
Ethical Dilemmas in Archaeological Practice: Looting, Repatriation, Stewardship, and the (Trans)formation of Disciplinary Identity

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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 nonarchaeological 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.

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 benefitted 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. I completed work on this paper while a Fellow at the Center for Advanced Study in the Behavioral Sciences (Stanford, Calif.); I am grateful for the support provided me while at the Center by the University of Western Ontario and by the Andrew J. Mellon Foundation.

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1. 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 by-laws and "statements on ethics" that have been adopted by the major archaeological societies in the past thirty 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 the 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, p. 11). 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 the 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 the 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 the 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, p. 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, p. 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, p. 565). For Clark Wissler and Roland 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, p. 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, p. 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, p. 565), methods capable of filling in strategically important gaps in existing evidence and systematically testing working hypotheses (Dixon 1913, p. 564).

These themes—the insistence that "archaeology is anthropology or it is nothing," as the point was later put (e.g., Binford 1962, p. 217, quoting Willey and Phillips 1958, p. 2), and that it must be practiced in a rigorously scientific manner—reappear in the 1930s, shortly after the 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.¹ 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

1. With 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 the SAA and its sister societies doubled between the late 1930s and the early 1960s (Patterson 1995, pp. 81–83).

Archaeology,² opening a space for the exploration of deliberately 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 the 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 de-

2. The 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," feminist, 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 these programmatic debates in North American contexts is elaborated in Wylie (1993b, and in press). Trigger provides a comprehensive review and comparison of national traditions of archaeology that puts these North American developments in broader perspective (Trigger 1989).

bates, however, there was a strong countervailing sentiment that the SAA should not undertake to "define the difference between professional and non-professional (amateur) archaeologists" (McGimsey 1995, p. 11), and, in fact, the commitment to maintain the SAA as an organization that is inclusive of avocational archaeologists has prevailed. Avocational practitioners are recognized, not only by the SAA but also by many of its sister organizations (e.g., the Archaeological Institute of America [AIA] and the Society for Historical Archaeology [SHA]), for 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 the 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, p. 137; elsewhere, a "scholarly discipline" 1961, p. 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 lies in "their status as documents, and is not intrinsic" (Champe et al. 1961, p. 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, p. 138); some recommendations for minimum levels of training were offered "for persons planning to enter archaeology as a career" (Champe et al. 1961, p. 138).

The message of these statements is clear and conforms closely to the central themes of the programmatic debate that had begun fifty 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; p. 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, p. 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, p. 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 the 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 non-academically associated members of the community were not subject to any form of peer review (other than that of the market)" (McGimsey 1995, p. 11). In 1974 the 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 the 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, pp. 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, p. 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, col-

leagues, students, the public at large, and the field as a whole (SOPA 1991, pp. 7–8). Where “Standards of Research Performance” are concerned (SOPA 1991, pp. 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, p. 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, pp. 9–10), and should be reported to “colleagues and other interested persons” (SOPA 1991, p. 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, the 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 the SAA’s by-laws 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 the SAA is that which contributes to the scientific under-

3. In 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, p. 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 1990, p. 9), a consideration that applies to all archaeological practice but seems especially salient where the exigencies of contract research are concerned.

standing of past culture: the Society as a whole is to "operate for exclusively scientific and educational purposes" (SAA 1995, p. 17; article II.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, p. 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, p. 17, article II.4, emphasis added).

It is also significant that the SAA's by-laws 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."⁴ 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 an influential article advocating "A Conservation Model for American Archaeology" began 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, p. 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.⁵ Given this assessment, Lipe argued that "if our field is to

4. A 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, p. 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, p. 9).

5. This 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% of the world's cultural

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, p. 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, p. 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.⁶ 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, p. 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 the 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

heritage to be irrevocably damaged or destroyed within the next fifty to sixty years (Harrington 1991).

6. Lipe provides a 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, pp. 217-19).

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, p. 137)—the objectives later drafted for the by-laws of the SAA include the broader commitment to "discourage commercialism in archaeology and to work for its elimination" (article II.7, SAA 1995, p. 17). In 1991 the 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 the 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, p. 7). Substantially, stronger statements 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).⁷ Both give conservation first priority, although they are also committed to the support and promotion of archaeological

7. The SHA is a smaller and younger society than the SAA, whose membership substantially overlaps that of the SAA, while the AIA represents a broad range of archae-

research;⁸ 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, p. 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, p. 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, p. 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, p. 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.⁹ What the 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, p. 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

ological 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.

8. The SHA endorses the goals of "scholarly research" (SHA 1992, p. 32), and the AIA "encourag[es] and support[s] archaeological research and publication" (AIA 1991, p. 285), but neither makes *scientific* goals the defining interest of responsible archaeological practice.

9. 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 1990).

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, p. 137), the systematic, scientific investigation of the archaeological can be treated as a nonparochial 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, p. 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, anthropo-

logical archaeology that underpins the ethics commitments endorsed by the SAA and many of its sister organizations.

III. Two Challenges

Professional versus 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, p. 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 (c. 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, pp. 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 spectacular 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 twenty years, (Donnan 1988, p. 551; see also 1990, p. 23).¹⁰ 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 possible 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 (Donnan 1988, 1990; Alva and Donnan 1994). 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, p. 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, p. 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, p. 498). He protested that he abhors looting and sharply rejected the suggestion that the decision to

10. 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).

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, p. 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 of export and patrimony. The material he published in 1988, while looted, had not been illegally exported from Peru and therefore was not in violation of the UNESCO Convention on Cultural Property. Moreover, it was held in a "Peruvian collection . . . officially registered with the National Institute of Culture in Peru," in accordance with federal heritage laws (Donnan 1991, p. 498).

Beyond the defense that he had broken no 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, p. 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 *hacqueros* to collectors wouldn't even know if an archaeologist stopped publishing" (Donnan, as quoted by Alexander 1990, p. 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, p. 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 (now touring nationally), which 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 the 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 the 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.¹¹ Moreover, he can point to ways in which he

11. 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"; that the 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

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 the 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, p. 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

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, p. 285); the SAA by-laws endorse a similar policy but require members, more generally, to "discourage commercialism and work for its elimination" (SAA 1995, p. 17). I share Adams's appreciation of the intent of the 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."

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 the 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 Ford 1973; also Cook 1991; Herscher 1984; Davis 1986; Elia 1991; Joukowsky 1991; Kaiser 1990, 1991; Vitelli 1981, 1984; Green 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 materials 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, p. 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 virtually destroyed 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, p. 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 (Chippindale 1993; Elia 1993, 1994; Renfrew 1993; Gill and Chippindale 1993; Chase et al. 1988).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 an-

12. 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).

tiquities 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, p. 28; see also Halsey 1991; Chase et al. 1988; 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 deplors. 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; Geisecke 1985; Bass 1979, 1985; Cummings 1986, 1988; 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 have resigned from the project and made strong public statements against the naïveté 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 1985; Lees 1985; and see the response from Hamilton [1991], and a more general position statement in Hamilton 1995).

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 (Hamilton 1991; Elia 1992). 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

13. 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).

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., Ruppe et al. 1986; Elia 1992). 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, even given a downturn in speculative investment in the 1990s, 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 archaeol-

ogists 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 archaeological research is entangled with the commercial valuation of and trade in antiquities (Fagan 1993).¹⁴ If shared (conditional) principles are to be effectively applied, it will be crucial to invest in research that can provide the

14. 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 "acquisitors" 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.

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.¹⁵ 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 (Mowaljarlai et al. 1988; Bowdler 1988; Horton 1987; Creamer 1991; McBryde 1985). Likewise, some southwestern Pueblo groups insist that sacred images be left out in the elements to

15. For relevant discussions and overviews, see Echo-Hawk 1993; Goldstein and Kintigh 1990; Goldstein 1992; Hubert 1989; Layton 1989a, 1989b; Leone and Preucel 1992; McBride 1985; McGuire 1992; Riding In 1992; Trope and Echo-Hawk 1992; World Council of Indigenous Peoples 1990; Zimmerman 1992, 1989.

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.¹⁶

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.¹⁷ But they often urge or, indeed, require, that archaeologists address different questions than those to which they would ordinarily give priority (Deloria 1992), 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, pp. 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 guard-

16. 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).

17. 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 Bamios 1993; Schwab 1993; also Klesert and Downer 1990.

ians 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 overturned 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 he 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, p. 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, p. 11). He concludes that, "in truth, [archaeologists have] many publics with many interests, and most of them are as legitimate as ours" (Adams 1984, p. 13): "What price science, then?" (Adams 1984, p. 14).¹⁸ 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, p. 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

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

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, p. 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,¹⁹ 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 as 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

19. 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 shaping 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 Lynott and Wylie 1995).

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 as thoroughgoing a 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 the 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 nonprofessional interest 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 the SAA in 1991. Its mandate has been to review the ethics commitments embodied in the

SAA's by-laws 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 the 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 1995).²⁰

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 the 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

20. I cochair 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 advisors 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 the SAA whose mandate overlaps that of the SAA Ethics Committee). For further detail, see Wylie (1993a, 1994a, 1994b) and Lynott and Wylie (1995).

apart from nonprofessional practitioners.²¹ 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, p. 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

21. At the same time, negotiations are under way to establish a "registry of professional archaeologists" that would be jointly supported by the SAA, SOPA, and SHA. Members of the SAA or SHA who seek professional registration would be required to meet minimal levels of training and experience in specific areas and to abide by a much more specific code of ethics and the requirements of a grievance procedure modeled on that developed by SOPA.

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.

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