroshi's death, they were impounded as collateral by Fuji Bank against Hiroshi's extensive debts. Hiroshi's son is now fighting to pay off his father's debts, regain the mask and mosaic, and fulfill his father's end-of-life wishes.

Case 9

The new government of Iraq has strongly and publicly criticized coalition troops for allowing the massive looting of some of the world's most significant archaeological sites to occur on their watch. In response to these criticisms, the US military has begun to hire archaeologists who are embedded with soldiers stationed near major archaeological sites and museums. The objectives of the archaeologists include surveying sites to assess the extent of damage and developing plans for minimizing looting. Alice Nogales, a recent PhD in archaeology, enlists in the US program, seeing this as a chance to protect ancient sites and improve relations with Iraqi citizens. Once she arrives in country, she realizes that many local people are looting sites due to the utter lack of any stable jobs and the need to find ways of buying food and other necessities for their families. Troops have been ordered to detain anyone found looting and turn them over to Iraqi police unless they volunteer information about individuals and groups in the region who are supporting the black market in antiquities or terrorist activities of any kind.

Archaeologists who are embedded with the troops are perceived as having the cross-cultural skills to be able (with the help of translators) to effectively interview people suspected of being looters. As anthropologists, they are also seen as being able to supply information about how to handle and appease local populations and obtain potentially important information from them. Alice finds that her tasks include interrogating detained looters and local people, many of whom honestly and openly express their opposition to US intervention. If people refuse to answer, they can be detained for further interrogation. Alice is no longer sure what good she is doing in Iraq and feels the activities she has been ordered to undertake are turning even more people against the coalition troops. Yet, she wonders if her presence might make things better for local people than if she were to leave and have the soldiers carry out these orders without someone like her around.

Case 10

Susan Porch came to the College of West Canada to study the peopling of the Americas and ethical issues related to that topic. When she applied to the graduate program at CWC, Susan expressed interest in working with Dr. Fischer, a prominent Paleo-Indian scholar who is well-known not only for his scholarship, but also for his “difficult” personality and negative attitudes about repatriation and reburial. Dr. Fischer runs a well-funded field school program in western Canada, exploring caves for evidence of the earliest peoples. Wanting to get a quick start on the possibility of a fully-funded dissertation, Susan asks Dr. Fischer to be on her committee and signs up for the field school program.

While preparing for the field school, Susan talks with Dr. Phillips, a junior faculty member and archaeologist at CWC. Dr. Phillips specializes in public archaeology, NAGPRA compliance issues, and collaboration with First Nations peoples. Susan appreciates Dr. Phillips’ work with stakeholders in archaeology and hopes to combine her expertise with that of Dr. Fischer to create an applied public archaeology dissertation that involves not only scientific research on the first peoples in the Americas, but also education, outreach, and collaboration.

Unfortunately, when Susan mentions these plans to Dr. Fischer, he throws a fit. “Dr. Phillips is NOT a real scientific archaeologist and she will play no part in my project or yours, if you want to work with me!” exclaims Dr. Fischer. When Susan approaches Dr. Phillips with her interests she says, “I’m happy to help you, Susan, but I’d rather not confront Dr. Fischer about this directly.” Now Susan is stuck. She considers starting a new project in a new location, but inevitably she sees the future need for the scientific and culture-history expertise of Dr. Fischer, and the public archaeology expertise of Dr. Phillips in her dissertation work.

Concerned about how to approach this delicate situation, Susan approaches the chair of the Anthropology department. “Yes, those two just can’t seem to get along,” says the chair. “Be sure to let me know how things go and what you decide to do.”

Case 11

The flu epidemic of 1918 ravaged Native villages throughout Alaska, causing in some places the deaths of up to 90% of the population. Only now has the population recovered to pre-1918 levels. The Inupiat village of Pilot Point was one of the hardest hit, and the nearby cemetery includes a mass grave of many of those who died within the space of a week from the deadly disease. Recently, people in Pilot Point heard that scientists working at the Institute of National Health were desperately in need of additional samples of the deadly flu virus from various parts of the world so that they could develop a vaccine that worked on more strains. The Village Council asked Jenny Palermo, an archaeologist they had developed an excellent relationship with over the past 20 years, to come and obtain samples of the virus from the lungs of their people, whose graves were located deep in the permafrost.

Jenny is excited about working with the community on this project. As she investigates the situation, she learns that the scientists at the INH are very excited too, and they have high hopes that the samples from Pilot Point will provide them with data that will be used in one of the next vaccines. Jenny's thoughts turn to the people of Pilot Point, who have very few jobs in the community, are desperately in need of a new school building and community center, and who would like to erect a wind farm. She wonders if the Inupiat community shouldn't benefit in some way from providing samples of their deceased ancestors for a vaccine that could be marketed worldwide. Jenny also wonders whether she is promoting commercialization of the archaeological record by being involved with this project.