



## **San Diego State University's Victory in the 2006 Society for American Archaeology Ethics Bowl: A Methodology for Success**

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### **Introduction**

In the spring of 2006, three graduate students from San Diego State University's Department of Anthropology won the Society for American Archaeology's Ethics Bowl. The team consisted of Cyndi Eischen, Elaine Michaels, and Matt Tennyson; the faculty advisor was Dr. Lynn Gamble (Figure 6.1). We have written this article to detail the research and planning used to win the competition.

The Ethics Bowl is a competition between teams of students from various colleges that takes place at the Society for American Archaeology's Annual Meeting.

The collegiate teams debate ethical issues relevant to archaeological work. Different scenarios in the Ethics Bowl require students to draw on a number of sources and familiarize themselves with many types of archaeological endeavors in order to construct thorough arguments that completely account for the ethical ramifications of this kind of work. All of this research and planning is then boiled down to a five-minute argument that analyzes multiple angles of a given scenario.

Six weeks prior to the competition, teams are given ten to twelve case studies that call into question a number of ethical issues. During this time, the teams undertake background research and construct their arguments in an attempt to identify the ethical dilemmas and suggest a resolution. It is important to note that although hypothetical, the cases are based on actual events or are situations that could easily arise for anyone practicing archaeology. Analysis of these case studies goes beyond determining "the right thing to do." Rather, resolution requires a practical response. Often, a choice has to be made that benefits one group at the expense of another. At other times, the answer is clear cut, but its implementation is problematic. The appeal and importance of the Ethics Bowl lies in the fact that it fosters critical thinking and challenges students to look beyond the face of the argument to understand how and why archaeology is important.

### **The competition**

Preliminary rounds pit schools against one another in order to determine which teams advance to the finals. Each round is comprised of two turns, one for each team. During a turn, a team is presented with a scenario and asked a number of questions. The team has one minute to confer and a maximum of five minutes to outline the ethical dilemma and answer the posed questions.

After that time, the opposing team is given five minutes to rebut the first team's answer, by either offering their own argument or asking the first team another question. After each team has presented their arguments, a panel of three judges confers and poses additional questions to the first team. After the judges' questions are answered, the roles are reversed and the second team is presented with a different case study. The second team makes their arguments, and the first team is allowed to rebut in the same fashion. The judges then pose additional questions to the second team based on their answers. At the end of the round, the judges confer to determine the winning team. No books or notes are allowed during the competitions, although competitors may use scrap paper to jot down thoughts or outline arguments. Competitors do not know in advance which cases will be addressed in each round.

During a team's presentation, judges score from 1-5 in four areas. These are intelligibility (logical consistency, clarity and precision), depth (awareness and understanding of all the issues), focus (avoidance of irrelevant issues) and judgment (a careful comparative assessment of considerations). During rebuttal, a team is judged from 1-5 based on the strength of their argument. A perfect cumulative score is 60. The complete rules for the Ethics Bowl can be viewed online at: <http://www.saa.org/aboutSAA/committees/ethics/eBowlRules.html>.

### **SDSU's Ethics Bowl team**

Prior to receiving the case studies, we met to discuss how we would construct our arguments and to assess the various strengths each team member. With case studies in hand, we met at least once a week to contemplate their ethical ramifications. We divided the case studies amongst the team based on each member's familiarity with the main topic at hand and undertook independent research. We also met with members of the SDSU Department of Anthropology faculty in order to gain insight from their expertise. Drs. Joe Ball, Lynn Gamble, Seth Mallios, and Ramona Pérez were of particular help as they helped us identify more than just the surface issues of each of the ten scenarios. Dr. Glenn Russell of the County of San Diego, Department of Planning and Land Use also provided helpful input.

Each team member was responsible for analyzing three to four case studies with additional input garnered from other team members at our weekly meetings. This was where arguments were honed and reconstructed. Often, our own debates over ethical implications caused us to move back and forth between cases, allowing ourselves to construct multiple arguments for each scenario.

In this article we have recreated each of the ten case studies and the arguments we constructed for the 2006 Ethics Bowl. Our success in the Bowl was due to a number of factors: preparation, critical thinking, quick-wittedness, and luck. We may not have provided the best answers to all of the questions posed to us, but our degree of preparedness, our ability to think on our feet, and our skill at adapting our arguments to the debate at hand proved successful in our Ethics Bowl win. Our strategy to address these cases was based on a pragmatic approach. We thought it was important to do more than identify the intellectual argument of each case. We wanted to identify the real-world ramifications of these scenarios and try to come up with real-world solutions to the problems.

## Case 1

*Bill Sparks has lived in Northern Arizona for all of his 78 years, working his family's large 15,000-acre ranch. Over the years, while tending cattle and mending fences, he has come across many archaeological sites dotting his ranch. Perennially fascinated by Native Americans and their histories, Bill has made a hobby of collecting artifacts, projectile points in particular. Bill,*



*Figure 6.1. San Diego State University's victorious Ethics Bowl team, consisting of Elaine Michaels, Cyndi Eischen, and Matthew Tennyson, and faculty advisor Dr. Lynn Gamble hoist their trophy at the 2006 Society for American Archaeology's annual meeting in San Juan, Puerto Rico. Courtesy of San Diego State University Department of Anthropology.*

*getting on in years, has begun to wonder what to do with his collection since none of his children or family members wants to inherit the artifacts.*

*One day while attending a public lecture given by Dr. Lisa Chavez, an archaeologist working with a CRM firm in Flagstaff, Arizona, Bill was surprised to hear that many of the area's Pueblo groups, such as the Hopi and Zuni, use projectile points in religious ceremonies. Dr. Chavez explained that the practitioners believe these ceremonies are central to the spiritual and physical well-being of the Pueblo communities, and in fact all life. Normally, religious leaders gather these projectile points in a ceremonial exchange of cornmeal from ancient pueblos in the region. However, Dr. Chavez said that several community leaders had recently told her that in recent years it has become increasingly difficult to find projectile points.*

*After the lecture, Bill approached Dr. Chavez with the idea that he would like to donate his collection of projectile points to the Pueblo Indian communities. He said that he had more than 300 points, all taken from the surface of his private ranch land. Bill was hoping Dr. Chavez might help facilitate this donation to some of the local tribes. If the donation was made, might a tax break be possible, Bill also asked. Dr. Chavez was sure that some of the Pueblo leaders would want and accept the donation, but she worried how acting as a go-between might conflict with some of her professional responsibilities.*

### **SDSU Ethics Bowl team response to Case 1**

This case demonstrates how archaeological research can be interpreted and used by others. The case calls for Dr. Chavez to be involved, since her information about projectile points and their significance to the Pueblo people was taken to heart by Mr. Sparks. Arguably, she has an ethical duty to be involved. The assumption is that Dr. Chavez is an ethical practitioner as she is in compliance with Principle 4 of the SAA Code of Ethics, Public Education and Outreach, by publicly presenting information about projectile points.

This situation presents an opportunity for Dr. Chavez to act as a good steward, focusing on the concerns of the people involved, satisfying Principle 1 of the SAA Code of Ethics. While advocacy is a choice, according to the SAA principle regarding responsibility to the public, collaboration and cooperation are mandates of our ethical principles.

The proposed solution called for Dr. Chavez to offer professional, responsible assistance by educating Mr. Sparks about potential sensitivities that might exist among Pueblo people and non-Pueblo people, explaining differing views about material culture and ownership rights, and explaining the scientific value of projectile points. Dr. Chavez can refer Mr. Sparks to the appropriate professionals, tax consultants, and members of the local university, and introduce Mr. Sparks to Pueblo representatives (thus, complying with Principle No. 2: Accountability). She should conduct scientific study of the projectile points, then photograph and record them before they are donated (thus, meeting standards of Principles 6 and 7). Dr. Chavez can invite Pueblos and Mr. Sparks to participate in the study process, encouraging the community-based participatory methodology American Anthropology has advocated since 1991.

By acting as a good steward, Dr. Chavez encourages good relations between Pueblos and non-Pueblos, and between private property owners and indigenous groups; restores cultural material to original stakeholders; enriches the archaeological record with new information; encourages responsible, beneficial behavior in private property owners; and demonstrates professional and ethical conduct.

## **Case 2**

*The famous Go Cave is commonly regarded as the premier heritage site of a small country in Africa. It was the focus of many archaeological expeditions during the colonial era, and not long ago was listed as a UNESCO World Heritage Site. The cave currently draws around 10,000 visitors a year, but the national government has long sought to increase tourism to the site. The country's Ministry of Tourism recently revealed plans (with USAID money) to conduct additional archaeological research and to construct a Fantasia Light Show that will illuminate the inside of the cave with colored lights set to the music of Beethoven.*

*Although the Ministry of Tourism has promised that no physical damage to the cave will occur and the cave's heritage integrity will be preserved, controversy has emerged. Some people in the nearby town are concerned about the effects of an increase in tourism; others make clear their desire for more tourist dollars.*

*Additionally, several towns over is the Xu religious cult, a group of several hundred people who somewhat illicitly use the cave during rituals. However, during these rituals guards are present and no physical damage to the cave is done. The cult leaders are now saying that silence is vital to preserving the sacred spiritual power of the site, and they already dislike the current levels of tourism in the cave. The Ministry of Tourism has been quick to point out that these activities are illegal and claims that the Xu rituals sometimes entail defacing the ancient sculptures in the cave. Despite these somewhat local conflicts, Go Cave is considered a national symbol, and much of the country's population supports the government plans.*

*Dr. Samantha Sacks has long done research in the country, but has never had the chance to do any work in the cave, which has been closed to researchers for nearly 30 years. She is convinced new research will shed light on the cave's ancient uses and users, and in turn potentially inform the cultural history of the entire country. Dr. Sacks has been invited by the Ministry of Tourism to start research in the cave immediately, as \$800,000 has already been secured from USAID for archaeological research and the development of public outreach programs.*

## **Response to Case 2**

We discussed the role of the archaeologist in research and preservation, and questioned how UNESCO World Heritage Site rules and USAID rules might restrict or encourage the actions of the archaeologist. We identified three SAA ethical principles that are particularly relevant to this case: public education and outreach (Principle 4), public reporting and publication (Principle 6) and records and preservation (Principle 7). Potential damage to the site, both through use by the Xu group and by tourism was of obvious concern. The team met with Dr. Joe Ball, who firmly stated his view that Dr. Sacks has an ethical obligation to undertake the work. If not, a less

qualified person might take over the project, resulting in a loss to the archaeological record. Our discussions led us to take the position that Dr. Sacks should do the work—agreeing with Dr. Bal—but the true difficulties lay in the other issues: the proposed “tacky” light show, the local conflicts surrounding religious uses of the cave, and the appropriate level of tourism. At this point, guided by Dr. Lynn Gamble and our own developing view of the case, we realized that two other SAA archaeological principles were pertinent: Principle 1, stewardship; and Principle 2, accountability. This situation offered an opportunity for archaeologists to work with local populations for an optimal outcome, avoiding damage the site.

Our decision: Dr. Sacks should indeed perform the work, since she is the most qualified individual available, and it is her professional responsibility to do so. As the archaeologist she will have an opportunity to control the use of the USAID money, which might otherwise be diverted to non-archaeological purposes (there are few controls on this kind of funding once it is disbursed). She will also have an opportunity to influence the way the cave is presented, e.g., the use of light and sound and the impact of tourist traffic. There are only 812 UNESCO World Heritage Sites in the world, and there is a process for removing sites that are being damaged by tourism or that no longer meet the criteria. Dr. Sacks is in a position to help the Ministry of Tourism and the locals understand these issues and to present the history of ancestral/ancient peoples in the most accurate and educational fashion possible. There is a danger that her reputation will be damaged if the presentation is considered tacky or harmful to the site. She cannot, however, wash her hands of this opportunity as the scholarly work may be lost. Perhaps most importantly, Dr. Sacks is in an optimal position to bring the local groups together to discuss possible continued use of the cave by the Xu cult during certain hours, and can determine if damage is indeed being done. She may wish to form focus groups among the locals to clearly identify concerns, consulting with UNESCO and other experts. She may adopt an alternative solution, such as that undertaken for the protection of cave art in France through the construction of reproduction caves specifically for tours. Finally, she can work to convince the various factions that they have a common interest in their heritage, and that any solution should avoid damage to the site.

In summary, Dr. Sacks should do this work in the interest of the archaeological record, should attempt to influence the way the cave is presented, and should work with local groups and the Ministry of Tourism for an optimal outcome that preserves the country’s heritage.

### **Case 3**

*Dr. Sandra Chen is an underwater archaeologist who works in the Caribbean on 17th- and 18th-century shipwrecks. Over the years, she has become increasingly vocal about trying to get her colleagues to work in collaboration with private salvage interests. Although Dr. Chen does not deny the differences between the groups, she genuinely believes that there is more to be gained by working together than working at odds. In sum, she believes that the underwater sites are heritage resources that need to be shared by all.*

*She has recently been approached by Mark Richards, the President of Salvage Inc.—a major private salvage company that has worked in the Caribbean for 10 years. Mr. Richards proposes to Dr. Chen a collaborative endeavor to locate and excavate La Rosa, a shipwreck both have*

*been researching (to date independently) for decades. Mr. Richards will provide the money and Dr. Chen will provide the scholarly research. Mr. Richards will only keep and sell any coins that he finds, and all other artifacts will go to Dr. Chen's university museum.*

*Dr. Chen is aware that Richards has a reputation for always trying to make a fast buck and that he has never, to her knowledge, had any scientific work done on any of his previous finds or published their results. But even the UNESCO Convention exempts coins, and she would control the scientific work.*

### **Response to Case 3**

This was a difficult case to evaluate. We had to consider the ramifications of working with someone like Richards. How can we work to protect archaeological resources while others are simultaneously exploiting archaeological resources for commercial gain? The problem is exacerbated by the fact that Dr. Chen is unable to search for *La Rosa* without funding, whereas Richards can fund his search privately and will likely find the wreck before Dr. Chen.

We initially decided that Dr. Chen can and should undertake the work with Mr. Richards. However, after consultation with assorted experts, particularly Dr. Gamble and Dr. Russell, we reversed our decision and came to the conclusion that Dr. Chen should not collaborate with him.

In constructing our argument, we examined the parameters that would have to be met in order for Dr. Chen to work with Mr. Richards. On the surface it appears that the two can collaborate if they are working in good faith, but ultimately Dr. Chen is precluded from a joint effort because it goes against the ethical guidelines she has chosen to follow as an archaeologist. The Society for American Archaeology, the Society for Historical Archaeology, the Archaeological Institute of America, the Society for California Archaeology, and numerous other state and local archaeological societies prohibit the commercialization of the archaeological record. While it is lamentable that Richards may find the wreckage first and valuable information will be lost, collaborating with him in this situation would go against important principles of archaeology.

### **Case 4**

*Tad Sullivan is the field director on a CRM project—a colonial-era Native American village in the path of a highway realignment—south of Buffalo, New York. One day while working on the site, Rosie Hanson, a reporter for the Buffalo News, approaches Mr. Sullivan and starts to ask questions, making apparent her intention to write a story for the paper.*

*At that moment, nearly a dozen graves are in the midst of being excavated, and, without asking for permission, the reporter takes out her camera and starts taking pictures. Mr. Sullivan explains that the local Native American groups have asked that no pictures of graves be taken, let alone be published.*

*He kindly asks her to stop and not publish any information about the graves. Ms. Hanson only becomes belligerent and argues that since this project is being funded with public money and conducted on public land, the public has a right to know about the excavations. Moreover, she*

*demands, don't archaeologists have a responsibility to inform all the different parties about their work? Ms. Hanson storms off the site saying that she is going to publish the photos of the graves and whatever else she pleases.*

#### **Response to Case 4**

Rather than simply focusing on the breach in security, we sought to reach a conclusion that would work for the mutual benefit for all parties. Our first course of action was to identify mistakes that allowed this problem to arise. The burials should have been kept out of view of the public, and access to the area should have been restricted. This would have made it very difficult for Ms. Hanson to take photographs. We then discussed how archaeologists inform all parties about their work through Environmental Impact Reports, outlining the nature of a project without revealing the location of the cultural resources. Furthermore, technical reports are written so that information is not lost. Though the public can not access these reports, they serve to protect cultural resources for the benefit of all people.

Hopefully, a plea to Ms. Hanson would stop her from publishing her photos. However, if she persisted, Ms. Sullivan would be required to involve the Native American community, asking them to apply pressure. He should also contact Ms. Hanson's editor and explain the sensitivity of the situation. We felt that Sullivan could offer to let her write an article on the entire site and provide high-quality photographs, as long as she agreed not to publish the burial photographs. If that failed, and Ms. Hanson's photos were published, Sullivan had a responsibility to make the public aware of her incorrect actions. In conjunction with the Native American community, he could write an article for another paper describing the sensitive nature of CRM-related work. Rather than simply identifying the mistakes made in this scenario, we felt that a practical resolution to the problem at hand seemed to be a more appropriate response.

#### **Case 5**

*One day while surfing the web, Joe Trimble, an ABD in archaeology, was surprised to find several links from archaeology sites to the top secret spying organization of the United States government. The website disconcerted Joe in several ways. One part of the website, clearly sponsored by the spying organization, was geared towards young adults (around ages 12-16), putatively to get them interested in cryptology.*

*The website had different cartoon characters with different personalities. One of the characters, a cute weasel named Cunning Chris, apparently had a background in archaeology. The website explained that Cunning Chris has traveled all over the world, learning about the different cultures and languages, and this gave him the tools he needed to become a cryptologist. Cunning Chris' background was made clear enough by the trowel in his hand and the Indiana Jones-style hat he wore.*

*In another part of the organization's website, Joe came across a job advertisement for a position as a Cultural Analyst, which specifically mentioned that a background in anthropology or archaeology was desirable. The advertisement placed the starting salary at \$125,000 a year and*

*noted that the applicant had to be willing to travel. A salary like that would go a long way in paying off his student loans!*

## **Response to Case 5**

Our first response to this case was one of bemusement. No “easy” solution presented itself immediately. We recognized the value in having qualified and intelligent persons working for the government in any capacity that influences foreign relations. However, we had concerns relating specifically to intelligence work and the lack of informed consent that might go along with such work. We discussed the responsibility to the people one studies versus the responsibility to one’s employer and government. It was unclear to Joe what the job duties were. We also considered the website issues and whether they were a diversion from the core ethical dilemma regarding the intelligence work.

We were all aware of the World War I spying situation which led Franz Boas to send a letter *American Anthropologist* denouncing spying under the guise of anthropology as deliberate misrepresentation that damages the reputation of all archaeologists and anthropologists. Dr. Gamble advised us to investigate “Project Camelot” and the specific wording in the AAA Code of Ethics.

We eventually addressed two issues: first, whether Joe should consider taking such a position, and second, the representation to young persons of archaeologists as spies. On the first issue, we took our guidance from situations anthropologists have found themselves facing during the 20<sup>th</sup> century, including the World War I spying situation addressed by Boas and the Project Camelot controversy. Project Camelot was a three- to four-year Department of Defense program that would have used a combination of government employees and academics to model political situations and probable outcomes around the world. When journalists discovered the existence of this secret project in Chile, it created an international incident and resulted in an apology to Chile by the U.S. ambassador. As a result of this incident, many developing countries suspected that the project continued with Peace Corps and International Development Fund personnel, as well as anthropologists, acting as spies. While the proposed ends of such efforts may seem patriotic or value-neutral, they can result in public damage to the U.S. reputation abroad and hinder legitimate academic work. The AAA guidelines specifically address the preservation of opportunities for future fieldworkers as well as the importance of doing no harm and obtaining informed consent. One principle of anthropology has always been that work should be reviewable by the people studied. There is a high likelihood that intelligence work violates these mandates, and therefore Joe should not consider the position, particularly given that he is already uncomfortable with the limited information available.

The issue of the cartoon character on the internet received some unexpected input just before the Ethics Bowl took place. An article in the April 24, 2006, issue of *Newsweek* (p. 9) concerned the U.S. Department of Energy website, which depicted a cartoon character named “Yucca Mountain Johnny.” Yucca Mountain Johnny was conceived to convince the youth of America that Yucca Mountain in Nevada is the ideal repository for nuclear waste. Nevada Congresswoman Shelly Berkley expressed public outrage over the use of the character and this unethical political approach. The controversy led us to examine more critically the

representation of the archaeologist as spy, and the target audience of young people. We realized that we as archaeologists and anthropologists do not particularly want to be presented in a spy role. While Joe Trimble can probably do little alone to influence this kind of representation, he can and should elevate his concern through his department to organizations such as the SAA and other archaeological and anthropological groups.

## **Case 6**

*In Western Australia several major mining companies have ore extraction projects, which inevitably cause massive disturbance to the land. Indigenous groups strive to preserve their heritage, which is embodied in the cultural landscapes the mining companies want to exploit. In general, mining companies pay for heritage surveys. The companies have a vested interest in recording as many heritage sites as possible because this will enable them to work in more areas, as they can say that the land has already been completely surveyed. At the same time, the government's Department of Indigenous Affairs also prefers to have as many sites as possible identified so they can protect sites under the law.*

*In practice, the mining industry and the Department typically "protect" sites by recording and studying them and then destroy them through mining processes. As a result, Indigenous groups typically seek to have the minimum number of sites recorded. By withholding information, they feel it gives them leverage in entering into dialogue with the Department and companies and also gives them more say about where and when mining can take place. For heritage sites that are still at risk following this dialogue, the great majority of Indigenous community members support detailed recording and salvaging. After all, a good handful of Indigenous community members economically depend on mining.*

*William Buckman recently began working in the region. As he becomes aware of these issues, he feels increasingly torn. He is being pressured by his colleagues at the Department and the mining companies that it is his duty to the archaeological record and as a professional archaeologist to record every archaeological site, even as he is being pressured by his Indigenous friends and colleagues to only record sites that are certain to be destroyed by a pending project. The mining company representative tells Buckman that these heritage sites are the intellectual property of all Australians; an Indigenous leader tells him these sites are of primary significance to Indigenous communities and are not necessarily part of the public record.*

## **Response to Case 6**

This was one of our more difficult cases. No one in our group had experience working with Australian CRM laws, and only one had been briefly exposed to the issue through a talk given at a local society meeting. Like the other cases, we tried to determine the best resolution to this situation between the various stakeholders: the mining company, the indigenous groups, and the Department of Indigenous Affairs. Defining Mr. Buckman's role was paramount.

We determined that Mr. Buckman cannot allow the present situation concerning site recordation to continue; his primary responsibility is to the archaeological record. The cultural resource

management laws regarding Indigenous sites in Western Australia need to be changed. To accomplish this, Mr. Buckman and his colleagues must come together to lobby the various legislatures. All groups involved—the mining company, the indigenous groups who want to protect sites, the indigenous groups who are economically dependent on the mining industry, and government agencies—must collaborate to create a resolution based on their common goals. By changing the laws to reflect the needs and desires of all affected groups, Mr. Buckman will be able to bring about positive change to the mutual benefit of all.

### **Case 7**

*In 2003, an ancient building complex was discovered in a small South Asian island-nation during the construction of the nation's new Capitol building. After a decade of violent civil war, the new Capitol building is being built to celebrate the recent truce and foster an emerging shared national identity. The archaeological site, however, has only fanned the flames of lingering animosities.*

*One hyper-nationalist group called The People's Movement, comprising a bare majority of the island's population, has claimed that the archaeological site is the island's first true Capitol, erected more than 800 years ago by their ancestors. The People's Movement, made up mostly of citizens whose families can be traced back centuries on the island, asserts that this site is their heritage and must be preserved at all costs. They are now demanding that the new Capitol building must be moved. The opposing group, the National Democrats, is made up predominately of an ethnic group known to have migrated to the island some 200 years ago. They are claiming that the archaeological site is only a small trading outpost, settled closer to 300 years ago. They say it is too late to move the Capitol building, as it already took two years of negotiations and millions of dollars have already been spent to purchase the land and begin construction.*

*After several days of violent confrontations—dozens of people were hurt and several were killed in protests—both groups are insisting that archaeologists “reveal the truth.” The People's Movement calls Professor A.R. Rai, the island's leading archaeologist from the nation's only university, pleading with him to excavate the site. When the National Democrats hear of this, they publicly demand that a “neutral” team of foreign archaeologists come and do the work.*

### **Response to Case 7**

This case raises questions about the physical safety of researchers, Dr. Rai's affiliation with one of the groups, and the funding source for additional research. Since the situation is politically and physically dangerous, responsible behavior includes ensuring the safety of all involved in the project. We felt that the situation must stabilize enough for researchers to work with a reasonable expectation of physical safety or work cannot commence.

In an effort to establish transparency and build trust among the different stakeholders involved in this scenario, we feel that Dr. Rai should acknowledge that the National Democrats do not approve of his involvement and suggest that a mediator be appointed to administer project

details. The mediator should be accepted by both the People's Movement and the National Democrats. UNESCO's international team could be used to bring the different parties together.

It is also important to determine a neutral funding source. If funding is offered by one of the involved parties, this politically volatile situation will likely worsen as there may be a perception of bias in the archaeological work. Possible neutral funding sources include the World Bank and UNESCO.

By appealing to a shared sense of cultural heritage, we would encourage the different stakeholders to agree on a joint research team for the project and remind both sides of the 1954 Hague Convention, which calls for protection of cultural remains in times of political conflict. It is important to develop a research plan that proceeds incrementally with approval from all sides involved before subsequent steps are undertaken. In addition, it is essential to start the project with extensive archival research to determine if information exists about the site and its first occupants.

In conclusion, if determination can be made about the origins of the ancient culture, elements could be incorporated into the new capitol building. An area could be designated as a display area, highlighting the history of the site and its people, perhaps including remains of the excavated structures. This plan was used at the new major league baseball stadium, Petco Park, in San Diego, California. Achieving neutrality and cooperation is crucial to the study. If political stability cannot be attained, the research should be deferred.

## Case 8

*Three years ago, a country in the Middle East was invaded by the United States and some its allies. Immediately following the invasion, scores of local museums were looted—thousands of artifacts vanished from display cases and storage rooms. Presumably many objects were sold on the burgeoning black market. As the invasion turned into civil war, the social and political unrest allowed looters to dig into unguarded archaeological sites. Reportedly, nearly every one of the country's several dozen major sites has been almost completely obliterated by looters. Hundreds of smaller sites have also presumably been ransacked.*

*Dr. Satoko Murakami is a distinguished epigrapher who studies the ancient tablets and other writings that are quite famously found in this country's archaeological record. Shortly after the war began she noticed a few new tablets showing up on the international antiquities market, and then an undeniable surge of new objects in the subsequent years. Dr. Murakami became convinced that these artifacts could only be from the war-torn country—and that their purchase by unknown buyers is an incalculable loss to researchers.*

*Dr. Murakami wrote an open letter to Dr. E. B. Smith, the editor of the leading Near Eastern archaeology journal, that he should temporarily lift the prohibition against first publication of looted material. In her letter, Dr. Murakami argues that the journal's policy is valid in a general way but makes little sense for this particular and unforeseen crisis. Dr. Murakami indicates that she has studied many of the tablets and other artifacts that have recently surfaced on the antiquities market and would like to publish her results before they disappear (probably forever)*

*into private collections. Furthermore, Dr. Murakami recognizes that one risk of publishing looted materials is that they might be fakes and therefore distort the archaeological record, but she contends that this particular region and its writings have been studied long enough that scholars can easily distinguish fakes from genuine artifacts.*

## **Response to Case 8**

This case was probably the most controversial, with one team member in strong disagreement with the rest of the team. Our initial discussion concerned whether or not publication on looted materials encourages looting and increases the value of looted artifacts. On the other hand, the loss to the archaeological record associated with not publishing must be considered. The eventual solution had to take these issues into account.

This was a case in which the opinions of other archaeologists were particularly fruitful. At least one faculty member felt that the publication ethic overrode other factors, while another thought that publication definitely encouraged commercialization (addressed by SAA Principle 3). All agreed that asking the journal to change its policies would be inappropriate and a direct challenge to the journal's ethical stance, but whether to publish elsewhere became the discussion point.

In the process of preparing a presentation for a class, one team member explored the internet for photos of archaeological objects. In the course of this research, she found art-dealer websites that specifically referenced scholarly journals for examples of similar items to those (presumably looted) being sold. Legitimate publications were being used to support the value of commercially-offered antiquities. How much would publication increase the value of those artifacts being studied by Dr. Murakami?

Dr. Gamble directed our attention to a recent book, *Trade in Illicit Antiquities: The Destruction of the World's Archaeological Heritage*, edited by Neil Brodie, Jennifer Doyle and Colin Renfrew. Although we were unable to obtain a copy of the book itself in time for the Ethics Bowl, we did find a review that discussed not only the book but the establishment of the McDonald Institute, an organization that helps countries recover stolen antiquities. This made us aware that there are avenues a war-torn country can take to recover antiquities and make them available for scholarly research and publication.

The question of how Dr. Murakami is gaining access to these items is also problematic. There is a difference between going to a museum to study artifacts and going to a dealer for the same purpose. SAA Principle 3 (Commercialization) particularly addresses "objects that are not curated in public institutions, or readily available for scientific study, public interpretation, and display." However, the Principle does not give explicit direction on studying these articles, stating: "Archaeologists should therefore carefully weigh the benefits to scholarship of a project against the costs of potentially enhancing the commercial value of archaeological objects."

Our final solution restated and answered these three issues: 1) Should Dr. Murakami ask the journal to change its policies, 2) What are the issues surrounding looted artifacts, and 3) What should Dr. Murakami do if she feels impelled to publish? As noted above, we do not feel that

Dr. Murakami should ask the journal to change its policies. The case was debated by this team during the Ethics Bowl (as the respondent team) and the question was asked whether we would sign a letter supporting Dr. Murakami's publication and asking that the journal change its policies. Our answer (and the other team's as well) was that we would not sign such a letter. The issues regarding commercialization and the increase in value provided by publication are addressed above and need to be weighed carefully by Dr. Murakami prior to a decision to go to another journal or use the internet for publication, considering the fact that the articles are not curated in a museum or similar institution. We believe that Dr. Murakami needs to examine critically her belief that she can be certain that the artifacts are not fakes. Most importantly, she needs to explore alternatives, enlisting the help of organizations such as the McDonald Institute to reclaim legally the heritage of the country. If she believes that her findings are so new or different that there will be a great loss to scholarship, she may seek publication elsewhere, but only after careful consideration of all the issues discussed above.

### **Case 9**

*When Spanish colonialists first entered what is now Florida, they named one group of Native people they encountered Las Suciedades, or the Dirt People, so called because of the earthcolored body paint they used. Through the centuries, government officials, local citizens, and still later anthropologists and archaeologists continued to use this name to describe the group. Members of the Native group, however, call themselves a word in their own language that translates simply as The People. Because of the connotations of the term suciedad, and the fact that it was given to them by colonialists, The People have in recent years begun to protest its use.*

*Dr. Vernelda Blake is a curator at a major anthropology museum in Florida. She has been in charge of repatriation at the museum and has developed fairly close personal and professional relationships with many Native groups. As might be expected, however, many other Native communities remain suspicious of the museum.*

*On a visit by representatives of The People, several elders go into the museum bookstore and soon notice the many archaeology and history books that refer to their ancestors as Las Suciedades. The elders immediately go upstairs and tell Dr. Blake that she had better remove any book with the word Las Suciedades in it from the museum bookstore. One elder is visibly upset while another suggests that the museum could face major protests from all the tribes in the area should the museum not acquiesce. Later in the day, Dr. Blake meets with the museum director, Dr. B.M. McGuire, who says that this request is a clear violation of academic freedom, and refuses to talk with Dr. Blake any further on the topic.*

### **Response to Case 9**

This case recognizes the importance of naming in issues of identity. This is especially important for subaltern groups who have experienced social and political inequity. Colloquial names for Native Americans is very common (e.g., Diegueño in San Diego, Sioux in Plains regions), yet often offensive to indigenous peoples. Practicing archaeologists must be sensitive to this issue.

The title of the subject book, “Las Suciedades,” comes from a time when early Euro-American white settlers witnessed indigenous people apply dirt to their skin, thus “Las Suciedades” means literally “Dirt People.” However, “The People” feel the book title negatively depicts them. They want the book removed from the museum bookstore. The museum director, Mr. Smith, insensitively refuses to comply with The People’s request. So, Dr. Blake has the opportunity to practice good stewardship (Principle No. 1) and to educate others (Principle No. 4).

In our solution to this situation, we propose that Dr. Blake should not let the issue die with Mr. Smith’s refusal to consider The People’s concerns. Furthermore, Dr. Blake should insist that Mr. Smith, representatives of The People, and members of the Museum Board of Directors, as well as herself, meet to discuss the issue. A review of the book should be conducted to check for historical and cultural accuracy, with all parties involved in this review process. We do not recommend removing the book from the bookstore as this is a form of censorship. The book conveys one version of history, and the current title, while offensive to The People, holds historic value.

Dr. Blake might suggest to The People that they draft a disclaimer of sorts, a letter explaining the offense they take with the title. This disclaimer should be posted in the museum bookstore for the edification of museum patrons. In addition, Dr. Blake should encourage The People to offer a narrative of their own history, possibly undertaking a book themselves. Dr. Blake might also suggest an ethnography project that would provide updated information, enhance existing records, and educate others about The People’s cultural heritage.

## **Case 10**

*While hanging out in the graduate student lounge one day, Sara Carroll chatted with her acquaintance and fellow graduate student Isabel Rossini. Gossiping a bit about their advisors, Isabel told Sara a disconcerting story about Professor Tim Rogers, a very popular professor in the department.*

*One night, rather late, Isabel was working alone with Professor Rogers in his lab. As the two were talking, Isabel said how sore her shoulders were from bending over the microscope all day. Professor Rogers happened to be standing behind her and jokingly said to Isabel that he’d be happy to give her a little massage. Isabel made a sarcastic remark, and before she knew it, Professor Rogers was massaging her shoulders and neck. A bit uncomfortable, Isabel wriggled away after a few moments. Professor Rogers stopped immediately, and perhaps sensing the awkward moment apologized to Isabel. The two went back to work and nothing more was said about the incident.*

*Isabel told Sara that she didn’t want to make a bigger deal out of it than it was, but recognized that her main advisor had behaved somewhat inappropriately. Sara sometimes also worked late in the lab with Professor Rogers, and she realized that she now might feel uncomfortable being alone with him. Sara gently encouraged Isabel to tell someone, perhaps the department chair. Isabel responded absolutely not, saying that it is a private matter for her and that Sara should not tell anyone else either.*

## **Response to Case 10**

This case is important for any department in any university. Luckily, one of the team members had previously written a paper on the subject of sexual harassment and the university, so much of the background research was done. The case boils down to two issues: 1) is this sexual harassment, and 2) what should Sara do?

In response to the first question, the team discussed the legal definitions of sexual harassment. In the workplace, sexual harassment involves making sex a condition of employment, the basis of employment decisions, or the cause a hostile working environment. Many universities have adopted this language for policies governing the interactions between students and professors. Sexual harassment is defined by Title VII and Title IX of the Civil Rights Act. This legislation was drafted to protect people from situations in which power is wielded inappropriately. Clearly, Dr. Rogers is in a position where he has power over students.

However, defining sexual harassment is difficult. Hostile or offensive behavior is often seen differently by different individuals. Problems regarding the identification of inappropriate behavior are particularly difficult in the academic world where student and teacher are in a relationship that can involve varying degrees of intimacy without ever drifting into sexual-harassment territory.

Dr. Rogers has not offered Isabel anything in exchange for sexual favors – the question is whether he has created a hostile environment. He has made Isabel slightly uneasy. In this situation there probably has been no sexual harassment, particularly since Dr. Rogers backed off and apologized immediately. He has probably crossed this line ever so slightly.

What should Sara do about Isabel's report? She needs to consider that she has no firsthand knowledge of the event, and that it is probably not sexual harassment. She does need to consider Dr. Rogers' reputation. Although it is not the victim's responsibility to take measures to avoid sexual harassment, Sara might want to avoid being alone with Dr. Rogers since this story has made her nervous. She may also wish to keep her ears open for similar reports.

In any case, Sara should advise Isabel to write out her recollection of the event and date it. They should both educate themselves concerning sexual harassment complaints at the university in case the situation recurs. Both should be respectful of Dr. Rogers' reputation and follow appropriate guidelines if future developments merit further action.

## **Summary and Conclusion**

Our success in the Ethics Bowl was due to many factors. Our diverse backgrounds brought different perspectives that enabled multiple views to be discussed. We were dedicated to being prepared as a team. We met at least once a week, and more frequently as the Ethics Bowl approached. Aside from our meetings, we also worked and researched independently.

Integral to our preparation was our consultation with various faculty members within the Anthropology Department at SDSU. The team would like to thank the SAA for sponsoring this

competition, which was fun, challenging and informative. We would also like to thank the organizers, Julie Hollowell and Chip Colwell-Chanthaphonh, the judges who gave of their time, and the contributors to the case studies. And special thanks goes to our SDSU colleagues who provided a fan base for the event, and our professors whose enthusiastic support helped make our success possible.