Is Duty-Bound Good Enough? Considering Archaeological Ethics beyond Codes and Laws

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Introduction

I would like to begin today with an anecdote that has little to do with archaeology, but a lot to do with how our contemporary society is increasingly approaching ethics. A few months ago, I attended a public meeting in a small Massachusetts town. Toward the end of the meeting, the chair informed the committee members that as public servants they were now required to complete an online ethics training program as mandated by the State of Massachusetts. The chair went on to state how he had taken the test recently and described it as “idiotic,” explaining that “you can’t fail” the online multiple choice “quiz,” since it does not proceed to the next question unless you answer correctly, but does not penalize you if you answer incorrectly. In other words, the training quiz waits patiently for you to apply the process of elimination as needed until you seemingly ace the training. Failure is impossible. The chair’s description of the test elicited chuckles and eye rolling from committee members and the audience. The speaker and his audience interpreted the ethics training as idiotic because it obviously had no teeth, no way to judge whether public employees understood the relevant laws in practice, and had little to do with intervening in the actual ethical practices of public employees.

The online ethics training quiz is clearly a bureaucratic solution to an increased demand for public accountability in ethical practice following the Second World War. This demand has been tied to several features endemic to this period in modernity and capitalism including a rising distrust in social and political institutions, the increasing application of liberal economic policies and its accompanying hegemonic discourse of individualism, and the sometimes contradictory appeal to a universal morality of human rights (Brown, 20; Harvey 2007, 2–4). In response, we have adopted regulatory systems and social practices that aid in our surveillance and rationalize ethical practices to the extent of quantification so that they may be audited and
risks be managed. Such systems have been dubbed “bureaucracies of virtue” (Jacob and Riles 2007, 181; also as cited in Brown, 4).

The relatively recent rise and popularity of archaeological ethics as topic has coincided with these broader trends. Today I would like to move beyond the simple call for ethical codes and training by probing the underlying ontology and epistemology of archaeological ethics as codified, practiced, and taught. Although critical, I do not wish to throw the baby out with the bath water. This is not about abolishing ethics discourse or accountability for our practices. Rather, I seek to open discussion about how the discourse of professional ethics discipline us so that we may better decide whether or how our ethical codes, frameworks, and pedagogies help us become “good” archaeologists. What extent has our ethics discourse contributed to the bureaucratization of virtue and to what ends?

For the remainder of this paper I present three examples of common focus in the literature on archaeological ethics: first, the moral principle of stewardship; second, the ethical framework of stakeholder management; and third, the pedagogy of archaeological ethics as embodied by the SAA Ethics Bowl. In this paper I issue two overall cautions about the consequences of formalizing and regulating ethics that I borrow from critics of bureaucratization: first, in that ethics increasingly approaches a checkbox in one’s workflow we lose sight of the pervasiveness of ethics as the embedded practices of everyday life, and second, in that we formalize ethical practices through codes and so-called “best practices,” we increasingly adopt a utilitarian approach in which the ends begin to outweigh and may even undermine the means.

**Example 1: Stewardship**

I turn now to my first example of the moral principle of “stewardship,” which features prominently in archaeological ethics literature. Notably, it is Principle No. 1 of the Society for
American Archaeology’s Principles of Archaeological Ethics [QUOTE ON SLIDE]. I start here because professional codes, principles, and “best practices” reflect the underlying moral philosophies that we have learned as common sense within the profession. As such, they are foundational documents that set the standards by which our ethical practices are to be judged and reveal how our profession constructs morality.

Ethical codes objectify social practice in order to delineate good from bad or right from wrong. Yet, they’re abstract prescriptions whose own morality cannot be fully judged until put into practice. That is, ethical codes are only the first step in a two step process of determining morality. First, we justify; second, we apply (Habermas 1993). It is only in the application of our justified norms that we can learn the morality of our acts as they express our norms (Habermas 1993; Labrador 2009, 14).

There remains a necessary dissonance between our ethical codes and our ethical practices since our ethical codes presume an objectifying attitude while our ethical practices are enacted in a social world comprised of interpersonal relations (Habermas 1993, 39). As Michael Lambek explains, “Ethical practice thereby inevitably begins to relativize ostensibly absolute values” (2008, 138). As such, our ethical codes risk objectifying and reducing social behavior to such an extent that they become difficult to apply or restrict our creativity in their application (Brown, 9-10).

Leo Groarke and Gary Warrick have critiqued the SAA’s principle of stewardship in this way, charging that the construction of the ethical principle is vague, inconsistent and perhaps contradictory (2006). First, in that the principle charges us to steward in the interest of “all people,” the code presumes social situations in which a single decision may be made that serves everyone’s interests (2006, 165). In fact, they point out that it is the very real problem of
conflicting interests which prompted the promulgation of such ethical principles. As such, stewardship may become an impossible task if we are meant to serve all equally.

Second, Groarke and Warrick observe that the SAA code collapses the principle of archaeological preservation into the principle of stewardship, which results in an inconsistent and perhaps incoherent principle since an archaeologist may find herself serving a community who wishes to destroy the archaeological record for their own interest (2006). Examples range from communities wishing to improve their economy through development to communities who believe in the spiritual significance of allowing material culture to naturally decay or be symbolically destroyed. In such cases, the archaeologists’ obligation to preserve the archaeological record is in direct conflict with her obligation to serve a public interest. Which is our ethical priority, do we serve a public or do we preserve the record?

Some may interpret the code to empower the archaeologist to decide that the particular community’s select interest is in conflict with a general public interest, and therefore invalid. This last interpretation seems reasonable since the principle acknowledges a responsibility to apply our professional expertise. Interpreted in this way, the code preserves the privilege of archaeologists as experts in a highly charged political arena. This reading of the code unveils a utilitarian moral philosophy in which choosing among competing interests, the archaeologist should always maximize public benefit by maximizing the protection of the archaeological record. Those with marginal interests will need to sacrifice their interests for the greater good.

What happens to this principle if we were to adopt a different approach, one which acknowledges our political interests as a profession while preserving the morality of servitude to real people? One example is in Chip Colwell-Chanthaphonh and T.J. Ferguson’s virtue ethics, which emphasizes the social practice of trust-building as the ethical premise upon which
stewardship may be granted by a community (2006). In other words, stewardship is a privilege that is to be discussed, shared, and earned, not an authority granted upon degree-conferral or SAA membership. Stewards don’t authorize their own servitude – they are called or chosen to serve. Perhaps archaeologists should be “witnesses” and not automatically “stewards” to the archaeological record, which leaves open the primacy of the archaeological record and the authoritative position that stewardship, as specified by the SAA code, assumes (Labrador 2009, 20).

**Example 2: Stakeholder Management**

I now turn to my second example, the ethical framework of “stakeholder management,” which has grown in popularity in the field. When I first heard the term, my knee jerk reaction was that it sounded a lot like “managerial speak,” which as an IT professional I’ve had opportunity to encounter [Dilbert cartoon on slide]. This concept of “stakeholder” is traced to a 1963 internal memo at the Stanford Research Institute, which defined it as “those groups without whose support the organization would cease to exist” (Freeman and David L. Reed 2008, 49). During the 1970s, systems theorists developed the idea that institutions, particularly corporations, benefit from understanding and gaining the support of a wider group of agents (stakeholders) rather than modeling their organizations around an exclusive group of shareholders (Freeman and David L. Reed 2008). This idea implicated a shift in corporate goals, since the singular interest of generating profit would no longer meet all actors’ demands; the field of corporate social responsibility developed as an outgrowth (Freeman and David L. Reed 2008).

With this etymology in mind, the adoption of the language of stakeholder theory within archaeology makes me uncomfortable. Although I respect its usage among archaeologists who
have applied it, and I have participated in such projects and even launched one, stakeholder management still strikes me as a least bad fit for a dire need in archaeological literature to model the social responsibilities that archaeologists have to past, living, and future people.

My first anxiety is related to the normative core of stakeholder theory, which positions profit as an essential component and ends, since without it, there is no corporation to act socially responsible. While archaeologists might not have profit as an unnamed, implicit output, they essentially have exchanged “profit” with the “archaeological record.” That is, archaeologists presume that without the archaeological record there would be no more archaeologists to be socially responsible (understandable logic if one presumes, perhaps faultily, that the archaeological record is finite). Furthermore, some archaeologists have taken this premise to an extreme, positing the logical inverse: that without archaeologists there may be no archaeological record, which serves to preserve a technocracy (Labrador 2009).

This prompts a reanalysis of both the ends of archaeology and archaeologists’ position in relation to the discipline’s ends. We need to be aware that the genealogical roots of stakeholder theory presumes profit as a necessary end and managers as the empowered architects and applicants of stakeholder management. Are we merely applying this ontology with uncritically examined interchanges from our own field? Why do we do archaeology and what is the common interest in archaeological research?

My second anxiety is in how stakeholder management models social behavior. Recent scholarship in business ethics has embraced a sophisticated feminist critique of stakeholder theory (e.g. Freeman and Gilbert 1992; Wicks, Gilbert, Jr., and Freeman 1994; Burton and Dunn 2008). These writers critique the ontology of traditional business ethics and stakeholder theory as being decidedly “masculine” and presuming individualistic actors and values. A common
example of “masculine” ontological concepts that the writers discuss is the presumed conflictual nature of the ethical landscape. That is, there is an individual self (i.e. the ethicist) surrounded by others, who presumably are threats to the self’s interests (Burton and Dunn 2008, 96). This configuration leads to rights-based (i.e. “Western”) moral theories, which foreground law and contracts (Burton and Dunn 2008, 96). We hear this being applied in archaeology when we talk of “balancing competing interests,” “weighing outcomes,” “finding tradeoffs,” or “negotiating decisions” (see Wicks, Gilbert, Jr., and Freeman 1994 for an analysis of common ethical metaphors). This language is part and parcel of an ontology modeled on competition, conflict, and inequality. It’s presumed from the beginning that conflict will be present, legitimacy and primacy will have to be measured, and at least someone (presumably she who has the least compelling interest) will lose something. Is this archaeology’s ideal ontology? And can we imagine an alternative that we work toward?

This brings me to my final anxiety concerning how the role of the manager in stakeholder management theory is modeled as a highly rationalized, objective decision-maker with presumed authority. Yet, managers are unusually enmeshed in the stakeholder management plan as they are simultaneously architect, moderator, and stakeholder. I’ve found that in practice the authority of the manager is in flux and the state of the manager is likely torn between both third and first person in a relationship that is highly intersubjective yet within a framework that demands her impartiality (Labrador 2009, 26).

The adoption of a third-person approach, that is as an isolated observer of the situation’s morality, is in sync with the popular moral philosophies of modernity. Yet, is it possible or the right position to adopt? Jurgen Habermas warns that the manager can never, nor should ever, presume a third person status. This is because the moral viewpoint is not universally inherent,
but is intersubjectively modeled by the community of participants. Habermas insists that justifications of morality can only be assessed in the “first person plural” (1993, 49). I would extend this to stakeholder management theory by arguing that stakeholder salience is not to be determined by a third person, self-appointed “manager” and that because the stakes are not static nor objective, they too need to be identified and assessed in the first person plural. Habermas, following Mead, implores that “[e]ach of us must be able to place himself in the situation of all those who would be affected by the performance of a problematic action or the adoption of a questionable norm…[this] cannot be performed privately by each individual but must be practiced by us collectively as participants in a public discourse” (49).

Stakeholder management is an example of risk management. We often talk about “minimizing harm” or “avoiding pain.” But this language seems to mask something by avoiding the highly emotional nature of ethical cases. Anticipating risk sanitizes what is a messy and volatile dynamic and implies that “harm” is easily identifiable. It suggests that the experiencing of uncomfortable emotions is “bad” (or less ethical) and attempts to preempt such experiences for all parties. This further empowers the treatment of the manager as an isolated subject as opposed to an enmeshed stakeholder since the manager needs to be hyper-rational in order to maintain calm among all stakeholders. The manager has an interest in disciplining the subjects (or the context) to act in certain ways (e.g. calm, cool, collected, “rational,” “reasonable,” etc.). Although I’m not suggesting that uncomfortable emotions should be prevailed upon, I am questioning how “pain” and discomfort are constructed and how the avoidance of emotion affects “good” archaeology.
Example 3: Teaching Ethics: The SAA Ethics Bowl

I now turn to my final example of the SAA Ethics Bowl since the way we teach ethics says as much about our underlying moral philosophies as our professional codes and practical frameworks. For those unfamiliar with it, the Ethics Bowl hosts multiple teams of graduate students who explicate and argue hypothetical ethical case studies in a highly-structured debate format. The debates are moderated by a neutral party and judged by a panel of “experts” based on four criteria: intelligibility, judgment, depth and focus. In 2007 I participated in the SAA Ethics Bowl with a team from UMass Amherst, and I found the preparation for the Bowl to be operationally inconsistent with the final output. That is, the pedagogical lessons I gleaned from the weeks of preparation contradicted the lessons administered at the actual final event.

Preparing for the SAA Ethics Bowl was perhaps one of the most enriching experiences of my graduate career. Discussing hypothetical dilemmas, gathering ethical codes and guidelines, researching relevant laws, and analyzing every angle of the dilemmas with our mentor and other faculty members in spirited conversation was what I had always imagined grad school to encourage. What I didn’t realize at the time was how steeped we were in our own UMass Amherst ethical bias, and how this ethical bias was not congruent with the judges’.

This offered the important lesson that ethics are non-universal and highly contextualized by the community within which one agrees upon what is ethically “good” (Darryl Reed 1999). However, the combination of hypothetical case studies and an adjudicative process by which particular teams’ explications of ethics were more good than others reinforced a false sense that ethics are universal. Furthermore, the usage of hypothetical case studies risks the dangerous reification of a universal conception of ethical practice wherein given input A, one should always respond with input B to meet output C. This is faulty ethical logic because dilemmas often arise
precisely because of a mismatch in understanding of the ontological system or its values. You can’t systematize the “fixing” of incompatible systems. Nor can you presume a single scale of “goodness” that exists beyond interdependent variables (Labrador 2009).

Some may argue that I should take a step back and realize it was a “learning experience” and not that big of a deal – but this “lighten up” philosophy is troubling in another way. Should we lighten up ethics? Should we make the discussion of thinly veiled “hypothetical” case studies the fodder of some competitive student “fun?” Are the potential miseries of people’s lives really appropriate “game time” material? Alternatively, when taking the ethics bowl seriously, what stigma follows the losing teams around? How does the format reify expert-based authority on matters of ethics and serve to further entrench normative values that should instead be the focus of critique and exploration? I wonder if awarding students for sounding authoritative when arguing about an open and thorny issue is akin to training bureaucrats to approach an issue with minds already made up, as opposed to training sensitive, anthropological thinkers open to others’ ideas, feelings, and contexts (Labrador 2009).

**Conclusion**

The intent of this paper has been to question the extent to which in formalizing ethical discourse within our profession we are contributing to the bureaucratization of virtue by overly objectifying and rationalizing morality to assist in its application and regulation. Doing so risks rationalizing a moral philosophy that values the ends over the means, which averts attention from the daily, embedded practices that comprise our ethics.

I have cautioned against universalizing morality in ways that privilege the authority of the profession and marginalize other interests. However, I don’t believe that our only alternative is to relativize morality so much that we give up on a guiding moral philosophy. Rather, I believe
that the answer is in the tricky gray area that resists standardization and invites deep disagreement and discourse, which I believe is the context in which the majority of archaeologists find ourselves in our daily experience.

I call not for less ethics discourse nor more ethical codes, but for two things: a deeper appreciation of the ethical implications of every single act we make – or don’t make. And the humility to never feel too resolved in our actions. I also invite consideration of the value of making ourselves vulnerable to situations in which we may be asked to sacrifice our privilege in professional service or stewardship to others. Of course, vulnerability suggests the risk of harm, which seems antithetical to our current culture of risk management – but I wonder whether vulnerability also implies the necessity of valuing trust as a virtue rather than worrying about how to avoid liabilities ahead of time.

In closing, I feel obligated to remark upon the title of my paper, which questions whether the typical modern moral construction of “duty” offers a satisfactory model for morality. I didn’t have the time nor the intent to answer my own provocation, which I admit was rather tongue-in-cheek. But, I hope I’ve provided a springboard to consider related questions, which are perhaps a bit closer to the ground.

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