

ANTH 6033/6332/6353
Proseminar in Archaeological Ethics
Spring 2007
Anthropology 4th Floor Seminar Room
Wednesday 1-2 p.m.
Instructor: B. Sunday Eiselt

This proseminar is designed to introduce participants to a range of significant ethical issues associated with the practice of archaeology, both in the United States as well as internationally. Recent developments in the profession and public attitudes towards cultural heritage have placed new demands on our discipline. These include increased illicit trafficking of antiquities; ethnocentrism in dealing with different cultures, and the always controversial treatment of human remains. Archaeological societies and institutions in the United States and elsewhere have responded by adopting comprehensive ethical policies to help protect and manage these resources. However, some would argue that there is still a lingering gap between academic archaeology and the society at large. A new people-oriented approach may help archaeologists overcome general stereotypes of research while promoting heritage preservation and cultural understanding. We will explore these and other issues through the course of this seminar.

Topics and Readings by Week

Week 1, January 16 (Eiselt): Introduction

Week 2: January 23 (Eiselt): Ethical Codes

Lynott, M.

2003 The Development of Ethics in Archaeology. In *Ethical Issues in Archaeology*, edited by L. J. Zimmerman, K. D. Vitelli, and J. Hollowell-Zimmer. Altamira Press in Cooperation with the Society for American Archaeology, Walnut Creek, California.

Review the following codes

1. Canadian Archaeological Association
Principles of Ethical Conduct <http://www.canadianarchaeology.com/conduct.lasso>
Statement of Principles for Ethical Conduct Pertaining to Aboriginal Peoples
<http://www.canadianarchaeology.com/ethical.lasso>
2. European Association of Archaeologists
The EAA Code of Practice and The EAA Principles of Conduct <http://www.e-a-a.org/eaacodes.htm>
3. New Zealand Archaeological Association (NZAA)
NZAA Code of Ethics <http://www.nzarchaeology.org/ethics.htm>
4. Register of Professional Archaeologists (RPA)
Code of Conduct and Standards of Research Performance <http://www.rpanet.org/>
5. The Archaeological Institute of America (AIA)
Code of Ethics http://www.archaeological.org/pdfs/AIA_Code_of_EthicsA5S.pdf
6. The Society for American Archaeology (SAA)
Principles of Archaeological Ethics (1996) <http://www.saa.org/aboutSAA/ethics.html>
7. World Archaeological Congress (WAC)
First Code of Ethics http://ehlt.flinders.edu.au/wac/site/about_ethi.php

Week 3: January 30 (Eiselt): The Value of Archaeology and Stewardship: Public Benefits and Education

Noble, Vergil E.

2001 Significance Vs. Value in Archaeology. In, Public Archaeology: International Perspectives, Debate and Critique. A session presented at the Society for Historical and Underwater Archaeology Annual Conference Long Beach, CA. Also available on line at: <http://www.p-j.net/pjeppson/SHA2001/SHA2001.htm>

Society for American Archaeology: Professional Standards for the Determination of Archaeological Value

Week 4: February 4 (Eiselt): Curriculum Reform

SAA Principles of Curriculum Reform:

<http://www.saa.org/aboutsaa/committees/curriculum/principles.html>

Bender, S. and George S. Smith

1998 SAA's Workshop on Teaching Archaeology in the 21st Century: Promoting a National Dialogue on Curricula Reform. *SAA Bulletin* 16(5):11-13. <http://www.saa.org/publications/SAAbulletin/>

The SAA Archaeological Record Vol. 6:5 (2006)

Special Section: Revisiting the Graduate Curriculum: The Professional Face of Archaeology. <http://www.saa.org/publications/theSAAArchRec/>

Explore: Making Archaeology Relevant in the 21st Century project (MATRIX)

Specifically - click on the MATRIX courses link to the right at:

<http://www.indiana.edu/~arch/saa/matrix/homepage.html>

Week 5: February 13: (Meltzer and Adler): Thy Brother's Keeper? The Monte Verde Incident

Forrest Fenn (2005-2006) - Unpublished (will be provided)
The Mother of Indiana Jones (A Collector Strikes Back)
Indiana Jones Talks Back
Editorial in Rebuttal to Joe Watkins

Reading to be Determined

Week 6: February 20: (Eiselt, Bruning, Adler, and Covey) Antiquities Trade/Looting (International)

Layton, Robert, and Gillian Wallace

2006 Is Culture a Commodity?. In, *The Ethics of Archaeology: Philosophical Perspectives on Archaeological Practice*, edited by Chris Scarre and Geoffrey Scarre, pp. 46-68. Cambridge University Press.

Hollowell, Julie

2006 Moral Arguments on Subsistence Digging. In, *The Ethics of Archaeology: Philosophical Perspectives on Archaeological Practice*, edited by Chris Scarre and Geoffrey Scarre, pp. 69-96. Cambridge University Press

Week 7: February 27 (Eiselt): Trust, Truthfulness, and Inclusion

Colwell-Chanthaphonh and T. J. Ferguson

2006 Trust and Archaeological Practice: Towards a Framework of Virtue Ethics. In, *The Ethics of Archaeology: Philosophical Perspectives on Archaeological Practice*, edited by Chris Scarre and Geoffrey Scarre, pp. 97-114. Cambridge University Press

Cooper, David E.

2006 Truthfulness and "Inclusion" in Archaeology. In, *The Ethics of Archaeology: Philosophical Perspectives on Archaeological Practice*, edited by Chris Scarre and Geoffrey Scarre, pp. 131-145. Cambridge University Press

Week 8: March 5 (Eiselt, Bruning and Adler): Repatriation

Bruning, S.

2006 Complex Legal Legacies: the Native American Graves Protection and Repatriation Act, Scientific Study, and Kennewick Man. (Native American Grave Protection and Repatriation Act). *American Antiquity* 71(3):501-522.

REVIEW (SCAN)

Society for American Archaeology. Comments on 2007 Proposed Rule Relating to Culturally Unidentifiable Human Remains Under the Native American Graves Protection and Repatriation Act (79 Federal Register 58582, Published Tuesday October 16, 2007). Available on line at:

<http://www.saa.org/NEW/SAACUHRcomments.pdf>

Week 9: Spring Break - NO CLASS

Week 10: March 19: (Meltzer and Eiselt): Intellectual Property and Proprietary Issues

Reading to be Determined

Week 11: SAA's - NO CLASS

Week 12: April 2: (Eiselt and Covey) Collections and Representation

Leaman, Oliver

2006 Who Guards the Guardians. In, *The Ethics of Archaeology: Philosophical Perspectives on Archaeological Practice*, edited by Chris Scarre and Geoffrey Scarre, pp. 32-46. Cambridge University Press.

Barker, A. W.

2003 Archaeological Ethics: Museums and Collections. In *Ethical Issues in Archaeology*, edited by L. J. Zimmerman, K. D. Vitelli, and J. Hollowell-Zimmer. Altamira Press in Cooperation with the Society for American Archaeology, Walnut Creek, California.

Week 13: April 9: (Carolyn Smith Morris and Eiselt): Indigenous Archaeologies and Collaboration

Bendremer, J. C., K. A. Richman

2006 Human Subjects Review and Archaeology: A View from Indian Country. In, *The Ethics of Archaeology:*

Philosophical Perspectives on Archaeological Practice, edited by Chris Scarre and Geoffrey Scarre, pp. 97-114. Cambridge University Press.

Smith-Morris, Carolyn

2007. Autonomous Individuals or Self-Determined Communities? The Changing Ethics of Research Among Native Americans. *Human Organization: Journal of the Society for Applied Anthropology*, Vol. 66(3):327

Week 14: April 16: Human Subjects (Eiselt and Lockwood)

Wright, R. P.

2003 Gender Matters: A Question of Ethics. In *Ethical Issues in Archaeology*, edited by L. J. Zimmerman, K. D. Vitelli, and J. Hollowell-Zimmer. Altamira Press in Cooperation with the Society for American Archaeology, Walnut Creek, California.

Franklin, M.

1997 Why Are There So Few Black American Archaeologists? *Antiquity* 71(274):799-801.

Week 15: April 23: Archaeology as a Tool for Civic Engagement

Little, Barbara J.

2007 Archaeology and Civic Engagement. . In, *Archaeology as a Tool of Civic Engagement*, edited by B. J. Little and P. A. Shackel, 1-22.

Mullins, Paul R.

2007 Politics, Inequality, and Engaged Archaeology: Community Archaeology Along the Color Line. In, *Archaeology as a Tool of Civic Engagement*, edited by B. J. Little and P. A. Shackel, 89-108.

U.S. Federal Laws

The **Antiquities Act of 1906** provides for the protection of historic, prehistoric, and scientific features located on federal lands. It authorizes the President to designate as National Monuments historic and natural resources of national significance located on federally owned or controlled land. The Secretaries of the Interior, Agriculture and Defense are authorized to issue permits for archaeological investigations on lands under their control to recognized educational and scientific institutions for the purpose of systematically and professionally gathering data of scientific value.

<http://www.cr.nps.gov/local-law/anti1906.htm>

The **National Park Service Act of 1916** establishes the National Park Service to manage our nation's parks and to "conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such a manner and by such a means as will leave them unimpaired for the enjoyment of future generations."

<http://www.nps.gov/legacy/organic-act.htm>

The **National Historic Preservation Act of 1966**, as amended establishes a program for the preservation of historic properties throughout the United States. It created the National Register of Historic Places, State Historic Preservation Offices and the Section 106 Review Process.

<http://www.cr.nps.gov/hps/laws/nhpa1966.htm>

The **Historic Sites Act of 1935** establishes as a national policy to preservation for public use of historic sites, buildings and objects. This act led to the eventual establishment within the National Park Service of the Historic Sites Survey, the Historic American Building Survey (HABS), the Historic American Engineering Record (HAER), and the National Historic Landmarks Program.

<http://www.cr.nps.gov/hps/laws/landmarks.htm>

The **Reservoir Salvage Act of 1960** provides for the recovery and preservation of "historical and archaeological data (including relics and specimens)" that might be lost or destroyed in the construction of dams and reservoirs.

http://www.cr.nps.gov/local-law/fhpl_archhistpres.pdf

The **Department of Transportation Act of 1966**, Section 4(f) states that the Secretary of Transportation shall cooperate and consult with the Secretaries of the Interior, Housing and Urban Development, and Agriculture, and with the States in developing transportation plans and programs that include measures to maintain or enhance the natural beauty of the lands traversed. The Secretary of Transportation shall not approve any program or project that requires the use of land from a public park, recreation area, wildlife and waterfowl refuge, or historic site unless there is no feasible and prudent alternative.

http://www.cr.nps.gov/local-law/fhpl_dotact.pdf

The **National Environmental Policy Act of 1969** declares that it is a federal policy to "preserve important historic, cultural, and natural aspects of our national heritage. It requires federal agencies to use a systematic and interdisciplinary approach that incorporates the natural and social sciences in any planning and decisionmaking that may impact our environment.

http://www.cr.nps.gov/local-law/fhpl_ntlenvirnpolcy.pdf

The **Archaeological and Historic Preservation Act of 1974** amends the 1960 Reservoir Salvage Act by providing for the preservation of significant scientific, prehistoric, historic and archaeological materials and data that might be lost or destroyed as a result of flooding, the construction of access roads, relocation of railroads and highways, or any other federally funded activity that is associated with the construction of a dam or reservoir.

http://www.cr.nps.gov/local-law/FHPL_ArchHistPres.pdf

The **Tax Reform Act of 1976** provides tax incentives to encourage the preservation of commercial historic structures. Amended many times since its original passage, the current law provides for a 20 percent federal income tax credit on monies used in the rehabilitation of commercial, agricultural, industrial, or rental buildings that are certified as historic properties.

<http://www.cr.nps.gov/hps/tps/tax/brochure2.htm>

The **American Indian Religious Freedom Act of 1978** states that it is a policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonial and traditional rites.

<http://www.cr.nps.gov/hps/laws/religious.htm>

The **Archaeological Resources Protection Act of 1979** defines archaeological resources as any material remains of past human life or activities that are of archaeological interest and at least 100 years old, requires federal permits for their excavation or removal and sets penalties for violators.

<http://www.cr.nps.gov/hps/laws/archprotect.htm>

The **Abandoned Shipwreck Act of 1987** asserts United States Government ownership of three categories of abandoned shipwrecks: those embedded in a state's submerged lands; those embedded in coral formations that are protected by a state; and those located on a state's lands that are included or are eligible for inclusion in the National Register of Historic Places. The law then transfers title for most of the shipwrecks to the respective states and stipulates that states develop policies to protect the shipwrecks.

<http://www.cr.nps.gov/hps/laws/ship.htm>

The **Native American Graves Protection and Repatriation Act of 1990** gives ownership and control of Native American human remains, funerary objects, sacred objects and objects of cultural patrimony that are excavated or discovered on federal land to federally recognized American Indian tribes or Native Hawaiian organizations. The law also establishes criminal penalties for trafficking in human remains or cultural objects, and requires agencies and museums that receive federal funding to inventory those items in their possession, identify the descendants of and repatriate those items.

<http://www.cr.nps.gov/nagpra/MANDATES/25USC3001etseq.htm>

Executive Order 13007, Indian Sacred Sites instructs all federal land management agencies, to the extent practicable, to accommodate access to and ceremonial use of Indian sacred sites by Indian practitioners and to avoid adversely affecting the physical integrity of those sacred sites.

<http://www.cr.nps.gov/local-law/eo13007.htm>