

# **Frederika Kaestle's Commentary on "The Case of the Over Eager Collaborator"**

Commentary On  
The Case of the Over Eager Collaborator

It has only been recently that those who study the past have formally acknowledged that living peoples (other than professionals, and a somewhat general responsibility to "the public," see Green 1984) have a stake in this research, for example, with the passage in 1990 of NAGPRA. However, uniform formal guidelines do not exist for negotiating with most of these stakeholders, nor for weighing conflicting interests of various stakeholders. Determining the most appropriate path is often difficult, as was discovered in this case. Although professional societies, such as the Society of American Archaeology, have formalized codes of ethics, they provide little guidance in ranking the responsibilities of the archaeologist to particular stakeholders (in fact, the SAA code simply urges archaeologists to consult with "affected group(s)," Society of American Archaeology, 2005). However, the ethical code of the American Association of Anthropologists (whose membership includes archaeologists) does state that "Anthropological researchers have primary ethical obligations to the people, species, and materials they study and to the people with whom they work. These obligations can supersede the goal of seeking new knowledge" (American Anthropological Association, 2005). Note that the code suggests these obligations 'can', not 'must' supersede the scientific goals.

In the situation presented, responsibility to stakeholders appear to conflict. At first glance, responsibility to local Native American groups require that pot hunting be discouraged and reported, as does responsibility to the conservation of the scientific value of the artifacts, but responsibility to the land owner may include maintaining the friendship as well as providing information regarding the importance of the pots (e.g. to assess their commercial value or to educate himself). However, one could flip these responsibilities entirely, and look at the situation in reverse. If the landowner doesn't yet understand the legal consequences of pot hunting, is it not in

his best interest to be made aware of them? However, if the relationship with the landowners is compromised, it may reduce both future access (and thus scientific knowledge) as well as compliance with anti-looting laws (and thus impact Native Americans negatively).

Ideally, preventing the illegal pot-hunting in the first place would have avoided this dilemma. But Millie is not alone in facing difficulties in educating the public. Archaeologists in general have had a difficult time explaining to the public why “context” of recovered artifacts is so important to their interpretation. This endeavor is further complicated by the fact that, historically, archaeologists and museums themselves have worked with, and purchased, privately collected artifacts even when archaeological context was unclear, and some continue to do so despite multiple codes of ethics that “forbid” it (e.g. see Herscher 2001). It has been argued that eliminating the market for illegally dug artifacts would eliminate the problem, but this is much easier said than done. Perhaps more effective is enforcing the laws that punish those who pot hunt (e.g. see Davis 2001). In that light, reporting the pot-hunting in this case may be the more responsible course. It may, of course, reduce the willingness of local land-owners to cooperate with archaeologists for a time, but if the next generation can be educated to recognize the value of scientifically excavated materials then at least the artifacts will still be there for study. In some cases, leaving material in the ground may be the best course of action, at least temporarily.

There is an additional ethical responsibility that is briefly discussed in this case, regarding the local Native American interest in evidence to support land claims and cultural affiliation. It should be noted that there is evidence of significant movement of Native American populations in prehistory (e.g. Fagan 2005; Malhi et al 2001, 2004), and thus these studies may provide evidence not of continuity, but of change. In that case, they would not support land claims or cultural affiliation. In addition, they would presumably contradict the local tribes’ concept of their own history, potentially causing friction between tribal members and between the tribe and archaeologists. Although scientists are supposed to approach their hypothesis testing in an unbiased way, the hypothesis was created to account for existing data and thus must represent the researcher’s best explanation. Therefore, the tendency to play down alternative conclusions will inevitably exist. But for truly informed decision making all stakeholders must be made aware of alternative hypotheses.

## References

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