

This document includes a variety of ethical scenarios which may be familiar to professional archaeologists. These are in addition to the case studies contained in CIfAs Professional Practice Paper: *An introduction to Professional Ethics*. We advise that you read this practice paper before considering these case studies.

www.archaeologists.net/publications/papers

Case 1: Territoriality and local expertise

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Case 1: Territoriality and local expertise

Bassetshire Archaeology Services (BAS) was originally a county council service, hived off as were so many in the early 1990's. It has since been somewhat protected from competition by geography. However, economic regeneration after the global recession has now meant the growth of Barnchester city and a series of industrial estates in its hinterland. BAS conducted a 'desk-based assessment' for one large industrial development. The initial land-owners sold the land on to a more commercially-minded property development company and they in turn have put the brief for a field evaluation (brief prepared by the County Archaeologist as advisor to the local planning authority – Barnchester City Council) out to tender. Two tenders were received that were judged to comply with the brief –and that tender was awarded on the basis of price to Famous University Archaeology Organisation (FUAO). BAS protest that this award does not adequately consider the local knowledge and expertise that BAS has built up over the past 30 years of its existence.

How should FUAO respond to protests of unprofessional behaviour alleged by BAS? Reflect on the decisions. How do they relate to professional and social obligations? What impacts have there been, and where might all this end?

R What do the **Rules** say? *refer to Cifa Standard and guidance and Code of conduct*

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Case 2: International quality assurance and compliance and archaeological results

Dr M is an experienced archaeologist and fieldwork manager with particular expertise in environmental impact assessment and the management of fieldwork projects in many countries around the world. A major infrastructure project has, after more than three years of design and impact assessment, been granted consents for construction in 3 countries in middle Europe. Dr M has been retained by Multidisciplinary Services Company (MSC) as part of a multi-disciplinary team to provide independent quality assurance / quality compliance advice to the banks lending money to the *Construction Consortium* beginning with the drafting of the ESIA's, and now that fieldwork is underway her commission is extended to include an audit of fieldwork.

In two of the three countries the fieldwork is being undertaken by a series of organisation using management and excavation methodologies that, while not exactly mirroring those that have been developed in the USA or the UK are nonetheless recognisable and comprehensible. In *Classical-Country* the works are undertaken by a series of regional museum services who have the responsibility to identify sites, to set the level of effort to be expended at each site (paid for by the consortium) and to advise and certify when the works are complete – the consortium's own archaeological advisors are more 'observers' with a complicated, time-consuming and as-yet untried process to appeal when they think any of the museum services judgements are inappropriate.

During the fieldwork audit and inspections Dr M and MSC's in-house archaeologist notice deep geoarchaeological strata indicative of a series of fluvial or colluvial episodes associated with artefacts including ceramics which they think likely to be Neolithic in date in a construction cutting. The Regional Museum archaeologists do not recognise this as a site and do not understand any value in gaining data on past land-use and environmental changes from geomorphology or environmental investigations.

How should Dr M present this to the banks lending money to support the construction programme? Is the risk one of the failure to retrieve appropriate data but not a risk to the programme or costs? Does this present a serious financial, reputational risk? Reflect on the decisions. How do they relate to professional and social obligations? What impacts have there been, and where might all this end?

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Case 3: Evaluation and public engagement

Sandy Silt is conducting a targeted evaluation of a site in Umbridge, Bassetshire, on behalf of a client, Unspecified Services (US). The work has been commissioned so that US can provide information about the significance of the site in support of a planning application to Bassetshire Planning Authority, on the advice of its in-house archaeologist, Verity Piltdown-Mann. At an early stage of the evaluation Silt discovers remains of far greater significance and extent than anyone expected (or had any good reason to expect).

'This is fascinating', thinks Silt; 'It completely changes my understanding of the origins of Umbridge. It obviously relates to the neighbouring village of High Dudgeon and speaks of much closer economic and cultural integration than I ever imagined.'

Piltdown-Mann tells the client, who is one of the enlightened ones that sees the research, community and PR value of commissioning more work. And off they go: Silt opens and excavates a much larger area, digging down through several phases of occupation and recovering large volumes of cultural material.

'Let's get the community involved', thinks Silt; 'They're a prickly bunch and will be upset if they miss out on the opportunity to see the process of discovery.'

So, US takes a fence down and arranges access to the site: everyone is happy.

Silt decides to tell Verity Piltdown-Mann – who is not happy. Why, Piltdown-Mann asks, has Silt done all this damage? The site is so important that the planning application is likely to be refused, as the remains are (or were) of such interest that they need to be preserved.

'That Piltdown-Mann is not real!', thinks Silt; 'Threatening to turn away development and opportunities for employment; and with no interest in what we're learning and just wants to bury the site.'

Reflect on the decisions. How do they relate to professional and social obligations? What impacts have there been, and where might all this end?

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Case 4: Accidental damage to a monument

Archaeologist, I M Consultant (IMC) has been retained by WeBuildHouses for a major garden village outside Midlands Conurbation. A historic environment desk-based assessment identifies some Scheduled Ancient Monuments within the proposed development – the remains of WWII Home Guard Defences, as well as a range of un-scheduled prehistoric remains.

IMC arranges for Local Archaeology Unit to evaluate as part of an outline planning application, and then subsequently to undertake mitigation excavations as a condition of detailed planning consent. Meanwhile WeBuildHouses had agreed to fence off and protect the scheduled WWII remains, which luckily are located in an area with a number of trees with TPOs and which had always been intended for public open space – so preservation in situ was uncontentious. However, it now appears that WeBuildHouses were less than conscientious and allowed MainContractor to dump soil upon the scheduled area and allowed the groundworks contractor to strip soil in some parts of the scheduled area. IMC has ascertained the damage during a routine site visit and advises WeBuildHouses of the damage which violates the AMAA Act 1979 . It appears that none of the known WWII remains were directly affected. IMC drafts a letter for WeBuildHouses to use to advise the Local Planning Authority of Midlands Conurbation, and Historic England, that the damages had been caused. After consideration, WeBuildHouses tell IMC in very blunt language that they ‘WILL NOT BE ADVISING ANY AUTHORITY OF THE DAMAGE TO THE MONUMENT’ (emphasis in original).

Reflect on the actions of the various parties. How do they relate to professional and social obligations? What impacts have there been, and where might all this end? How should IMC best respond?

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Case 5: Pressure groups

Rope Street is today an ordinary thoroughfare in an up-and-coming part of London. But in the early 20th-century, it became infamous following a confrontation between the police and demonstrators, anticipating a march by organised thugs, that became known as the Clash on Rope Street.

Lefty Liberal, an academic in the Cultural Studies and Archaeology department of the University of Thames Docks, has been approached by a pressure group, Seize the Moment (STM), who want to publicly commemorate the eightieth anniversary of the Clash.

STM consider it to be disgraceful that the national heritage agency has never seen fit to raise one of their blue commemorative plaques at the site. They want Lefty to publicly present a social history of the area that emphasises the national importance of the events of 80 years ago.

Over the years, Rope Street has been a place where poor communities have lived, with a constantly changing social dynamic. Very few of the descendants of the people who lived in Rope Street in the 1930s no longer live in the area.

Who should Lefty be talking to in order to produce this history? Who are the descendant communities of all the participants? Do all their views have equal weight? And given that Lefty's client, Seize the Moment, want to use his report to further their political ends, and have commissioned Lefty to do the work as they assume he will be sympathetic to their agenda to embarrass the national heritage agency, how does Lefty maintain professional integrity – given that the national heritage agency has also commissioned work from the University of Thames Docks in the past?

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Case 6: Marine archaeology and salvage

Pugg Wash is an experienced maritime archaeologist, with particular expertise in underwater shipwreck excavation in the Caribbean, and is employed by an international deep-water salvage company, Pie Rates Marine Exploration (PRME). PRME have identified the location of the wreck of a Spanish vessel that sank in the 19th-century carrying gold bullion near the Sunshine Islands, a British Overseas Territory in the Caribbean.

PRME consider that the site of the vessel may be under threat from pipe-laying operations, and they consider that the only way to preserve the site is by record, following excavation that they want Pugg Wash to lead.

The British Government issued invitations to tender to salvage the cargo, and PRME has bid successfully to win this project.

Excavation will be extremely complex, and costly – but without excavation the site may be destroyed unrecorded. Under their agreement with the British Government, PRME will retain 80% of the value of the salvaged material (the remainder will go to the British Treasury) and intend to finance the excavation by selling material retrieved from the wreck.

As PRME's in-house consultant, how should Pugg Wash interact with the different stakeholders – the Sunshine Islands' government (who do not want there to be any risk of the underseas pipeline being diverted away from their island where its landfall will sustain ongoing industrial activity), the British Government (who have encountered some political opposition to their handling of this case), and the Spanish Royal Family (which claims the ship and its contents as their own). Reflect on these decisions. What are Pugg Wash's social and professional responsibilities - and where might this all this end?

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Case 7: The Wind farm

'Oh good, you're here to stop the windfarm!'

You are an archaeological consultant, engaged by a major power supplier to conduct an evaluation across an upland landscape where your client is considering establishing a windfarm consisting of 30 turbines.

As well as managing the first stages of the survey (historic environment desk-based assessment, walkover survey, and visual impacts assessment), you are to help facilitate a public meeting, to explain the archaeological potential of the landscape, and to show the relatively minor impact of the proposed farm on the historic environment.

When you first visit the site, you discover that the proposal is not popular with the local communities. This is especially true of the villages in Twee-dalehead who have established a group to promote the industrial heritage and even talk about World Heritage Site status. They immediately assume that you must be there to help them make their argument against the development. You also discover when visiting Uplandshire's Historic Environment Record that the Planning Authority's elected Councillors are vociferously supportive of the windfarm proposal and are making their positions known to planning officers.

How do you balance your relationship with the local communities and the landowners with whom you will be working with your responsibilities to your client? Reflect upon the community interests and intrinsic heritage values.

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Case 8: Maritime archaeology and salvage ethics

Dr J Diver has been working for the Skellig Maritime Archaeology Trust for 5 years and has successfully completed a large sea-bed survey and follow-up detailed recording of the wreck of the Santa Maria de Sevilla, a galleon that was part of the Spanish Armada that went down in stormy seas. On the back of this experience, Dr D has been approached by Periplus Marine Explorations (PME), a company that started out as salvors recovering gold and silver from sunken ships. In recent years PME has transitioned and now emphasises an approach that integrates archaeological recording into the recovery of materials of intrinsic value and has agreed in principle with the government of Terraconensis for the recovery rights to the ship, as it is still on their registers as a possession of the state. PME has also agreed in principle with the Imperial Maritime Museum for the conservation and display of all objects, not of gold or silver, and all records from the Sta Maria. However, PME is not explicit about what will happen to non-treasure materials recovered. Dr D is also very aware that the Sra Maria is located on a very dynamic seabed in the Straights of Ceuta and is being actively and continually eroded by deep currents - in as little as 5 years the integrity of the surviving wreck will have been lost.

Reflect on the issues here, and how Dr D should respond to PME's approach.

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Case 9: Inside knowledge

Jane is a senior human resources executive within Acme Archaeology company. She has just been told in strict confidence that one of the business units located in Dorsetshire and serving the south-west Midlands is being closed. Given the difficult trading conditions faced by the organisation as a whole, the opportunities for new employment within the business for the 20 employees concerned, are zero.

Jane's best friend, Howard, works in this unit. Howard is a single father with a two-year-old daughter and is the Senior Project manager and Operations Director to the business unit's Managing Director.

Jane and Howard trust each other completely when it comes to sharing confidences. Howard had phoned Jane earlier to say that he was planning to complete the purchase of a new and larger apartment that afternoon. The company is not yet in a position, nor is it yet legally obliged, to make any official announcement on possible job losses.

Should Jane respect her professional duty of confidentiality and say nothing; or should she do 'what's right' for her friend and tell him, or at least drop him a hint?

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