



Ethics and archaeology

**between regulation
and moral obligation**

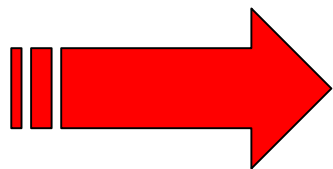
Jean-Olivier Gransard-Desmond - Ph. D., archaeologist

Nathalie Maximin - Lawyer



Context of the project

- Why take an interest in this subject?
 - Lack of work available on ethics in archaeology
 - In the French education system (universities, school)
 - In Anglo-Saxon manuals
 - Treatment of archaeology separately from discipline such as physics, biology, etc.
 - => Why? ... Because results in archaeology don't impact upon our daily lives



Is ethics relevant to archaeology?



Ethics, for what purpose? - I

- Defining ethics
 - **1. Ethics which adapts to facts and realities on the ground (social arbitrage)**
 - **2. Moralistic ethics: ethics that corresponds to a moral value and not through self-interest**
 - 3. Ethics which is defined according to an organization's concrete and pragmatic values, and adapts according to whether it relates to organization's internal functioning or its external relations



Ethics, for what purpose? - II

- The reasons for an ethical approach
 - 1. Because increasing globalization has made national legislation inefficient and impossible at the international level.
 - **2. In anticipation of heavy-handed intervention by the state, by putting our own order in society.**
 - **3. To demonstrate to the public the desire to communicate and commit to socially correct values for all.**



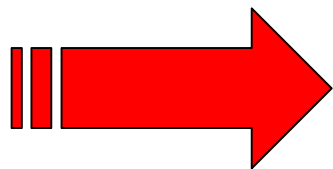
Previous Achievements

- Approaches in ancient history
 - Hippocrates (circa 470 B.C)
 - Maimonides' oath and prayer (end of XII C.)
 - Leonardo da Vinci (end of XV C.)
- Crystallized with new technologies
 - Canadian "Ritual" for Engineers (1926)
 - Physician's Oath, Declaration of Geneva (1948)
 - Russell-Einstein Manifesto (1955)

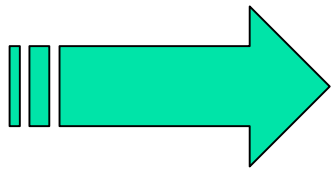


Recent Progress

- Work that has been undertaken and continues
 - Recommendation on the Status of Scientific Researchers (Nov. 1974, UNESCO)
 - Meeting of scientists, experts and representatives of other international organizations (March 2005, UNESCO)



Works with no relation to our discipline, embedded separately in heritage



We need a real ethical process in order to not widen the gap between archaeology and the idea of science



Launching our project

- World Forum on Science and Democracy

- January 2010

- Objectives

- Concentrating our energy on forming a working group to launch a **systematic review of the literature**

- Posting the **expected result**

- An ethical charter supported by an oath integrated to training future archaeologists



Accomplishments since WFSD?

- Working group formed
 - 3 meetings between February and March 2010
 - Discovery of the *Recommendations on the Status of Scientific Researchers*
 - Contact with John Crowley of UNESCO, Ethics of Science and Technology division
- ArkéoTopia's review of the literature begun
 - Limited review
 - Internal synthesis by a lawyer and an archaeologist in May 2010



Top 12 - review of the literature

■ Public Organizations

- Deontological charter of the ANR (March 2009, France)
- COMETS charter (Jan. 2008, France)

■ Organizations

- GDF-Suez ethical charter (Nov. 2009)
- L'Oréal ethical charter (2007)

■ Associations

- Charter for the dignity of mentally handicapped persons, UNAPEI (Oct. 2002)
- Biological agriculture ethical charter, FNAB (n. d.)



Top 12 - review of the literature

■ In science

- European Commission (Europe) : European Charter of the Research (March 2005)
- UNESCO (global) : Recommendations on the Status of Scientific Researchers (Nov. 1974)

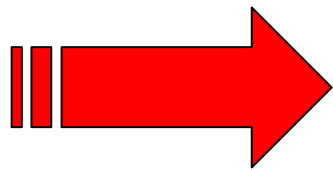
■ In archaeology

- Institute for Archaeologists (England) : Code of conduct (June 1985, revised in April 2010)
- EAA (Europe) : Code of Practice (Sept. 1997, amended in Sept. 2009) and Principles of Conduct (Sept. 1998)
- WAC (global) : First Code of Ethics (1990)
- Register of Professional Archaeologists (USA) : Code of Conduct and Standards of Research Performance (n. d.)
- AAA (USA) : Code of Ethics of the American Anthropological Association (Feb. 2009)



From the lawyer's perspective I

- Literature review focussed on
 - Codes and charters
 - Legal documents in this field
- Difficulties encountered
 - Volume of documentation to deal with
 - Access to documents (business charters)
 - Obtaining preparatory work (EAA documents)



Impossible to analyze the motivation and contexts under which documents has been developed



From the lawyer's perspective II

- Legal value of a charter
 - Non, in theory = Soft law
 - More complex in practice (formulation, legal recognition, contractual nature, legalization)
- Observations
 - No external perspective
 - By archaeologists for archaeologists
 - Avoid a focus on negative consequences
 - Art trade, plundering, fraud
 - Obligations toward peoples linked to the earth
 - WAC
 - Regulation of the fact of professionalization



From the archaeologist I

- Lack of information circulating on the subject even though the profession has written on it since 1961
⇒ the need is not conveyed
- Protection of the corporation, but not of the discipline
- Regulatory approach not expressed
- Absence of common ground despite similar interests (wide range of approaches)

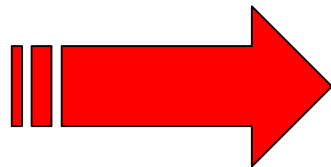


From the archaeologist II

- Who is researcher?
 - Amateur eliminated (European charter)
 - Amateur and citizen integrated (UNESCO recommendations)
- Significant work undertaken to synthesize and improve upon the link between science and today's society

Consequences - I

- Corporate needs
- Many codes that are ostensibly regulatory but without the means to apply them
- Lack of a window of opportunity



Inactive tools

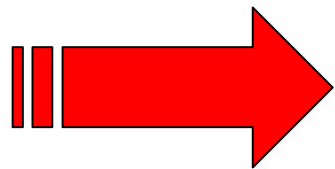


Make these tools active



Consequences - II

- Wide range of ways in which research organizations operate
 - Avoiding a regulatory charter
 - Preferring a moral approach
- Difficulty in communicating the needs and the reasoning behind them
 - Lack of available information in education



Require students at the Master 2 level (pro and researcher) to swear the oath



What will archaeology gain? I

- Future professionals will be aware of their rights, obligations and limitations
 - Fuelling a profound change in the profession, with deeper social implications
- Status of the amateur will be clarified
 - Re-establishing the relationship between professionals and amateurs, facilitating the sharing of data and recognition of citizens' actions



What will archaeology gain? II

- Status of plunder will be clarified
 - Facilitating the identification of genuine raiders and encouraging those who are not, to be aware of the option of being an amateur archaeologist
- Make our convictions public and avoid others impose to us their will



What will archaeology gain? III

- Promoting the involvement of archaeology and its relevance in daily life
 - Awareness of its implications not only for students and professionals, but also for journalists, politicians and the general public
- Avoid distancing between archaeologists and citizens / avoid social division
- Greater recognition of the profession



Next steps

- Step 2 - Putting our approach into practice
 - Continue mobilizing our energy for this project
 - Develop a charter from the beginning
 - From a synthesis of the archaeology-related charters reviewed
 - From other documents on the integration of amateurs and citizens
 - From a legal perspective
 - Draft an oath founded on the charter
 - Produce a version in French and English



Questions?

www.arkeotopia.org

Dr. J.-O. Gransard-Desmond - direction@arkeotopia.org

Nathalie Maximin - juridique@arkeotopia.org



Bibliography

- Arnaud B., « L'archéologie complice du nazisme », *Sciences et Avenir* 724, Paris, juin 2007, p. 80-84.
- Broad W. et Wade N., *La Souris truquée. Enquête sur la fraude scientifique*, trad. Jeanmougin Ch., *Science ouverte* 57, Paris, 1987.
- Champe J. L., « Ethics for Archaeology », *American antiquity* 27, 1961, p. 137-139.
- Jobert G., « Des scientifiques devant leurs responsabilités : le cas des éruptions volcaniques », *Les cahiers rationalistes* 582, Paris, mai-juin 2006, p. 32-39.
- Lévi-Strauss Cl., *L'apport des sciences sociales à l'humanisation de la civilisation technique*, Document de 4 pages rédigé à l'occasion d'un stage d'études franco-polonais sur la notion de progrès économique et social (UNESCO/SS/AIDE/SEM/3) - ID WS/076.95, Paris, 8 août 1956.
- Levy J. and Wylie A., « Archaeological Ethics in Print: An Annotated Bibliography » until 1998.
- Marshall E., « How Prevalent is Fraud? That's a Million-Dollar Question », *Science* 290, December 1, 2000, p. 1662-1663.
- Perrin F., « Robert Oppenheimer. La responsabilité du scientifique », *Sciences* 70, Paris, 1971, p. 8-13.
- Rosenswig R. M., « Ethics in Canadian Archaeology: An International, Comparative Analysis », *Canadian journal of archaeology* 21/2, Ottawa, 1998, p. 99-114.
- Scarre Ch. and Scarre G. (éd.), *The ethics of archaeology. Philosophical perspectives on archaeological practice*, Cambridge, 2006.
- Scholze S. H. C., « Code of Conduct for Scientists », Division of Ethics of Science and Technology / UNESCO) - www.unesco.org/ethics
- COMETS, Liens utiles pour la constitution d'un « Carrefour de l'éthique », 19/11/03.
- UNESCO, Rapport de l'UNESCO sur la science, Paris, 2006.
- Code of Ethics of the American Anthropological Association. Approved February 2009 - <http://www.aaanet.org/issues/policy-advocacy/upload/AAA-Ethics-Code-2009.pdf>