En 1991, une publication de Christopher Donnan parue dans *National Geographic*, à partir de matériels mochicas pillés, suscita un débat mouvementé dans l'archéologie américaine sur la pertinence, ou mieux encore, l'"éthique" d'utiliser des matériaux obtenus illégalement, dans des publications scientifiques. Cette année-là, la
Society for American Archaeology
établit le "Comité d'Éthique en Archéologie", afin de commenter et renforcer les positions éthiques de la Société, parmi lesquelles la décision de ne pas publier des travaux basés sur ce genre de matériaux dans ses revues
American Antiquity
et
Latin American Antiquity
. Une partie de ce débat fut publiée dans un rapport spécial,
Ethics in American Archaeology, the challenges for the 1990's
, de Mark Lynott et Alison Wylie., eds. SAA, 1995.

Es que el saqueo de tumbas y sitios arqueológicos ha adquirido en el mundo proporciones gigantescas que amenazan la reconstrucción adecuada del pasado humano. Para no ir mas lejos, la mayoría de los objetos de oro precolombinos de nuestros museos han sido comprados a huaqueros y han servido, consciente o inconscientemente, para estudio o ilustración de trabajos científicos. Las preguntas nuestras serían ¿debe el sol de oro del Banco Central, cuya proveniencia es desconocida, o los materiales huaqueados recientemente en Guano, ser objetos de investigación científica? ¿Perdemos los ecuatorianos, o la arqueología en general, información valiosa, si no lo hiciéramos? ¿Detendríamos los arqueólogos las prácticas ilícitas de saqueo con sólo decidir que no vamos a estudiar los materiales así obtenidos?

Este dilema ha vuelto a ser tratado por *The New York Times*, que se preguntaba en un artículo de Hugh Eaken (mayo 2 de 2006) si los objetos saqueados deben ser ignorados. La cuestión está lejos de ser resuelta, y mas bien está poniendo en lados opuestos a importantes instituciones arqueológicas. Recientemente, la
Biblical Archaeology Society
ha publicado un “Manifiesto de Preocupación” por la oposición al uso de materiales huaqueados, arguyendo, en gran medida, que la historia del Próximo y Medio Orientes no se habría desarrollado tanto, sin recurrir a las miles de tabletas cuneiformes, a los rollos del Mar Muerto, a los códices Nag Hammadi o hasta al recientemente reportado Evangelio de Judas, todos ellos huaqueados o sin proveniencia conocida. Para el 7 de septiembre de 2006, 157 expertos habían firmado dicho manifiesto (aunque una rápida ojeada de la lista muestra que la mayoría son profesores de historia, filólogos, profesores eméritos, y relativamente pocos arqueólogos). El
Archaeological Institute of America
no ha tardado en dar respuesta al manifiesto, cuyos documentos son publicados a continuación.

PUBLICATION OF UNPROVENANCED ARTIFACTS

STATEMENT OF CONCERN

Biblical Archaeology Society

We are archaeologists and scholars who deal with archaeological materials from the ancient Near East and the Mediterranean basin. We wish to express our concern at a movement that has received much publicity lately that condemns the use of unprovenanced antiquities from consideration in the reconstruction of ancient history. On the contrary, a history of this region cannot be written without the evidence from unprovenanced antiquities.

1. We are strongly opposed to looting. We encourage governments to take all necessary steps to stem, if not eliminate, looting at the source by increased surveillance at archaeological sites, involvement of local communities to increase pride in their heritage, vigorous prosecution of offenders and by the use of modern scientific advances such as motion-sensing and satellite-based technologies.

2. We also recognize that artifacts ripped from their context by looters often lose much of their meaning. On the other hand, this is not always true, and even when it is, looted objects, especially inscriptions, often have much of scholarly importance to impart

3. It is true that many unprovenanced antiquities have been looted. Other unprovenanced antiquities, however, are the result of chance finds either by people on their own property or by others on public land. Still other unprovenanced antiquities on the market come from old family collections.

4. The list of important unprovenanced and looted antiquities of value is long: the Dead Sea Scrolls, the Nag Hammadi Codices, the recently reported Gospel of Judas, the Wadi Daliyeh papyri, to name only a few. Hundreds of thousands of cuneiform tablets, the basis of our understanding of Mesopotamian history, are unprovenanced. Almost all ancient coins and stone seals that reveal so much about ancient society come from the antiquities market. It has been rightly said that the history of the ancient Near East as we know it could not have been written without the use of unprovenanced, often looted artifacts and inscriptions.

5. The American Schools of Oriental Research (ASOR) and the Archaeological Institute of America (AIA) have adopted rules (without a vote of their memberships) prohibiting the initial publication in their journals of unprovenanced artifacts. Similarly, papers at their meetings are not permitted to be read if they are based on unprovenanced antiquities. We strongly oppose these restrictions. Scholars cannot close their eyes to important information.

6. The opposition to the publication of unprovenanced antiquities is supposedly based on the view that their publication encourages looting. Yet it is almost universally recognized that this prohibition on publication has had little or no effect on looting.

7. We do not encourage private collection of antiquities. But important artifacts and inscriptions must be rescued and made available to scholars even though unprovenanced. When such objects have been looted, the antiquities market is often the means by which they are rescued, either by a private party or a museum. To vilify such activity results only in the loss of important scholarly information.

8. We would encourage private collectors of important artifacts and inscriptions to make them available to scholars for study and publication. Too often collectors who do make their objects available to scholars are subject to public obloquy. As a result, collectors are disinclined to allow scholars to study their collections, and the public is the poorer.

9. Our interest is scholarship. If we had to decide between ignoring vital information and encouraging looting, we would have a difficult choice. But, fortunately, that is not the choice we are faced with. Studying and publishing important looted artifacts has no demonstrable effect on the extent of looting.

10. The real objection to the antiquities market and unprovenanced material is that it somehow sullies our hands by participation in an illegal enterprise. But we believe a more refined judgment is called for. Yes, it would be nice if we always had professionally excavated materials to study and publish. But that is not the situation. Our choice is either to study unprovenanced material or ignore it. Given that choice, we prefer to study unprovenanced material. The sweeping exclusion of unprovenanced material from scholarly consideration results only in a loss to scholars, to scholarship and ultimately to the public.

11. The questions we deal with here are quite apart from the issues currently engaging the media and the public regarding patrimony laws and repatriation. These issues are complex and separate from the issues we are concerned with here. On the repatriation issues, we express no view.

RESPONSE
The Archaeological Institute of America

A "Statement of Concern" regarding the publication of unprovenanced antiquities has been circulating recently by letter, email and on various scholarly listservs. The "Statement" affirms opposition to looting, recognizes the damage done by the destruction of context, and makes a case for the publication of unprovenanced antiquities, particularly texts, in order to salvage the information they may contain.

The "Statement," however, also makes several erroneous assertions regarding the policies of the Archaeological Institute of America (AIA) on the publication of undocumented antiquities, and alleges that these "rules" were adopted "without a vote of (its) membership." In fact, since 1970 the Council of the AIA has voted to adopt a series of resolutions and policies that are quite different from what is asserted in the "Statement." The Council is the largest and most representative governing body of the AIA. It is comprised of representatives chosen by all of the AIA's 102 Local Societies and of representatives of the members-at-large, and is empowered to vote on policy issues and pass resolutions on behalf of the membership. The following list of the AIA's ethical and publication policies adopted since 1970 is provided in the interest of setting the record straight and of clarifying the AIA's positions on the publication and presentation of undocumented antiquities as well as its ethical standards. Complete texts may be found on the AIA's web site.

1. Resolution in support of the Draft UNESCO Convention on the Means of Prohibiting and

Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. Adopted by a vote of the AIA Council, December 30, 1970 (www.archaeological.org/webinfo.php?page=10192).

2. Resolution on the acquisition of antiquities by museums. Adopted by vote of the Council of the AIA, December 30, 1973 (www.archaeological.org/webinfo.php?page=10192).

3. Resolution on the presentation of undocumented antiquities at the AIA's Annual Meeting. Adopted by vote of the Council, December 30, 1973 and revised 2004. The full text of the amended resolution is provided here: The Annual Meeting may not serve for the announcement or initial scholarly presentation of any object in a public or private collection acquired after Decembe 30, 1973, unless its existence can be documented prior to that date, or it was legally exported form the country of origin. An exception may be made by the Program for the Annual Meeting Committee if the presentation emphasizes the loss of archaeological context (www.archaeological.org/webinfo.php?page=10288).

4. In 1978 the editors of the American Journal of Archaeology (AJA) adapted the 1973 Annual Meeting Presentation Policy to apply to articles published in the AJA. See Editorial Statement, AJA vol. 82, 1978, p. 1. The policy has been clarified in a succession of editorial statements published in the AJA vol. 86, 1982, pp. 1-2; vol. 94, 1990, pp. 525-527, and most recently vol. 109, 2005, pp. 135-136 (see also www.archaeological.org/webinfo.php?page=10040).

The current text of the AJA publications policy as amended in 2004 reads: As a publication of the Archaeological Institute of America, AJA will not serve for the announcement or initial scholarly presentation of any object in a private or public collection acquired after December 30, 1973, unless its existence is documented before that date, or it was legally exported from the country of origin. An exception may be made if, in the view of the Editor, the aim of publication is to emphasize the loss of archaeological context. Reviews of exhibitions, catalogues, or publications that do not follow these guidelines should state that the exhibition or publication in question includes material without known archaeological findspot.

At no time was an attempt made to "blame the object" or to prevent the scholarly discussion of archaeological objects or materials already in the scholarly record. In the words of Naomi Norman, current Editor-in-Chief of the AJA, "The clear intent of the policy was not to enhance the market value or importance of these objects by giving them the imprimatur of the AIA by publishing them for the first time in the AJA..." In clarification of the modified policy she stated, "The intent here is to keep the checkered past of an object out in the open and part of the continuing scholarlydiscussion of that piece (emphasis added). All too often, once a piece gets 'proper scholarly presentation' and the debate begins, scholars forget that the object is without archaeological context and may have come to the market illegally...The point is to remind us all of how much information and value is lost when an object is illegally removed from its archaeological context," (AJA 109, 2005, p. 136).

5. On December 29,1990 the AIA Council voted to adopt a *Code of Ethics*. The Code was amended at the Council meeting of December 29, 1997 and now reads:

The Archaeological Institute of America is dedicated to the greater understanding of archaeology, to the protection and preservation of the world's archaeological resources and the information they contain, and to the encouragement and support of archaeological research and publication. In accordance with these principles, members of the AIA should:

1. Seek to ensure that the exploration of archaeological sites be conducted according to the highest standards under the direct supervision of qualified personnel, and that the results of such research be made public;
2. Refuse to participate in the trade in undocumented antiquities and refrain from activities that enhance the commercial value of such objects. Undocumented antiquities are those which are not documented as belonging to a public or private collection before December 30, 1970, when the AIA Council endorsed the UNESCO Convention on Cultural Property, or which have not been excavated and exported from the country of origin in accordance with the laws of that country;
3. Inform appropriate authorities of threats to, or plunder of archaeological sites, and illegal import or export of archaeological material (www.archaeological.org/pdfs/AIA_Code_of_Professional_StandardsA5S.pdf).

6. A Code of Professional Standards applying to AIA's professional members was adopted by vote of the Council on December 29, 1994 and amended on December 29, 1997. Among other things, this Code states: "Professional archaeologists should adhere to the Guidelines of the AIA general Code of Ethics concerning illegal antiquities in their research and publication." The full text of this Code may be found at www.archaeological.org/pdfs/AIA_Code_of_Professional_StandardsA5S.pdf .

It should be noted that neither the general Code of Ethics nor the Code of Professional Standards constitute "rules" that the membership "must" follow. They are rather guidelines for ethical behavior and statements of responsibility to the archaeological record that the membership of the AIA, through its Council, has affirmed many times since 1970. While these guidelines firmly discourage any involvement of its members in the antiquities trade, the AIA does not censor the objects of members' research and scholarship.