# Ethics in Archaeological Practice

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**Abstract** – Ethics in archaeological practice? Archaeological ethics? These are big questions. Perhaps you worry that it might be too complicated, or threatening – or worse, that it is all just theory? Ethics really aren't complicated, and they absolutely aren't theoretical, and if a practitioner has some self-awareness, then ethics doesn't need to be at all threatening. In fact, ethics are an everyday part of every archaeologist's life and professional practice. It's just that many of us haven't always looked at what we do, and why we do it, with enough self-reflection to realise this. Another misconception is that ethics vary. Not so much. The details of any ethical question will vary, but the foundations of an answer, and the methods for reaching and agreeing a solution, are applicable to archaeologists of all specialisms in the conduct of their work. Ethics applies to everyone – excavator, geophysicist, university lecturer, museum conservator, local government officer or national heritage agency caseworker. This paper sets out an overview of ethics in archaeology, before considering some case studies.

**Key words** – archaeology; ethics; archaeological ethics; professional ethics

**Titel** – Ethik in der archäologischen Praxis

**Zusammenfassung** – Ethik in der archäologischen Praxis? Archäologische Ethik? Das sind große Fragen. Vielleicht machen Sie sich Sorgen, dass es zu kompliziert oder bedrohlich sein könnte – oder schlimmer noch, dass alles nur Theorie ist? Ethik ist wirklich nicht kompliziert, und sie ist absolut nicht theoretisch, und wenn ein Praktiker ein gewisses Selbstbewusstsein hat, dann muss Ethik überhaupt nicht bedrohlich sein. In der Tat ist Ethik ein alltäglicher Bestandteil des Lebens und der beruflichen Praxis eines jeden Archäologen. Es ist nur so, dass viele von uns das, was wir tun und warum wir es tun, nicht immer mit genügend Selbstreflexion betrachtet haben, um dies zu erkennen. Ein weiterer Irrglaube ist, dass die Ethik unterschiedlich ist. Dem ist nicht so. Die Details jeder ethischen Frage werden unterschiedlich sein, aber die Grundlagen einer Antwort und die Methoden, um eine Lösung zu finden und zu vereinbaren, sind für Archäologen aller Fachrichtungen bei der Durchführung ihrer Arbeit anwendbar. Ethik gilt für jeden – ob Ausgräber, Geophysiker, Universitätsdozent, Museumskonservator, Kommunalbeamter oder Sachbearbeiter der nationalen Denkmalschutzbehörde. In diesem Beitrag wird ein Überblick über die Ethik in der Archäologie gegeben, bevor einige Fallstudien betrachtet werden.

**Schlüsselwörter** – Archäologie; Ethik; archäologische Ethik; Berufsethik

## Introduction

This paper is partly a distillation of many years of thinking by the two authors, and it is also a personal reflection by one of us on some particular situations. So this paper is in two parts. The first part sets out some general observations about ethics, and archaeological ethics in particular. The second part comprises the three case studies which Gerry discussed at the meeting in Frankfurt.

To begin with, we want to make a few points by way of introduction. We will restrict ourselves, more or less, to personal archaeological ethics. If professional ethics only means corporate, institutional codes of ethical behaviour then ordinary practising archaeologists like us can often find the code has a lot to say about things that we don't deal with, and very little to say about things we do deal with regularly.

This doesn't mean two or more 'ethics' — rather, this is two (or more) ways of looking at the same set of values and ethics. Our brief contribution is about taking personal responsibility. We want to discuss how you can practice flexing your personal ethical muscles, to build up your personal ethical stamina, which will last you a lifetime of doing archaeology ethically.

## Ethics: somewhere on a spectrum

The notion of ethics can be a complex thing to get your head around. Some of us may think it's just too complicated, or too theoretical. So it is probably helpful to get some basic definitions clarified. Law, moral philosophy and ethics aren't the same. Moral philosophy really is the abstract. Ethics is morality in practice; ethics is practice. Ethics helps us to decide what is right and to act accordingly. Ethics is the application – where abstract concepts of morality may become very real indeed.

Law is morality or ethics legislated. Law affects the individual, of course, but it is designed to protect the collective wellbeing of society — it acknowledges that there is a trade-off between individual freedom and social obligation. Where the potential for harm arising from some action is greatest, societies take corporate action and leg-

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islate against such actions, and therefore impose sanctions. These sanctions may take the form of a loss of money (paying a fine) or loss of freedom (a custodial sentence) or even loss of life (where capital punishment is practised). Most governments – the bodies that act on behalf of a society – do not legislate or try to control the actions of citizens where such potential for harm is less, but this is a continuum and the degree of state involvement in professional practice varies widely.

We can therefore see a spectrum encompassing law and legislation, personal ethics and professional ethics; and behind them all moral philosophy. They are highly integrated.

With the law things tend to be more clearly lawful or unlawful, once decided in a court of law and so much of the decision has been made for us. A driver is either obeying the speed limit or they are not. An excavation technique may either accord with health and safety legislation or it may not. However, there may be occasions where it is ethically acceptable to go faster than the speed limit, or to excavate in a manner that doesn't comply with the letter of health and safety law. For example, a driver might accelerate to avoid a collision; or a site worker may remove their high-visibility coat when there is no machinery around because it is too hot to continue working.

With ethics, then, there is no comfort in black-and-white certainties. Instead we face sometimes infinite shades of grey.

Of course the clarity and certainty of black and white is usually more comfortable. Trying to discern relative shades of grey – like some moral version of a Munsell or Pantone Colour Chart – can become quite uncomfortable. A feeling of unease or discomfort is often the clue that we are facing a moral or ethical dilemma of conflicting responsibilities and duties.

Much has been written to describe how ethics are based on explicit values such as, generally, wisdom and self-control, or honesty, loyalty, and transparency. However, values can sometimes conflict with each other.

One characteristic of professional ethics is that there is only rarely a single 'right' answer. Usually there are several, or even many 'ethical' answers. Not everyone involved in an ethical issue will come to the same resolution in detail or agree that the 'best' answer was chosen – ethics is not conflict resolution. But if an ethical framework has been followed then the residual disagreements are likely to be the differing weight each party wishes to assign to various stakeholders (and themselves).

**Ethics, values and stakeholders**

You will have noted the emphasis placed upon values. Integrity is about acting in accordance with values; and the opposite — hypocrisy — is when our actions do not match the values we proclaim. Integrity is the extent to which we base our behaviour upon and act in accordance with our values. When we identify values that we think are good, those values should guide all our actions. Values are more universal than we often acknowledge, and this is why ethics are likewise much more universal than than we sometimes think.

Let's consider for a moment a value that most of us would embrace: truth or honesty. We would imagine that most of us agree that it is better to be truthful than not. It is hard to imagine a situation in which it really is better to lie to someone. Much of life depends upon the security of trusting that the other party will be pretty much truthful.

We choose our values and use them to direct our actions, but in a professional context this isn't just about each of us individually – we are talking about all of us and how all of us should act. That corporate 'all of us' brings us to professional associations – the natural 'home' of professional ethics.

Turning from the general to the specific, we have both found that many professional archaeologists – at least initially – have been reluctant to engage too deeply with some of the notions, constructs and principles of ethical thinking that we set out in our book (Belford & Wait, forthcoming 2025). This hesitancy manifested itself in the first CIfA ethics working party – which led to the CIfA Professional Practice Paper An introduction to professional ethics (Wait, 2017). This nervousness does not imply that archaeologists do not think ethically or wish to act in ethical ways. One source of this hesitancy is a natural and inevitable reluctance to examine oneself and one's decisions too closely, perhaps for fear of finding something less than the ideal to which we aspire. This rapidly disappears when a practitioner first has to engage explicitly with ethical questions.

At a personal level we can have conflicts of desire – we may desire to spend this afternoon going for a walk, but then we also have a desire to finish this particular piece of work. How do we balance short-term and long-term gratification? Conflicts of interest arise when we wish to act in certain ways towards two or more others (individuals or organisations) but can't do both at the same time. This means we have to explicitly recognise those 'others' to whom we owe a responsibility to act in certain ways. We might call these 'stakeholders'

— that is, people to whom we have responsibility in certain circumstances. These may be few, or many; they may be individuals or groups.

Are one or some more important than others? Almost certainly, depending on our situation at any given moment. And some will be more important at certain times than others — our stakeholder priorities will change with time and circumstance. Can any be ignored? Probably not, or at least not for very long or very completely without us (and perhaps them) experiencing harmful consequences. Any individual professional, or any organisation, has to have some means of resolving the interests of all their stakeholders in a fair manner. Whose interests are prioritised in various situations?

Many potential stakeholders and differing interests mean that conflicts of interest — or the appearance of such conflicts — is inevitable. Many are often not terribly consequential, and we can pass over them with only brief if careful thought. At other times the conflict can become clear, and powerfully uncomfortable, with real and harmful consequences for one or several parties. For many practitioners, it is an ill-defined sense of unease that is the first sign that we are facing an ethical dilemma even before we consciously identify the issues.

**One way of thinking about ethics**

There are many ways of thinking about ethics, but we have found Roger Steare's Ethicability to be an excellent — and very practical — guide to thinking about ethical behaviour in a professional setting. It was first published in 2006, and has been revised and updated five times, which suggests that its approach has been found useful in many fields.

The central element in Steare's approach is the RIGHT mnemonic. Steare devised the RIGHT mnemonic as a step-by-step guide to identifying what we should do in any situation where we sense or have identified a conflict of interest. The initials RIGHT remind us of five considerations: Rules, Integrity, Good, Harm, Truth.

- **R** – What do the **Rules** say? Note we use Rules, not laws – if it is the law then there is little question of the right course. So ask: Would our peers say that the spirit of the rules is clear?
- **I** – How do I act with **Integrity**? That is, how do I integrate my values into my actions? Go back and identify what the values are actually being called into question. Have we, often with no ill-will or clear intentionality, drifted into a situation where our actions do not act out our values?
- **G** – Who is this **Good** for? To whom would each of the different possible courses of action do the most Good? Are they the ones to whom we owe the highest responsibility?
- **H** – To whom would the possible courses of action do the most **Harm**? Are they the ones to whom we think we owe less responsibility?
- **T** – Am I being **Truthful**? How comfortable would I feel explaining why I acted the way I did to a group of my professional peers? If I wouldn't be comfortable, it is a bad sign and I'd better go back and rethink the values at risk, and the stakeholders affected. Think of a colleague or competitor that you respect highly, and then imagine explaining in detail your decisions to them.

Before going through the RIGHT steps, there is value in situating this in a wider process. When an ethical dilemma has been acknowledged our anxiety and stress levels may rise, especially when we think about the repercussions if/when our professional peers get involved (archaeologists being a notably cantankerous, if not adversarial, bunch of people).

So before starting the RIGHT decision-making steps, Steare recommends that we prepare ourselves: the first thing to do is take time out, to get ourselves out of the mental and physical space. Get out of the office, walk, meditate, run, go cycling, do a CrossFit workout – whatever. Anything to just break the circle of anxious thoughts in our minds. Then we can consider a little more calmly how we feel about the situation (like the vague sense of unease mentioned above, our consciences are often a good guide). Identify the facts, the assumptions we are making, and who is involved. Ask, seriously: What did we intend? What are our options now, and can we think creatively about how to solve the problem before us?

This process is only as useful as the level of effort we put into it. Usually this means setting some time and space aside for deliberate and careful contemplation. Roger Steare advises writing things out — and this is certainly something that both of us have adapted as part of our daily working practice. At the same time, we must be vigilant to avoid procrastination! Effort is not always a reflection of time spent. It may be that two or three moments of inspiration after a long walk is more valuable than half an hour sat staring at a blank piece of paper.

We are going to use that brief description of the RIGHT mnemonic as a way of transitioning to the second part of this paper. And at this point Gerry will take centre stage and speak to his own experiences in more detail.

**Case studies**

We both wanted to give the brief introduction first, because we think it is important, but we acknowledge that in a conference setting (where this paper was first delivered), the case study approach is probably more useful. And certainly, this was the feedback I got when seeking advice on what to say in Frankfurt. And the last part of the RIGHT mnemonic is the perfect transition – asking ourselves: how comfortable do I feel about explaining what I have done, or intend to do? Curiously, the point is the phrase *"how comfortable"*?

Looking back now, over a long career, I recognise that I've been very good at worrying. Some of you have worked with me and know this to be true. But what I have recently realised is that over the years I have spent, relatively, whole hours or days worrying about all the myriad technicalities of doing archaeology and anthropology in over 40 different countries. But I was not worrying about the work as such — rather I was worrying about the relationships between me and other individuals, or between organisations. However, for most of this time I hadn't thought enough – or had ethical training - to pinpoint the underlying causes of my worries.

*Case Study 1 – conflicting personal and contextual loyalties*

So, let's just use that as a starting point for a good case study. I've recently been commissioned to do some teaching on cultural heritage management for the national heritage agency for a large and very powerful very influential country whose economy is entirely based upon oil. That country's politics and social system is based on a set of values that I personally find distasteful.

But the agency is very well funded and the day rate that I might earn for doing this little bit of teaching was significant and that's pretty attractive isn't it?

We all like to earn money and we've all got bills to pay so I was tempted. But after a lot of thought I said no partly because I thought I didn't want to start trying to bend my personal ethics. But the job came back through an individual. This is something characteristic of so much of my career: the personal connection. So the person that offer came back to me through is someone with whom I worked before, for whom I have a great deal of admiration, respect and trust and this person wanted me to teach a couple of modules because they valued my input and presence in the syllabus.

I didn't mind refusing the country, but it was the personal connection that mattered more. I spent time weighing up the ethical issues between teaching a course in a context that I felt was at best distasteful or refusing and thus not supporting someone that I valued. That was a difficult ethical conundrum. In the end I accepted the teaching in order to honour the commitments I felt to that individual.

But the point I'm really trying to make is that I had to do a very deliberate bit of thinking trying to balance a commitment to my own political ethics and my ethical commitments to people with whom I worked over a very long career and I reached my conclusion.

Another ethical point is that I didn't change my teaching stance to fit the context in which I'm teaching (in that case) and I've managed to honour my commitments and my responsibilities to individuals to whom I feel a commitment and I'm happy with that as a resolution. I reached that resolution by using a pen and paper just as Roger Steare says in his book Ethicability - I had to write it out as a bunch of notes and thoughts on paper in little notebooks I've carried for the whole of my working life. And I honestly do not think that without the pen and paper I could have reached that same resolution and been as happy with that conclusion as I am today.

*Case Study 2 – conflicting responsibilities between stakeholders*

Interestingly, my second case study took place in another country where the economy is still largely based upon oil. I was responsible for managing the process of archaeological investigation of a couple of sites prior to a commercial development and it was in a very unusual context. I was working for a company that was extraordinarily well funded by the oil-rich country, but the management of the project overall was disjointed because the management was constituted of three national groups reflecting the tripartite joint-venture company – and their approaches to business ethics differed widely. What I really mean is that the distribution of authority and responsibility up and down through the company wasn't really consistent. I got to the field in this third country

and was expected to sign official papers making me personally responsible for the conduct of the archaeological investigations when I was representing a company that was commissioning the work and the work was being undertaken by one of the academy of sciences that had operated in that country. I had to take personal legal responsibility for works carried out by a third party not of my choosing and of uncertain expertise. Personal responsibility meant that if the host country thought the excavations were not good enough I risked jail time. I refused to sign and I was officially reprimanded and ultimately it got to the point where I left that employment. Again, in retrospect I'm satisfied that I did a right thing. That my behaviour was ethical but I'm not satisfied that there wasn't a better resolution that I might have been able to find had I had more ethical training at the time.

*Case Study 3 — conflicting responsibilities to other organisations*

There is no disguising this project: Stonehenge — one of the most photographed and debated archaeological sites in the world. For 4 years I was the lead archaeologist for a proposal (one of several over the last 30 years) to move the modern main road so that visitors to the site could appreciate it without the sounds and smell of thousands of cars and trucks rumbling past a couple of hundred meters to the south.

And since the rationale for the project (then the largest most expensive road scheme the government had contemplated) was based to a large degree on heritage benefits, archaeology was in a very prominent position. A number of times I spent weekends writing parts of statements that first senior civil servants and then politicians would edit for the Secretary of State for Transport to deliver to Parliament in a Thursday presentation. Some of you will know that senior politicians don't really appreciate academic or professional archaeological writing – talk of probability or interpretation and they may, literally, walk out. Likewise, most of us are uncomfortable seeing our careful scientific approach to evidence gathering reduced to banal platitudes and certainties. While I worked hard to keep the texts being released by the Ministry of Transport as honest and accurate as possible, I never had an ethical issue – the process was clear, and the individuals acted honestly.

I did have an ethical issue elsewhere – and it involved the Druids. Some of you will know that for some solsticial events 10 – 20,000 people, many self-identifying as Druids, will congregate at Stonehenge to watch the sunrise. That mass of people, visiting in a single 24-hour period, puts enormous strain on the site and it's surrounds. The Druids were a force to be reckoned with – literally. Imagine if 20,000 angry Druids were to physically, in the eyes of the press, turn out to oppose a road scheme? But they were never a problem for me.

It should not surprise you to know that managing a project of this magnitude and this prominence meant a steady stream of publicity fed by archaeological investigations, all filtered through a number of committees that brought all relevant stakeholders together. Mine was the archaeology committee. Most archaeological stakeholders at that time were broadly supportive of the proposed scheme (a mile long tunnel) and one of my jobs was to regularly consult with them on all stages in the design process and use the same meeting venues to reach out to other ambivalent or opposed heritage organisations.

And what about the Druids, you ask? Well, I insisted they be brought into our stakeholder engagement plan process, and even got them a seat in some of the heritage/archaeology committee meetings. Because to ignore then (even if I and most of my colleagues thought their religious convictions were unbelievable) would have been simply unethical. And that meant that a group of archaeologists had to stop obsessing over transverse arrowheads and rim sherds of Peterborough ware and actually, really, engage with the Druids. We had to work out new ways of meeting, and talking about the past, and engaging with each other based on what we each held to be important. Those things we thought important, I'd now call values. And new ways of thinking, meeting, talking – that was professional ethics in action. Even if I didn't know it at the time.

And when it came to decision time the Druids supported the scheme, and while the scheme did not get consent the reasons were geotechnical not heritage related. I should have invested more time into working out how to work with the archaeologists (that nearly brought me to a mental breakdown!). The Druids never did convert me to neo-paganism, but they did help me to learn about both professional and personal ethics. And I am still learning about ethics today.

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