

# SETTING THE

**We have obligations to others.**

Those obligations are founded on shared values. Some moral philosophers argue that values are rooted in a fundamental, ordained division of right from wrong (divine command theory), others believe that they have been created by society. I'll stay in that latter camp for the rest of this article, with the understanding that societies have chosen to regulate the behaviour of the individual to protect the rights and liberties of the many.

Rules are made to encourage or discourage certain actions based on the effect – good or bad – that those actions may have. Complications arise when what is good for one person is harmful to another, and careful consideration needs to be given to the *level* of good and harm and the numbers of people involved – consequentialism if you like, utilitarianism if you must. In theory, we can continue to base each decision that makes up a course of action on an assessment of the impact it will have, like a child persistently asking *why* until the underlying truth emerges. Before long, we reach a point where the answer is 'because we want to help people, not harm them'. Or, 'we should'. That may not be enough for moral philosophers, ethicists and psychopaths, but most close debate here with convenient rhetoric: 'We hold these truths to be self-evident'; *Res ipsa loquitur*; 'It just is'.

The rules and obligations that a group of people elects to impose on itself (or the majority decide to impose on the willing and unwilling alike) constitute a social contract. We need to understand the different types of social contract that affect our lives as archaeologists. Improved understanding of these rules and obligations also helps us choose the best mechanisms to use to encourage better behaviour by an archaeologist.



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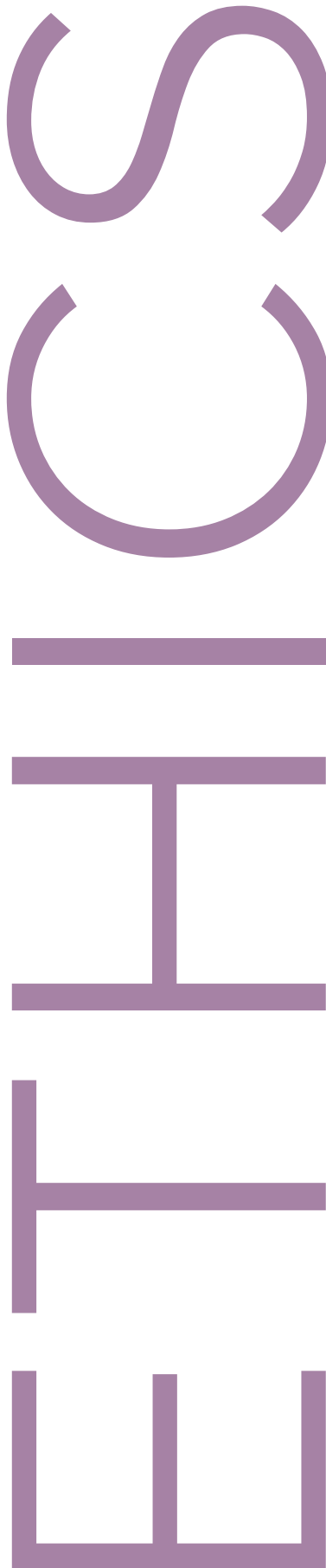
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# SCENE: ARE WE RESPONSIBLE?

## The place of professional ethics

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Let's look at three identities and sets of rules that affect us as ClfA professionals.

- 1 We are citizens, so we must comply with the **laws**. They vary by jurisdiction, but generally they apply to everyone in that place
- 2 We are part of society, so we should wish to be **moral**. While morality underpins law-making, there are many rules governing public morality that are not on the statute book – like those about holding doors open or buying your round
- 3 We are professionals and must therefore, by definition, act **ethically**, complying with our *Code of conduct*, which sets out how

we should behave as we carry out our archaeological activities. It is not intended as a tool to regulate our compliance with the law or moral norms in our personal lives

Each of these sets of rules also has a mechanism for enforcing, for assessing whether there has been a transgression and for imposing a sanction – punitive or supportive – if there has.

Immoral behaviour, where morality and the law align, can be challenged by peer pressure, whether as encouragement, opprobrium or ostracism. When fairly applied, with moderation, this kind of peer pressure is

a subtle and effective (even nudge) way of honing decency. The alternative, however, could be interpreted as unfair criticism, victimisation and vilifying minority views and values.

Most lawbreaking is best investigated by the police and tried in the courts. This is not an easy route, but is the most effective and potent way of addressing more serious misdemeanours, or at least that large majority as covered by statute.

Failings of professional ethics, breaches of the *Code of conduct*, are investigated by ClfA through its professional conduct process (see spotlight on p26).



Credit: E Gardiner

Unfortunately, the world is not tidy and the edges between public morality, legal compliance and professional ethics are indistinct. Breaking the law may or may not be a breach of the *Code of conduct*. For example, the *Code* says, 'member shall know and comply with all laws applicable to his or her archaeological activities...' If a member is found to have contravened heritage law, that is almost certainly prima facie evidence of a breach of the *Code*. If they have committed a parking offence, almost certainly not. In between lies an area of complexity and uncertainty, and one which is being explored by a working party of the Advisory Council. Where are the edges of 'archaeological activities'? That working group's report will be influential in advising the Chartered Institute how to guide and manage difficult and disturbing allegations that will, sadly and inevitably, arise.

So far, so negative. A professional institute must investigate improper behaviour after it's happened, but it would be even better to reduce the chances of such actions happening in the first place. The Chartered Institute needs to invest more in educating professional archaeologists and would-be professionals, to recognise and avoid acting unethically. Joe Abrams gives us some ideas

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**Morality** underpins behaviour expected of society

**Law** the rules applying to citizens

**Professional ethics** defines behaviour expected of professionals  
.....

on how we, as professionals, can regularly discuss the ethical dilemmas we come across in our daily work (p5). And, as Gerry Wait says on p10, consultation with CIfA professionals about Chartered Archaeologist reveals an appetite for assessment of ethical competence before awarding chartered status, whereas at present most expenditure is after the fact, investigating allegations against someone already accredited. Greater discussion of the scope of professional ethics and exploration of ethical dilemmas (whether through this article, the conference workshop, the professional practice paper or the RPA CIfA ethics resource [www.archaeologists.net/membership/ethics](http://www.archaeologists.net/membership/ethics)) might help both sides of the table at a professional review interview.

As an Institute made up of archaeologists who are also members of society, we may



*Credit: E Gardiner*

well elect, as individuals or a group, to encourage moral behaviour. How, and how far, are questions for debate and advice.



*What's professional...? Credit: Peter Hinton*