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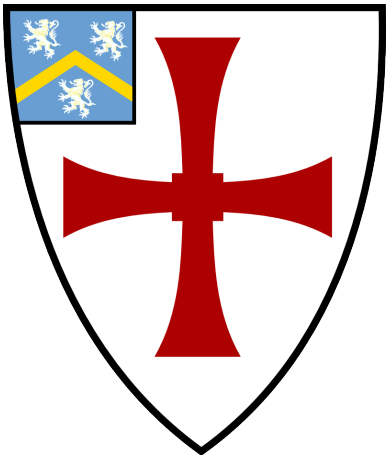
Being Good with the Past:

A Virtue Ethical Account of Archaeology's Moral Place in the Human Lifecycle



Doctoral Dissertation for the Ph.D. in Philosophy from the Department of Philosophy at

Durham University

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Supervisors: Professor Geoffrey Scarre, & Dr Andreas Pantazatos

2019

Abstract

This thesis seeks to provide the first comprehensive response to the interrelated two questions of what it means to be good with the past and what role should be entrusted to the archaeological academy. I will be adopting a neo-Aristotelian approach in my response to these questions, using observations of the human animal and its lifecycle to inform my understanding of what being good entails generally, before applying it to what being good with the past entails specifically. The first third of the thesis will provide my argument for turning to the virtue ethical tradition, and a naturalistic approach to virtue for the purposes of archaeological ethics. Meanwhile, the second third will focus on the implications this perspective has on the role we *should* entrust to archaeologists. And the final third is devoted to how the good of archaeology and the role of the archaeologist should be understood in a world with goods other than the good of archaeology.

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Declaration

I declare that no part of this work has been submitted by me for any degree in this or any other university. All the work is conducted by me except where otherwise stated in the text.

Robert W Hanson

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The copyright of this thesis rests with the author. No quotation from it should be published in any for, including electronic and the Internet, without the author's prior written consent. All information derived from this thesis must be acknowledged appropriately.

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I dedicate this thesis to my late father, Karl Joseph Hanson, the man who taught me to be curious, pedantic, and argumentative, all which have served me well in philosophy. Without his tireless commitment to my education, belief in my abilities, and perpetual, whimsical (and sometimes annoying) optimism, I would never have started let alone finished this thesis.

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Robert William Hanson

Introduction

The Hague Convention[1] of 1954, begins with a recognition of the irreparable toll the Second World War had on cultural property. After its preamble, *The Convention* prescribes an ethos of pan-human rights and responsibilities over our collective human heritage in all its forms, even in times of war.

Islamic State's decision to destroy the ancient city of Palmyra, therefore, can and should be viewed as an act that directly defies the pan-human, heritage-valuing ethos of *The Convention*. However, the response from the international community to this act of destruction shows that the spirit of *The Convention* endures. People with no prior knowledge of Palmyra or of *The Hague Convention* responded to Islamic State's act by challenging the regime's right to deny *humanity* this part of its *collective* heritage (Cunliffe and Curini, 2018).

But whilst this pan-human, heritage-valuing ethos does endure, the question of what it means to be good with the human past remains underexplored. This is evident in the fact that even amongst

[1] Officially the "Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention 1954", see: http://whc.unesco.org/en/criteria/, [last accessed on 09/05/19]

those that subscribe to this ethos, there are fundamental disagreements about how we should understand our relationship to humanity's heritage.

One of the main disagreements concerns what role, if any, we should ascribe to the professional archaeologist: those who pursue knowledge of the human past scientifically and are uniquely skilled at unearthing, interpreting, and preserving the past (Harris and Smith, 2001). This is not just an academic consideration, but one that lies at the intersection of discussions regarding people's identities, cultures, and traditions, as well as discussions on people's rights to their heritage and all of our rights to *human* heritage, rights that are unavoidably shaped by the role and powers archaeologists are empowered with (Appadurai, 2001).

Making matters more challenging for archaeologists is their profession's own history, one that has shaped many contemporaries to view it as a profession of graverobbers, looters, and exoticists. Equally, the academy's commitment to the scientific method and its history of dismissing, patronising, and/or invalidating oral traditions and mythologies means that some archaeologist find themselves facing a pre-exiting atmosphere of antagonism towards their profession by some communities. Archaeologists therefore cannot assume either an air of goodwill nor that their work and intentions will be viewed as morally valuable and justified, and instead often finding themselves having to justify their moral right to go about their work (Gardener and Harrison, 2017).

However, in recent years the archaeological profession has been engaging with debates over the moral worth of their profession and how to make it a more morally exemplary profession. This effort has not just been made for the sake of practical necessity but with a will to achieve better, more moral conduct for its own sake (Vitelli and Colwell-Chanthaphonh, 2006).

Their main mechanism to demonstrate themselves as part of a changed and moral profession has been through the use of professional codes of ethics. These lists of right and wrong actions serve not just as moral guidance to members of the academy, but as a promise of good conduct from the archaeological academy to those their work brings them into contact with. Constructing and refine these codes has required the academy to engage with debates on ethereal concepts like "rights", "justness", and "fairness". However, as Scarre and Scarre note:

> "…whilst archaeologists may have the advantage of relevant experience, few are also trained moral philosophers, with the conceptual tools and analytical skills that have been developed within that tradition over centuries. Ethical thinkers … have been wrestling for more than two millennia with deep and difficult questions about what sort of people we should be, what kinds of acts we should perform or avoid, and how we should treat our fellow human beings."
>
> (Scarre and Scarre, 2006, p.1)

The lack of philosophical experience has proven problematical for the profession and its practitioners especially when their codes fail them and they find themselves left grappling with these abstract concepts, obliged to argue about what they are "justified" to do in "the name of the good", the arbiter in the moral debating chamber. In the decades that archaeologists have been endeavouring to construct codes of ethics and ethical guidelines, they have found the perpetual need to revisit and critique fundamental assumptions and concepts, and change what they thought was moral.

Whilst the rules have changed, their commitment to being good with the past, to complement *The Hague Convention*'s pan-human, heritage-valuing ethos, has endured. But the nature of what being

good with the past means has remained enigmatic, offering little guidance to those questioning what it means to be good with the past in their specific, perhaps unprecedented, scenario.

The aim of this thesis is to provide the first comprehensive and philosophical understanding of what it means to be good with the past. I will be focusing specifically on how and why we should value scientific knowledge of the human past and what role this means we should entrust to the professional archaeologist. I therefore seek to defend and advocate *The Hague Convention*'s pan-human, heritage-valuing ethos and construct a perspective that can aid any individual wrestling with the question of how they achieve being good with specific parts of humanity's past.

To do this, in Chapter I I will provide my argument for pursuing an agent-focused framework for the needs of archaeological ethics. I do this by identifying the issues inherent in depending exclusively upon act-focused frameworks, such as codes. To start, I will engage with the question of why we turn to ethical literature generally as a means to establish a condition of adequacy for moral considerations via the perspective of the individual seeking moral guidance. It will be my argument that we engage with ethical literature to aid us in achieving as informed as possible moral conclusions that can stand up to reasonable scrutiny. I will use this to argue why we should not limit ourselves to act-focused considerations, a position I will further justify via three issues that arise from those depending purely upon act-focused frameworks. These issues will be their propensity firstly, to provide contradictory moral guidance in times of moral dilemmas, secondly, to promote an ethos of dangerous, and, at times, unjust conservativism, and thirdly, to overlook the relevance of one's character and intentions in one's moral decision making process.

I will conclude the chapter by engaging with Rosalind Hursthouse's response to challenges to virtue ethics' adequacy for applied ethics, on account of its supposed vagueness. Instead, she argues that a framework with a comprehensive and justified understanding of human

flourishing/*eudaimonia* should be considered adequate for applied ethics. From this, I will argue, that what is required for the needs of archaeological ethics is an account of *eudaimonia* that is justifiably applicable on a pan-human basis with an understanding of the professional archaeologist's place within this understanding of *eudaimonia*.

Having argued for the need to understand what it means to be good with the past, and that such an account must have a justifiable and comprehensive understanding of *eudaimonia,* the question arises of how to achieve such an account.

Therefore, in chapter II, I will engage with the question of which account of "being good" should be employed in discussions on the pan-human needs of archaeological ethics, arguing that Philippa Foot's approach provides an adequate and appropriate understanding because of her deference to the scientific method. I will start this chapter with my logical defence for Foot's categorical approach to virtue and her emphasis on human reasoning and choice as the authority of the good. My argument will be that Foot constructs a framework which obliges one to value human reasoning and choice, meaning any potential opposition must employ a logical contradiction in their decision to oppose: wanting their human reasoning and their human choice (in this case, to oppose) to be valued to an extent inconsistent with valuing human reasoning and valuing human choice.

This will be followed by a discussion on whether this naturalistic, scientific approach to ethics is appropriate for the needs of archaeological ethics given that, as a profession, it typically engages with non-scientific phenomena such as people's beliefs, traditions, cultures, and identities. It will be my argument that Foot's framework obliges the individual to work on the most valid understanding of *human* wellbeing, subjectivity and all, and that this is the appropriate approach as the alternative is to give certain examples of human subjectivity greater weight without rational

justification. I will, however, acknowledge that this commitment to validity makes it a framework that allows for revision, and so does not suffer the same issue of unjust conservativism I charged attempts to codify the ethics of archaeology with, in the previous chapter. This will allow me to conclude the chapter, having defended the position that Foot's approach to virtue ethics provides us with an adequate and appropriate pan-human lens through which to approach the question of what being good with the past means as either a layperson or an archaeologist.

The question that comes to mind, therefore, is what the relationship between the layperson and archaeologist should be. I will argue here that Foot's understanding of trust provides an adequate and appropriate approach to answer this question.

Chapter III will begin exploring this question by looking at the role trust plays in the human lifecycle as a way to understand the morals of trusting generally before I apply them specifically to the question of what role we should entrust to which professionals, for example, archaeologists. Trust, I will argue, should be understood as necessary for this social species made up of individuals, where mutual cooperation is necessary for human *eudaimonia,* even though it is hindered by the fact that we cannot guarantee others will keep to their terms. I will also engage with Annette Baier's acknowledgement that trust is not a purely rational mental mechanism, and that emotions, like fear of betrayal, can play a substantial role in our decisions about whether or not to trust the other. With Foot, however, I will argue that we have a means to approach the question of how to be and fail to be good with one's capacity to trust, including how to identify and address if one's emotions are pushing them into being viciously fickle or viciously distrusting via an account of trust's role in the human lifecycle. Should someone be more competent that you at promoting a *eudaimonic* good and likely to promote this good virtuously, I will argue that one should trust them: that it would be vicious to not trust them with this task. These I will identify as the *conditions of competency* and the *condition of adequacy* respectively, arguing that should someone satisfy both of these

considerations it would be virtuous to trust them and vicious not to. Therefore, that one *should* trust them. And this I will use to cast the role it would be vicious not to entrust to professional archaeologists.

Therefore, I will question how an archaeologist can satisfy this *condition of competency,* arguing that scientific knowledge of the past is a *eudaimonic* good they are uniquely competent at promoting through their particular methods.

To make this case, in Chapter IV I will engage with two questions. The first is "what is heritage?" and whether a justifiably pan-human definition can be found. The second is "why should we want an archaeological profession we can and should entrust humanity's heritage to?".

Using Foot's biologically informed approach, I will identify what human traits are necessary for us to have heritage and use this to construct my definition of what falls into the category of "heritage", a definition I will argue is justifiably applicable on a pan-human basis. These traits will be our capacity to perceive phenomena as enduring through time, and as evidence of others like us. Heritage, I will argue, should therefore be understood, on a pan-human level, as evidence of the human narrative. I will pre-empt the challenge that this is an exceedingly accommodating definition, arguing that a phenomenon's value as heritage is dependent on the amount of the human narrative it evidences, its relative uniqueness (and therefore how dependent we are on it as evidence of something), and its significance in the human narrative.

On the question of heritage's value, again, I will look at aspects of the human animal to determine how heritage is beneficial and necessary for this species as a way to justify it as morally significant on a pan-human level. It will be my argument that our nature as a self-conscious, diverse, social, and mortal species, one with the burdens of identity, interdependence, and survival, means that

we should all appreciate heritage as a *eudaimonic* good, and therefore something we should recognise as morally significant. I will acknowledge how heritage can undermine people's happiness, and therefore immediate wellbeing, but argue that this depends upon improper engagement with heritage and/or vicious traits on behalf of the suffering individual, and that none of this undermines the fact that heritage has a necessary role in the human lifecycle and therefore in human flourishing.

Finally in this chapter, I will engage with the question of what it is about heritage that means we should want there to be a professional devoted to it: someone who can satisfy the *condition of competency*. Here I will focus on heritage's irreparable and irreplaceable nature, and how improper conduct with it can mean it, this *eudaimonic* good we call heritage, can be compromised and/or totally lost. This means we should want to ensure that it is protected from amateurism: that we should want there to be a professional to entrust it to. I will look at the need for qualified interpreters and conservators, and the risks from unqualified attempts to research or maintain manifestations of the past, arguing that this justifies the need for an archaeological profession.

Chapter V will then shift from the question of how the archaeologist satisfies the *condition of adequacy* to how they satisfy the *condition of moral character*: of how they achieve being a professional it would be virtuous for us to entrust with archaeology. I will look at four aspects of the archaeologist's work, tying each to a particular virtue which I will identify with its relative vices via its relevance to and proper usage within the human lifecycle. This is done to ground the role of the archaeologist in virtues as they are used generally, before looking at how they should manifest for an individual who has been entrusted with promoting scientific knowledge of the human past virtuously. This, I will argue, provides an adequate and appropriate means for the individual to understand how they should balance their responsibilities as a professional with their more general moral responsibilities: or, how they should balance being a good archaeologist with being a good person.

The latter, I will argue, should always take primacy for a good person would not enter into or remain in a trusting relationship that is anti-*eudaimonic*, for they would fail to be moral, and that this applies in the case of assuming a trusting, professional role.

Together, Chapters IV and V will provide an account of what the archaeologist needs to be to satisfy the *conditions of competency and moral character*: to be a professional we should entrust with researching the human past, and what we are entrusting them to be. I will then devote the remainder of the thesis to explore the role and powers archaeologists should be entrusted with when their work comes into conflict with other, non-archaeological *eudaimonic* goods.

One of the main obstacles to archaeological research is the question of who is entitled to which aspects of the human past. For the archaeologist, this includes if and when their right to research trumps property rights, and therefore what powers they should have when it comes to people's ownership over pieces of archaeological heritage.

Chapter VI will look at this issue. I will start by arguing that any claim of ownership over specific pieces of the human past depends upon using specific examples of human agency to justify this right, and therefore employs an agency-valuing approach that is consistent with Foot's ideals. From this I will then look at how people can acquire property rights over articles of heritage, and the nature of being virtuous and vicious with one's property. In acknowledging that people can be vicious with their property, I will argue that there is virtue in having a profession empowered to prevent misuse of *eudaimonic* goods, and that the professional archaeologist should be entrusted with these powers when it comes to people owning aspects of the human past.

Chapter VII will then look at the archaeologist's right to interfere with posthumous wishes. I will look at the three things we can have posthumous wishes over; our bodies, property, and legacy,

and argue that our requests should only be respected so long as it would be virtuous for someone to do so. In appreciating that knowledge of the human past is a *eudaimonic* good that can be acquired through researching the past, the wish to obstruct such research, I will argue, should be appreciated as vicious and therefore something a virtuous archaeologist can justify overriding. I will also defend our right to prescribe contemporary understandings of morality on to past, non-consenting people, arguing that one should act on the most validated understanding of what being good entails, and that this, now, justifies pursuing archaeological knowledge regardless of the dead's posthumous wishes. This, I will argue justifies entrusting archaeologists to *respectfully* interfere with the dead's posthumous wishes.

And Chapter VIII will then look at how archaeologists achieve being a *eudaimonic* force with so-called negative heritages. I will look at two kinds of negative heritages: direct and indirect. The former refers to heritages that undermine people's happiness and/or wellbeing in and of themselves, whilst the latter refers to heritages that will likely and vicariously lead to compromised happiness and/or wellbeing, perhaps due to vicious individuals abusing them for vicious ends. Based upon the existence of these heritages and of vicious individuals, I will argue that archaeologists should be trained to be entrusted with a grander social role than a mere relay of their findings: that they should have the power to determine if and how their findings should be made public.

Together, these three points will identify how the good of archaeology should be balanced with other *eudaimonic* goods, the kinds of powers we should want to entrust archaeologists with so as to optimally promote these *eudaimonic* goods, and what the archaeologist needs to be to justify being entrusted with these powers. This is an account, which I will argue grounds the specific issues of archaeology in a wider understanding of being moral generally, providing the archaeologist with a

framework for critiquing base assumptions and values, and arriving at justified moral conclusions about how they achieve being moral in their particular circumstances.

The Hague Convention, along with most archaeological codes of ethics, uses a commitment to being good members of humanity as its guiding principle, an agreeable but vague imperative that offers little moral guidance when one is truly at a loss . What I will demonstrate in this thesis is that "being a good human" can be qualified via the scientific method, by examining humanity, and from this achieve a justifiably pan-human applicable perspective for those engaging with the questions archaeology throws up. This is an account, I will argue, allows the archaeologist to justify their claim that they are a force for good in humanity, and that they should be entrusted with a role given what they offer humanity. Equally, this is an account, I will argue, that aids both the archaeologist and layperson at arriving at the debating table ready to fathom what being good entails, come what may.

Furthermore, I will conclude that the virtue framework I will be outlining, defending, and advertising as adequate for archaeological ethics, should be considered in further ethical discussions. The most obvious, prima facie, is in the fora on the ethics of other professions. Here we have an account of being good I will have demonstrates that the professional can employ to critique: what their role is and what it should be, how they balance being a good person with being a good professional, and how their profession and practice should adapt in this changing world. However, it is not just within the field of professional ethics that this framework should be valued, but for those engaging in any discussions where the concept of "being good" is a relevant one, for it is an account that not only has science as its authority, but actually guides the individual in responding and adapting to challenges to even their most fundamental assumptions about what being good entails.

Chapter I

The Need to go Beyond Codification in Archaeological Ethics

Introduction

Archaeological ethics debates what our relationship with the pursuit of scientific knowledge of the human past should be (Scarre and Scarre, 2006; Vitelli and Colwell-Chanthaphonh, 2006; Zimmerman et al, 2003). Included within the ethics of archaeology are discussions on the moral value of scientific knowledge of the human past; what role, if any, the professional archaeologist should have and why, and how archaeology should fit into the wider moral world. It is a study that necessarily draws from, and has significant implications for, debates concerning the ethics of professionalisation,[2] property rights,[3] the value of knowledge,[4] and posthumous rights,[5] as well as ethics and politics generally.

In this chapter, I will argue that there is a need for a comprehensive understanding of what it means to be good with the past that can be employed in considering the kinds of ethical quandaries

[2] Oakley and Cocking, 2001.
[3] See Young, Leaman, Layton and Wallance, and Hollowell in Scarre, C. and Scarre, G., 2006; Nicholas and Bannister, 2004; Thompson, 2013.
[4] Aristotle, 2009; Foot 2001; Hursthouse 1991.
[5] Scarre., 2007; Scarre, 2006.

which archaeology raises. To do this, I will first engage with the question of why we turn to moral philosophy generally, before narrowing the focus to why we turn to literature on archaeological ethics specifically. This is done to argue for a specific condition of adequacy for moral guidance based upon the very reason that people turn to moral philosophy in the first place. I will argue that individuals engage with the literature on archaeological ethics because they intend to arrive at a conclusion which they can defend against reasonable scrutiny as morally justifiable, meaning that the capacity to provide adequate and appropriate moral guidance for one's decision-making should serve as the condition of adequacy for any moral framework.

I will then briefly outline the three main normative traditions in ethics and the kind of guidance which they offer the individual, dividing them into two camps, act-focused and agent-focused ethics, before outlining the predominant way in which guidance in archaeological ethics has been pursued and provided: via codification. Codes, I will argue, endeavour to reduce the ethics of archaeology to lists of right and wrong actions, and therefore manifest as the conclusions of act-focused considerations. I will emphasise the passive role which codes prescribe to the individual by comparing how one is meant to use Kantian Ethics with how one is meant to use a code, arguing that with codes the individual has minimal, if any, input into their moral considerations (Kant, 2012).

I will then engage with three pieces of literature whose authors, I will argue, successfully demonstrate that the act-focused nature of codes limits their capacity to provide the individual with adequate and appropriate moral guidance. I will use this engagement to strengthen the case for the pursuit of an agent-focused approach, i.e. an account of being good, for the purposes of archaeological ethics.

The first limitation which I will consider comes from Grigoropoulos and Pantazatos' "Ethics in Archaeology: Paradigm or Platitude" (2007), and focuses on the issue of moral dilemmas; more specifically, how attempting to reduce ethics to lists of right and wrong actions can yield contradictory advice. I will agree with Grigoropoulos and Pantazatos that these instances reveal the need for a framework that offers contextually nuanced guidance which can accommodate both the idea of committing necessary evils, and the thought of one's options as part of a series of future actions, not just isolated actions. The latter, I will argue, is of great importance, especially with moral dilemmas, for it enables one to recognise when an injustice must be committed, appreciate it as an injustice, and contemplate how to address it at a later date. This, I will argue, cannot come from act-focused approaches, since committing an impermissible act, even for a long-term good, is incompatible with a framework that claims that the nature of the act is sufficient to determine its moral standing (Kant, 2012). Drawing from Hursthouse's discussion on moral remainders, however, I will argue that virtue ethics can offer more adequate and appropriate guidance because of its agent-focused nature (Hursthouse, 1991).

The second limitation comes from Sarah Tarlow's "Decoding Ethics" (2001). I will acknowledge, as she does, that codification is an effort to pre-empt ethical debate rather than an effort to guide the individual in ethical debate. In such instances, I will argue that this makes codification unhelpful for those facing an unprecedented choice or questioning the appropriateness of pre-established moral conclusions, since codes only offer predetermined solutions. In such instances, I will argue, what is lacking is guidance in using one's critical faculties morally so as to arrive at moral conclusions which one feels confident are appropriate, and not just those which are considered appropriate by others. Such guidance, I will argue, cannot come from act-focused approaches, but only from normative frameworks that emphasise being good with one's critical faculties, and therefore, on being good generally: i.e., an agent-focused approach.

Finally, I will focus specifically on the relevance of one's character in moral deliberations, including when interpreting an adequate and appropriate moral code. Drawing from Colwell-Chanthaphonh and Ferguson's "Trust and Archaeological Practice: Towards a Framework of Virtue Ethics" (2006), I will argue that codes cannot mitigate the implications that our character can have on our moral decision-making; that there is a need to engage with the question of how one's character has or should have influenced moral decisions, which requires an account of being good.

Hence, I will argue that there is a need for an account of what it means to be good with the past that enables one to critique one's own character when it comes to making moral decisions about one's conduct with the past.

I will then finish this chapter by considering the question of what is required for a virtue framework to be adequate and appropriate for the needs of those who turn to, or should turn to, archaeological ethics, drawing on Hursthouse's own discussion on *the condition of adequacy* (Hursthouse, 1991). My answer to this will be that there is the need of an account of human flourishing and virtuousness that is justifiably applicable on a pan-human level, which can be used to explore the moral significance of scientific knowledge of the past, and the practicalities of pursuing it, namely via the existence of a professional academy.

Why We Turn To Ethics

Humans are decision-making animals with rational faculties: we elect to do things which we see reason in doing (Aristotle, 2009, 93). One may elect to paint a room red because one likes that colour, undertake employment because one wants money and/or a career, or engage with academic literature because one wishes to acquire greater knowledge and mastery of its subject matter. For example, one can assume that the individual reading a biology textbook is doing so

because they see reason in acquiring knowledge of the biological world – and the same reasoning applies to individuals engaging with ethical literature.

Ethics is about the good and the bad, and one presumably engages with ethical literature the better to understand these two phenomena, one's relationship with them, and how one can and should actualise one's relationship with them in thought and deed (Crisp and Slote, 1997). It is typically broken down into three branches, metaethics, normative ethics, and applied ethics. Each of these branches concern different arguments that can be posed against someone endeavouring to be ethical, and each should therefore be considered by those aiming to be moral.

In metaethics, the concern is the existence and nature of the good and the bad (Foot, 1969, p.197). Meanwhile, in normative ethics the debate is about what makes something good or bad: if an action is bad by its very nature, its consequences, or because it is the kind of action a good or bad person would do (Crisp, 1997, p.1). Finally, in applied ethics, the concern is about real world decisions, for example, if eating the last biscuit constitutes a bad action, and, if so, why (Scarre and Scarre, 2006, p.3). All three branches, however, concern these things called "good" and "bad", and "right" and "wrong", and one can assume that the reader of ethical literature seeks better to understand these phenomena, what their relationship to them should be, and how to make this manifest.

Each of these branches of ethics may be distinct, but each can have significant implications for the others, highlighting the need for the individual concerned with the ethics of their conduct and ideas to concern themselves with each branch in their moral contemplations. For example, if I understand the good as relational to human wellbeing (my meta-ethical position), this will lead me to conclude that actions which are good for human wellbeing are good actions (my normative position), and that if I helped someone in need, this would promote their human wellbeing and

would therefore be a good act (an example of applied ethics). Each of these steps require some philosophical rigour, and are open to criticism. For example, one might question why a commitment to human wellbeing should serve as the concept of the good, or if one's understanding of human wellbeing is valid, or if helping said person will promote their wellbeing appropriately and is therefore actually a good act. The purpose of ethical inquiry is to be able to defend one's positions as good when they are subjected to reasonable scrutiny, meaning that a framework which endeavours to guide one ethically must be able to aid the individual in reaching conclusions that can stand up against or address reasonable scrutiny.

Archaeological ethics is a field of applied ethics; one which is focused on our relationship with the human past,[6] specifically with studying the human past both morally and scientifically (Sandis, 2014; Scarre, 2014). We therefore turn to literature on archaeological ethics to aid us in reaching conclusions about our relationship with the human past, and to guide us in understanding what we (and others) should do with manifestations of the human past – conclusions which we hope can stand up to rational scrutiny.

A composite part of archaeological ethics is the ethics of the professional archaeologist. This concerns what role, if any, we should grant professional archaeologists, and what this means for our relationship with them and their supposed subject matter.

I refer to the ethics of professional archaeology as a composite part of the broader topic of archaeological ethics, as opposed to a subcategory, and do so deliberately. This is because "subcategory" implies that it is not always a necessary consideration for those concerned with the broader topic of archaeological ethics. This would be an erroneous understanding of the

[6] This definition of "archaeological ethics" is one that can also be applied to other similar fields, such as the ethics of heritage studies, anthropology, and historical studies, reflecting the joint concerns that are raised between these fields and archaeology's specific concern with the material past (Scarre and Scarre, 2006, p.1).

relationship between the two, since they should be understood as symbiotic considerations, as I will now argue.

When discussing the moral value of anything, the question of who is entitled to it becomes a necessary consideration, as an individual concerned with being moral would be concerned with not unjustly denying someone their just entitlements. The moral individual, someone committed to the good, would want those most able at promoting a good to be optimally enabled to promote it. Equally, the moral individual would not want the good to be compromised by less able individuals obstructing said qualified individuals from promoting the good.

It is this idea that informs our understanding of a profession; a role to be filled by individuals qualified at promoting a good and committed to promoting that good morally – a role which any moral person would respect as worthy of their moral consideration (Oakley and Cocking, 2001). This will have implications for how the individual understands their relationship with the profession's good, as the rights and responsibilities which the professional and lay person are understood to have with that good will shape each party's relationship with it. For example, to understand the professional physician as being entitled to the power to quarantine individuals for the sake of public health in exceptional circumstances is to understand that the good of public health is such that one's liberty can and should be compromised for the sake of public health, and that physicians should be tasked with making this judgment.

And, in the interest of reaching conclusions which are as informed as possible in one's moral considerations, one should, when possible, always engage with the question of what an expert can offer. For example, knowing that physicians can prevent or minimise epidemics because they have the means to identify a contagion, how it spreads, and how to prevent it spreading, may give one cause to think about how one values health and individual liberty, as well as whether there should

be a professional with the right to impose a quarantine. As Constantine Sandis puts it, self-confessedly paraphrasing Kant:

> "Theory without practice is empty, practice without theory is blind"
>
> (Sandis, 2014, p.1).

How we understand the moral significance of archaeology's subject matter as *archaeology's subject matter* will necessarily affect the role which we feel we should entrust to archaeologists[7], and how this good, as *their subject matter*, should be regarded as morally significant in a world of other goods. Equally, the role that we feel we should entrust to archaeologists, and which rights and responsibilities we grant them, will affect how we understand moral conduct with archaeology's subject matter and with members of the archaeological academy (Oakley & Cocking, 2001, p86). For example, to grant the archaeologist the right to list buildings as heritage is to say that the archaeologist's good is a good so valuable that it can infringe, justifiably, on individuals' property rights. Equally, it is to say that we should grant archaeologists this right, and therefore that the value of heritage is rendered of greater import than some property rights.

When a framework professes the capacity to provide adequate and appropriate guidance, it is therefore advocating its supposed capacity to aid the individual in reaching sound moral conclusions that can adequately respond to reasonable scrutiny.

Normative Approaches & Codification

It is traditionally accepted that there are three main normative traditions; three frameworks for the individual to use to determine if and why an action is good or bad, right or wrong, morally appropriate or inappropriate. Each focuses primarily on one aspect of an action as the thing which should determine its moral standing. These three aspects are the intentions and character of the

[7] I will discuss the notion of trust, and the ethics of entrusting a professional with a certain role, in chapter III.

individual behind the act (virtue ethics), the nature of the act itself (deontology), and the consequences of the act (consequentialism).

Deontology and consequentialism are typically grouped together as act-focused ethical approaches; this is to say that they seek to provide moral guidance by providing the individual with a means to assess an action morally via an aspect of the act itself (Anscombe, 1958). For example, Kant, a deontologist, would argue that if an action is the kind of action which everyone could do without contradiction,[8] and which is consistent with treating others as ends in themselves, it is the kind of action which one should do: the nature of the act in relation to these criteria determines its moral standing (Kant, 2012, p.34). Meanwhile, Mill, a consequentialist, would argue that the action that promotes the greatest pleasure for the greatest number and the least pain for the greatest number is the morally obligatory act: it is its consequences that determine its standing (Mill, 2003, p.196). The deontologist would therefore ask what the nature of the act is, and the consequentialist would ask what its consequences are, when attempting to determine its moral standing.

The third tradition, virtue ethics, is distinct from the other two, in that it is agent-focused; it is an ethics of *being* good as opposed to *doing* good. This is not to say that one cannot arrive at an idea of what one should do via virtue ethics, merely that what one should do will be determined by what a good person would do in these circumstances; i.e., if the action is one that demonstrates a good character.[9]

[8] The example Kant uses is the imperative "to lie", saying that it cannot be universalised without contradiction, for the act of lying requires a concept of the truth and of people believing what you say for them to be susceptible to your lies, meaning it requires some people to contradict the imperative for the imperative to function (Kant, 2012, p.52).

[9] I will be going into virtue ethics into greater detail towards the end of this chapter, and throughout the remainder of the thesis.

Act-focused approaches have dominated discussions in archaeological ethics (Tarlow, 2001).[10] International treaties,[11] domestic laws,[12] and professional codes of ethics[13] have all been drafted in the attempt to reduce the ethics of archaeology, and the role which we should prescribe to professional archaeologists, to lists of right and wrong actions for various parties (Colwell-Chanthaphonh & Ferguson, 2006, 117). The way that they provide moral guidance is simple: they identify which parties should, may, or should not commit what actions. Consistency with the list is morally justified, and inconsistency is morally unjustified. One can take *The Vermillion Accord on Human Remains* as an example, which stipulates that:

1. Respect for the moral remains of the dead shall be accorded to all, irrespective of origin, race, religion, nationality, custom and tradition.
2. Respect for the wishes of the dead concerning disposition shall be accorded whenever possible, reasonable and lawful when they are known or can be reasonably inferred.
3. Respect for the wishes of the local community and of relatives or guardians of the dead shall be accorded whenever possible, reasonable and lawful.
4. Respect for the scientific research value of skeletal, mummified and other remains (including fossil hominids) shall be accorded when such value is demonstrated to exist.
5. Agreement on the disposition of fossil, skeletal, mummified and other remains shall be reached by negotiation on the basis of mutual respect for the legitimate concerns of communities for the proper disposition of their ancestors, as well as the legitimate concerns of science and education.

[10] See; Turnbull 2010; Yahaya, 2006; and Zimmerman, 2003.
[11] http://portal.unesco.org/en/ev.php-URL_ID=13637&URL_DO=DO_TOPIC&URL_SECTION=201.html [date last accessed: 08/05/2019]
[12] https://www.legislation.gov.uk/ukpga/1990/9/contents [date last accessed: 08/05/2019]
[13] https://worldarch.org/code-of-ethics/ [date last accessed: 08/05/2019]

6. The express recognition that the concerns of various ethnic groups, as well as those of science are legitimate and to be respected, will permit acceptable agreements to be reached and honoured.[14]

Assuming, for now, that one accepts *The Vermillion Accord* as prescribing appropriate moral guidance, then here we have a list of morally justified actions on the part of the archaeologist. As a layperson who accepts *The Vermillion Accord*'s authority on moral matters, I would therefore consider an archaeologist's actions that are consistent with *The Vermillion Accord* as morally justified, meaning that I should not obstruct such conduct. This is because to accept such conduct as good conduct, and to accept that as a moral agent I should be pro the good, I should not want to obstruct good conduct, and therefore should not obstruct such good conduct on the part of the archaeologist.

The reason for the dominance of act-focused ethical approaches, specifically codification, in archaeological ethics can be explained via the relative ease with which one can get actualisable moral guidance (Davis, 2003, p.259). Codes tell one what one should, may, and should not do: I know that as long as I act as the code instructs me, I act as the code has deemed morally justifiable. Their dominance in the field is therefore explicable due to their simplicity of application.

Equally, codes have dominated the field because of the security they offer by fixing what rules, and therefore what rights which one should expect to be abided by. I can, as a lay person, know that an archaeologist who adheres to *The Vermillion Accord* will recognise my right to an interest over the mortal remains of those to whom I stand in relation, and to my own mortal remains once I am no more. No matter what the archaeologist's personal beliefs and ambitions, they are regulated by the code, and so I can expect them to comply with it.

[14] https://worldarch.org/code-of-ethics/

Codes prescribe a list of moral conclusions in an effort to pre-empt the need for ethical debate and consideration, not to aid the individual in reaching circumstantially informed moral conclusions (Tarlow, 2001, p.245). If we compare what codes offer to what Kant advocates, we can see this problem manifest, and why it is an important consideration. There are few specific actions that Kant overtly condemns as immoral in nature; instead, he seeks to present the reader with a framework for identifying one's options as morally obligatory, permissible, or impermissible via their relationship to the Categorical Imperative (Kant, 2012, p.34). And, even when he does profess that a specific action (suicide, for example) is impermissible, he does so by arguing that this position is consistent with the framework which he is advocating[15] that individuals should employ in their moral dealings.

Codes, meanwhile, seek merely to prescribe moral conclusions, and this, I will argue, limits the scenarios with which they can ensure that they provide adequate and appropriate moral guidance. Furthermore, I will argue that the limitations revealed cannot be overcome through a framework that employs act-focused rhetoric and ideals, since they reveal the need for guidance in moral decision making, about *being* good with one's critical faculties, which requires an agent-focused account.

Codes & Conflict

The first issue with codes which I will discuss is one commonly posed against act-focused ethical approaches generally: their capacity to clash and therefore provide contradictory, and hence inadequate, moral guidance precisely when one needs it most: when facing a moral dilemma. For the purpose of this discussion, I will focus specifically on the guidance which codes offer the

[15] "…according to the concept of necessary duty to oneself, someone who is contemplating self-murder will ask himself whether his action can be consistent with the idea of humanity, *as an end in itself*. If to escape from a troublesome condition he destroys himself, he makes use of a person, merely as *a means*, to preserving a bearable condition up to the end of life. But a person is not a thing, hence not something that can be used *merely* as a means, but must in all his actions always be considered an end in itself." (Kant, 2012, pp41-42)

individual facing a moral dilemma, where what one needs is guidance in committing bad actions morally. I will also argue that such a solution cannot be offered by act-focused ethical approaches, and that agent-focused approaches seemingly provide a potential solution.

Before I can start, there is the need to identify exactly what I mean by a moral dilemma. Moral dilemmas are situations where one must contradict one's moral imperatives (Hursthouse, 2010, pp. 63-4). This can happen in one of two ways: either two or more of one's options are obligatory but incompatible, so that one has to choose which obligatory action(s) one will not commit, or one's options lie between which impermissible action to commit. When it comes to codes, moral dilemmas can manifest in one of two ways. One might be compelled to choose between two different rules, or one might have to choose how to fail in abiding by the same rule.

We shall focus on the former type of moral dilemma first, where one must choose between two or more rules. In "Ethics and Archaeology: Platitude or Paradigm" (2007), Grigoropoulos and Pantazatos demonstrate that the issue of contradictory moral guidance can manifest for those depending upon a code, and why the act-focused nature of codes creates this problem. Using the example of the archaeologists who were drafted in to advise Coalition Forces during the Iraq war on heritage which their campaigns might threaten, the authors argued that the archaeologists could be viewed as operating under two different rules, given the implications of their guidance to the armed forces; rules which come into contradiction:

1. Preserve human lives (in this case via military efficiency)
2. Preserve human heritage (potentially by compromising military efficiency)

They also offer a limited solution for this issue – limited because they identify it as a solution for relatively few cases, and, even in such cases, this solution still offers limited guidance for the

individual. The authors also acknowledge that it is intuitive to view these two rules within their code as hierarchical: that the obligation to human life is more important than the obligation to heritage, so that favouring the former is permissible when such a choice must be made.

However, this solution is only intuitive because of the extremeness of the choice between human life and human heritage, and only offers a solution if one has a conflict resulting from two different codes where one intuitively takes precedence over the other.

Such a solution does not find an ally in Kant, and other strict deontologists, for the idea of hierarchical obligatory actions contradicts the concept of an action as obligatory by its very nature. Suddenly an action's moral standing is relative to circumstance, rather than being a quality of the action itself, and we lack clear guidance as to the nature of the circumstances that can change an action's moral standing (Kant, 2012, p.27). If we consider a less extreme situation, where one is choosing which piece of cultural heritage one should preserve, given the obligation to preserve cultural heritage, which action is "less obligatory" becomes something the deontologist cannot profess on strictly deontological terms (Hursthouse, 1999, p.67). From a strict deontological perspective, one cannot escape the fact that either way one will commit an impermissible act.

One could argue that we should focus on the consequences of abiding by the rule in either way, a type of rule-utilitarianism[16]. However, this raises the issue of expecting the individual to be able to quantify the relative values of abstract phenomena like the value of human wellbeing, the value of the particular article(s) of cultural heritage facing potential threat, and the long term implications of either choice (Hursthouse, 1999, p.67). And even then, this only offers a solution for those facing a situation where one option definitively leads to better or worse consequences than the other. These favourable conditions for decision-making are not always present.

[16] This is the notion that some rules can be justified via utilitarian principles because of the overall good they cause as opposed to the good or bad they may cause in any given circumstance (Mill, 2003).

And, again, these limited solutions only help in scenarios where the dilemma comes from two different rules within a code, not how one should fail in abiding by the same rule within a code. Consider the World Archaeological Congress's (WAC) imperative that professional archaeologists are obliged to "establish equitable partnerships and relationships between [other archaeologists] and indigenous peoples whose cultural heritage is being investigated"[17]. This should not be read as a controversial imperative, as it effectively prescribes that if one does not have a means to justify treating one individual differently to another, one should not treat them differently: reason informing morality. One cannot, therefore, allow one group to benefit at the unjust cost of another.

Now apply this imperative to the situation with which archaeologists were confronted when it came to the future of Anasazi heritage. The Anasazi are a now extinct tribe of Native Americans who lived in the South-West of North America. Though long since dead, their sites have for generations been and continue to be culturally significant for two different native American communities: the Hopi and the Navajo. To the Hopi, the Anasazi are viewed as their precursors, the sites as "footprints" that can be tracked back to their ancestral homeland. Meanwhile, to the Navajo, the sites are the remnants of a civilisation cursed to extinction for abandoning their natural lives through the use of dark magic. The sites themselves are imbued with this malus magic and, according to Navajo tradition, can be defaced to reset the balance between good and evil, promoting boons such as healing and good harvests (Colwell-Chanthaphonh, 2009, pp.147-149).

The two traditions cannot coexist. The Hopi cannot be guided by sites which the Navajo have destroyed and the Navajo cannot destroy sites if they are preserved for the Hopi. The archaeologist is therefore compelled to make a judgment call: which party gets preferential treatment.

[17] https://worldarch.org/code-of-ethics/

Now, recall the WAC's imperative to establish an *equitable* partnership. One's options are limited to protecting the Navajo's cultural traditions at the cost of the Hopi's, or vice versa. Either option therefore necessitates contradicting the imperative to establish "equitable partnerships", meaning that either is therefore an "impermissible action".

This is the issue with attempting to reduce morality to identifying the moral standing of one's immediate options in isolation from the context, including what future actions could be taken to address the situation as a whole. One does not need to limit one's realm of moral thinking to the initial action one's will make. The problem for act-focused ethical approaches, as Hursthouse puts it, is that "[in] concentrating exclusively on the question 'Which is the right act in this case, x or y?', they fail to say anything about 'remainder' or 'residue'" (Hursthouse, 1999, p.45).

By residue or remainder, Hursthouse refers to the idea of the aftermath of an unavoidable immoral act; the deficit or unjust loss which the moral agent should register and attend to. The moral agent, she argues, should feel guilt and identify when compensation is called for, looking at options not just in terms of the immediate actions they must make, but considering the action as the start of a scenario towards which they bear moral responsibilities (Hursthouse, 1999, p.44).

The archaeologist endeavouring to be moral needs a framework that aids them in being moral whilst knowingly committing a morally unsavoury action: committing an injustice out of necessity whilst appreciating it, morally, as an injustice. Meanwhile, for the lay-persons worried about what a moral dilemma might mean for their moral standing, what is needed is a framework that preserves their moral standing even in less than ideal circumstances. Such a framework must be able to appreciate the unjust but necessary harm as *unjust* harm, and guide the individual in being moral when committing unjust harm is unavoidable: seeking to best minimise its harm and

compensate the victim so as best to validate the victim's moral standing. Deontology offers the individual the choice of two guilt-causing injustices to choose from, and consequentialism offers them two options with guilt-causing consequences, because, as frameworks, their scope is limited to the act itself (Grigoropoulos & Pantazatos, 2007).

An ethics which is focused on being moral does not suffer the same shortfall as its act-focused counterparts, for it focuses on the individual as a moral agent, holding them responsible only for what was in their power to control and how they sought to affect the situation (Hursthouse, 1991; Grigoropoulos & Pantazatos, 2007). They therefore appreciate the idea that good people can find themselves compelled to commit morally undesirable acts, arguing that it is how they attend to such circumstances that will dictate the morality of their choices.

In the case of the Navajo/Hopi, an agent-focused approach would focus on guiding the individual in using their critical faculties appropriately, appreciating that there are good ways and bad ways to approach the choice and its aftermath. It seems unfair to brand the archaeologist as immoral for the decision they must ultimately make, for the decision is forced upon them. What we can evaluate is how they attended to the decision, for this is actually within their control.

In accepting that this is a world which does not always guarantee the individual the luxury of simple moral choices between good and bad actions, we recognise the need for a framework that can help the individual in making tough decisions in impossible times. Codes exaggerate the issue of moral dilemmas because their act-focused nature compels the individual to focus purely on the first choice they must make in terms of "right" and "wrong actions", when such a restricted view is unnecessary. Furthermore, it seems unfair to charge someone with immorality because circumstances beyond their control left them with the choice between two undesirable options.

In such circumstances, when we seek to evaluate an individual morally, we look at their decision-making process and what it says about them as a moral agent, revealing how the rhetoric of agent-focused ethics complements our intuitions when it comes to the moral standing of an individual facing a moral dilemma. Agent-focused approaches therefore offer the potential for those seeking guidance in *being* good when *doing* good is not possible, appreciating that good people can be compelled to commit bad actions, and offering guidance for its focus on using one's critical faculties morally well, regardless of circumstance.

Codes & Qualification

Building upon this notion of codes underappreciating the role which the individual can have in their own moral decision-making, it should be repeated that codes offer the individual moral conclusions as guidance; they are products of great deliberation and consideration, but they do not offer adequate guidance for the individual to deliberate and consider in their own moral life.

To Sarah Tarlow, this is not just an issue because it reveals that a code risks being unable to provide sufficiently qualified moral guidance in unprecedented circumstances, but also because it risks promoting an ethos of conservativism where the individual's faith in their code blinds them the need for fresh thinking (Tarlow, 2001). In this section, I will argue that there is a need for a framework for using one's critical faculties correctly, so that one knows if, when, and how one should adapt one's moral principles.

If we look at the history of archaeological codes of ethics, we see an ongoing commitment to good moral conduct, but a change in what good moral conduct is thought to entail.

Sometimes this results from technological developments. For example, the development of Magnetic Resonance Imaging (MRI) allowed archaeologists to examine mummified remains

without undermining the corpse's structural integrity. This changed what was considered ethical conduct and standard procedure when it came to engaging with human remains, for the old dilemma of choosing between damaging the body or not pursuing knowledge became a dilemma of the past.

Alternatively, a code may be changed because of cultural shifts, or because new information on cultures gives us the means to identify and reflect upon the culturally-informed assumptions upon which our ethical principles were based, and to decide whether they should be upheld or rejected. This appreciation of a lack of omniscience is reflected in some codes of ethics. For example, the International Council on Monuments and Sites (ICOMOS) once restricted the concept of cultural heritage to physical, manmade phenomena, but from 1964 to 1994, from one instigated, repealed, and then replaced code to the next, it has come to include intangible and natural phenomena (Bouchenaki, 2003, pp.1-2).

Either scenario reveals the fact that codes inherently cannot change according to new information, they are fixed thoughts from one point in time that can only be repealed and replaced. And this is only done when it is accepted that there is cause to go beyond a code's guidance, validating Tarlow's concern about the culture of conservativism that comes with codification.

Sometimes it is easy to realise that a code needs to be addressed because adherence to it leads to a logical contradiction. For example, imagine you are an archaeologist in 1965, the first archaeologist to engage with Zuni cultural heritage. You turn to ICOMOS's *Venice Charter* and focus on two imperatives; that one has a duty to:

> "the conservation of monuments that they be maintained on a permanent basis"
>
> and
>
> "[conserve] them in the full richness of their authenticity"

The problem which the Zuni, specifically their war-god shrines, pose to the archaeologist attempting to abide by both of these codes is that the Zuni "retire" these shrines: they allow them to erode to nothing so that the shrine's spirit may return to nature (Colwell-Chanthaphonh, 2009, p.145). Physical preservation of the shrines compromises its authenticity: it is meant to erode. Assume that our archaeologist meets the Zuni just after *The Venice Charter*'s employment in 1964, they will be waiting until 1973 before UNESCO adopts a new code that can offer them guidance on how to interact with intangible aspects of cultural heritage. Before then, however, the archaeologist is confronted with a contradiction: preserve the site physically or authentically. This logical contradiction gives them cause to critique the appropriateness of their code.

Often, however, one may not have the luxury of a logical inconsistency to alert one to the need for fresh thinking, and in these instances, deferring to one's code can allow for the potential continuation of unjust principles for the sake of consistency (Tarlow, 2001, p.256).

The bigger risk, according to Tarlow, is that one's dependency on one's code may cause one to overlook something worthy of attention that one would not have overlooked if one had not had a code to do one's moral thinking for one. Karen Jones makes the point that the extent to which one trusts someone else will affect the evidence required to shape our opinion of them: you treat criticism of a friend with greater scepticism than you do an enemy, for example (Jones, 1996, p.12). The trust which one places in one's code can have the same effect; making the individual oblivious to data that would have otherwise been sufficient for them to reach a more appropriate moral decision.

It is for these reasons that Tarlow argues that what is needed in archaeology is guidance in how one is meant to debate, deliberate, and arrive at nuanced, contextually validated moral conclusions:

we need guidance in being moral in thought and deed (Tarlow, 2001, p.256). She also argues that such guidance cannot come from act-focused moral imperatives, for the individual needs to go beyond what was pre-determined as good conduct, and needs, instead, guidance in moral thinking, and in reacting to circumstances as a moral agent.

This need is evident when it comes to the ways in which codes are identified as inadequate and new ones are drafted: they are repealed and replaced, an act that requires fresh thinking on the part of the re-drafters. Even if one attempts to address this issue by giving a code a shelf life or a mechanism for adaptation, it does not solve the problem that we still need an individual who knows what justifies adaptation and what they should aim towards when they decide that adaptation is necessary. The archaeologist who knows that the world has invalidated their code only knows that the code is unqualified, not what they should do now.

Equally, one must appreciate that this mechanism of repeal and replace entails archaeologists informing their regulatory bodies which codes they have been found to be inadequate and inappropriate in the field, and which solutions they have found to achieve justifiable resolutions. The archaeologist who zealously clings to *The Venice Charter* is not going to see the aforementioned contradiction in their obligations when dealing with the Zuni, merely an unjustifiably iconoclastic people whose heritage they must protect from the Zuni themselves. They therefore may not see reason to inform ICOMOS of the need for a change.

Movements have been made to appreciate this; for example, many regulatory bodies have shifted from the rhetoric of prescribing "codes" to prescribing "guidelines", giving the individual a more active role in moral thinking. However, if one does not know what it is one should be tending towards in one's moral considerations, one lacks the means to determine what would justify revising or retaining one's moral ideals.

This can be seen clearly in the Zuni case. The idea that the code needs revising entails an individual who questions the morality of physical preservation and why it was assumed to be a good act, can identify this culture's traditions as justifying the need to revise the code's commitment to physical preservation, and is then able to fathom what they should do next. The final consideration requires an understanding of the moral direction in which they are tending.

In the preamble of many codes, there is typically an overt expression of a commitment to humanity and human wellbeing to provide the individual with some idea as to what the writers of the code were aiming towards, and why the code should be considered a moral authority. For example, in the preamble of *The Hague Convention*, the drafters stipulate that the aim is to protect cultural heritage as:

cultural heritage is of great importance for all peoples of the world and that it is important that this heritage should receive international protection[18]

This demonstrates that the aim of *The Hague Convention* was to do right by all peoples, and that the preceding list of laws was concluded to be consistent with this aim.

This aim could serve to guide the individual in critiquing the qualification of their code, and in what they should do if they should find the code unqualified, inadequate, and therefore inappropriate, as well as aiding them in fathoming what to do next: i.e., whatever demonstrates a commitment to human wellbeing.

[18] http://portal.unesco.org/en/ev.php-URL_ID=13637&URL_DO=DO_TOPIC&URL_SECTION=201.html [date last accessed: 08/05/19]

The danger here, however, is justifying an account of "humanity" and "human wellbeing". As González-Ruibal states, such lofty ideals often come with a pre-existing concept with underlying assumptions about what it means to be committed to human wellbeing (2009, pp.116-117). Indeed, when we think of the Zuni example, what we see is the need for open-mindedness on the part of the archaeologist when it comes to their understanding of the relationship between heritage and human wellbeing. Without this, they risk being unjustly conservative because of their code.

This demonstrates the need for a framework of perpetual self-reflection, one open to the possibility that one's conception of human wellbeing and humanity's relationship with the past can be invalidated, and which can therefore aid the individual in determining how to move on as a moral agent in such circumstances.

What we therefore see, because of the changing, unpredictable nature of the world and humanity, is the value of perpetual critical reflection, and the need for a framework that gives the individual an active role in their moral decision making, and aids them in this endeavour. This is not just because codes can become outdated, but because they may promote an ethos of dangerous conservativism. Tarlow makes the recommendation of a thoroughly fleshed out agent-focused approach, arguing that vague but agreeable codes like *The Vermillion Accord's* demand to be respectful offer little practical guidance: there is the need to qualify what it means to be respectful, and, more generally, what it means to be moral.

Codes & Character

So far I have focused on how a code can become inadequate for the individual. In this section, however, I want to focus on the inadequacies of the individual: advocating the need for an agent-focused account for its own sake, even when one has an appropriate code. I will make the case that even the most well-thought-out code can be misinterpreted and/or misapplied because of

ignorance or malice, demonstrating the need for a framework that one can employ to critique one's own character in one's moral deliberations.

Recall that *The Vermillion Accord* calls for *respect* to be paid by the archaeologist to the "reasonable and lawful" wishes of relatives or guardians of the dead.

What must be appreciated here is that respecting and abiding by someone's wishes are not synonymous, and there is a reason that *The Accord* calls for respect: practical necessity (Tarlow, 2001, p.251). Recall that in *Codes and Conflict* I argued that an individual would like to know that their moral standing is respected even when it is impossible for what they saw as inalienable rights to be reflected in the actions of another.

An individual who apologetically brings you into an unjust harm out of necessity, and does their upmost to compensate you afterwards, demonstrates respect, even though they did not abide by your wishes. The imperative to respect does not compel you to act in a certain way, for one can act in any way that they can characterise as "respectful".

Alternatively, consider the fact that I can mockingly, and therefore disrespectfully, abide by someone's wishes, much as I can demonstrate respect in how I go about not abiding by their wishes. In an instance where it is impossible for me to abide by what I take to be the reasonable and lawful wishes of a third party, I can still do so respectfully; relaying my condolences and seeking out a means of compensation.

By pursuing a line of respect as opposed to obligation, the individual is saved from a charge of immorality because of the options with which their circumstances have left them.

The vagueness of this imperative therefore partially solves the problem of moral dilemmas, but at a cost: the imperative can be greatly influenced by the individual's character traits. Consider four different archaeologists who endeavour to translate this imperative into practical moral guidance.

The first is ignorant of the distinction between respecting and abiding by the wishes of third parties, and so believes that they should abide by all reasonable and lawful wishes of relevant third parties.

The second is an emotional sort. They understand the significance of *The Accord*'s focus on *respecting* the reasonable and lawful wishes of third parties as opposed to *abiding* by them. However, their longing not to upset individuals means that they act identically to the first archaeologist, as their emotional disposition means that it takes a great deal for them to consider someone's wishes as unreasonable.

The third is rather Epicurean[19] when it comes to the dead, which is reflected in their disposition towards people's sentiments to the dead. They therefore view people's wishes surrounding the dead, beyond those of sanitation and the prevention of disease, as of purely emotional origin with no rational basis. This leads them to the conclusion that any wishes based upon cultural traditions or personal affinity with the deceased would be unreasonable wishes if they necessitated compromising archaeological research. They therefore conclude that to fulfil their role as a professional archaeologist obliges them to override many wishes of third parties. They can still identify their actions as respectful and therefore consistent with *The Accord*'s imperatives, even though what they do is distinct to what the first two archaeologists do in the aim of committing "respectful" actions.

[19] Epicurus viewed death as the end of the self and therefore the end of the person, meaning it is also the death of one's standing as a morally significant phenomenon, something I will discuss in greater depth in Chapter VII.

Finally, the fourth is an archaeologist who takes seriously the task of moral consideration as *their* task. By this, I mean that they take an active role in questioning what they, the individual there, should do in the aim of being a good person who has been entrusted with fulfilling a professional role. To that end, they review *The Accord*, take note of the distinction between an imperative to abide by and to respect the wishes of third parties. They are therefore aware that Article 4 demands that they strike the right balance between promoting science and education, critiquing the wishes of third parties in terms of their reasonableness and legality, and hence if they are worthy of respect, all before determining what they should do in their given circumstances. Inevitably, their resulting conduct will be respectful in nature, regardless of whether the action that they choose to commit is more consistent with the first two archaeologists or the third.

The first three archaeologists demonstrate how extremes in one's character can have substantial implications on what one perceives as the right action to perform. The first acts on ignorance; the second does not critique the impact which their emotions have played on their decision-making process, and the third does not critique the way in which their own moral standpoints might have unjustly shaped their moral obligations.

What this illustrates is the significant implications that one's character can have on how one interprets and applies a code. In each of the cases above, the individual commits what they categorise as a respectful act, even though the actual action which they commit varies.

Efforts have been made to attend to this issue by prescribing the kind of person that one should endeavour to be; obliging people to be compassionate, critical, tolerant or, in the case of *The Vermillion Accord*, to be respectful. However, as we have seen with *The Vermillion Accord*, the more you make a code vague out of practical necessity, the more you make the individual's character relevant to what they will do with it.

In "Trust and Archaeological Practice: Towards a Framework of Virtue Ethics", the authors, unsurprisingly, argue for the need to pursue a comprehensive understanding of what it means to be a virtuous archaeologist, given how individuals can viciously, by intent or ignorance, keep to the word of a code whilst contradicting the moral spirit of it (Colwell-Chanthaphonh and Ferguson, 2006, p.130). What they are therefore arguing is that virtue ethics should serve as a necessary extra check and balance, given the limit of codes when it comes to mitigating the ignorance and/or malice of man.

Even if one trusts one's code for moral guidance, one must appreciate how one's personality can taint one's interpretation and application of it. Assuming that one is concerned with being moral, one should therefore want to ensure that one does not allow this intention to be undermined by intervening factors, such as one's ignorance, emotions or biases, and should therefore want guidance in *being* good to complement guidance in *doing* good.

Much as one should not limit one's considerations to the initial actions one can commit, one should not, in one's endeavour to be moral, limit one's considerations to the acts and consequences of one's actions; one should be critical of oneself. We turn to ethical literature to aid us in reaching moral conclusions which we believe we can defend against most reasonable criticism. With this aim in mind, and with an appreciation of the impact which our character can have on our interpretation and application of moral guidance in any form, we should also engage with the question of what it means to be moral and if we are living up to that standard, meaning that we should want guidance in what it means to *be* moral.

Hursthouse's Defence of Virtue Ethics for Applied Ethics

Now, if act-focused approaches have such issues, and agent-focused approaches have such potential, why have there only been discussions of the *potential* of agent-focused approaches, but little effort made to implement an agent-focused framework in archaeological ethics?

In this section, I will argue that the omission of agent-focused ethical approaches, specifically virtue ethics, in archaeological ethics is the very same reason that virtue ethics has, until recently, been omitted from applied ethics generally: an erroneous belief that a virtue ethical framework cannot provide sufficient moral guidance. In response to this still commonly-held belief, I will draw from Hursthouse's discussion, arguing that what is needed is an adequate and appropriate understanding of what it means to flourish and to achieve virtue (Hursthouse, 1991). And what is needed for the purposes of archaeology is an account of the profession's place within an adequate and appropriate understanding of what it means to flourish and be virtuous.

Virtue ethics has enjoyed something of a renaissance in applied ethics since the mid-twentieth century, thanks mostly to a growing dissatisfaction with its act-focused counterparts, for reasons which complement the issues raised in this chapter (Anscombe, 1958). Despite this, its adequacy for applied ethics is still met with considerably more scepticism than that of the other two normative traditions. Recall Tarlow's acknowledgement of the limited guidance which a vague imperative like "be respectful" offers (2001, p.250). This sentiment echoes a challenge often mounted against virtue ethics generally: that the imperative to "be good" or "be virtuous" is equally ambiguous to the point of inadequacy for moral guidance.

However, in "Virtue Theory and Abortion", Rosalind Hursthouse engages with the question of what *the condition of adequacy* should be for a normative theory to be considered adequate for applied ethical considerations (Hursthouse, 1991, pp.228-231). Her argument is that the typical arguments

raised against virtue ethics' adequacy would write off all three normative traditions as inadequate. Equally, she contests that such criticisms often result from a misunderstanding of the nature of a comprehensive virtue framework. She casts her hypothetical antagonist as one who would profess that:

> Virtue theory can't get us anywhere in real moral issues because it's bound to be all assertion and no argument. You admit that the best it can come up with in the way of action-guiding rules are the ones that rely on the virtue and vice concepts, such as "act charitably," "don't act cruelly," and so on; and, as if that weren't bad enough, you admit that these virtue concepts, such as charity, presuppose concepts such as the good, and the worthwhile, and so on. But that means that any virtue theorist who writes about real moral issues must rely on her audience's agreeing with her application of all these concepts, and hence accepting all the premises in which those applications are enshrined. But some other virtue theorist might take different premises about these matters, and come up with very different conclusions, and, within the terms of the theory, there is no way to distinguish between the two. While there is agreement, virtue theory can repeat conventional wisdom, preserve the status quo, but it can't get us anywhere in the way that a normative ethical theory is supposed to, namely, by providing rational grounds for acceptance of its practical conclusions.
>
> (Hursthouse, 1991, p.230)

There are three components of this hypothetical antagonist's position that must be dissected and, echoing Hursthouse, I will argue that they are not valid criticisms against a virtue theory with a comprehensive and justified understanding of *eudaimonia* and virtuousness.

The first is the idea that an imperative to "be charitable" or virtuous generally is insufficient to be action-guiding. The second is that the virtue ethicist "must rely on her audience's agreeing with her on the application of these concepts", such as the used concept of *eudaimonia*, virtue, and flourishing. The third is that, as a theory, it can supposedly only relay conventional wisdom, not give the individual rational grounds for accepting any conclusions.

On the first point, it is indeed the case that the imperatives to "be charitable" or " be good" or "virtuous", taken in isolation, provide inadequate moral guidance because of the vagueness of the imperative. However, the same could be said for the imperatives to "do good actions" or "pursue good consequences". One must evaluate the potential of a framework by engaging with what a completed framework looks like, and what such a framework is able to provide in terms of moral guidance, before one writes it off due to bad examples or shallow understandings of the theory. If we are to test a virtue framework's capacity to provide adequate ethical guidance for archaeological ethics, we must therefore engage with a framework with a justifiably pan-human applicability, with a comprehensive understanding of *eudaimonia* and virtue, and of archaeology's place in *eudaimonia*.

Moving to the second and third points, that a virtue ethicist depends upon their audience agreeing with their understandings of virtuousness and particular virtues, this argument hinges on the idea that the virtue ethicist has not provided a compelling argument for their gauge for identifying virtues. It must be appreciated that the very existence of moral philosophy implies that there is disagreement over various ethical positions and concepts: that assumptions cannot be made when it comes to the audience's understanding and acceptance of foundational concepts necessary to accept one's conclusions. The purpose of any ethical treatise is to provide a compelling argument for the other to accept their eventual conclusion. For example, Kant does not just state that suicide/self-murder is immoral, he provides an argument for his position, aiming to sway his

audience to his concept of the act and his position on its moral standing. The same goes for the virtue ethicist: they must provide a compelling argument for accepting their method of identifying vice from virtue.

Hursthouse's hypothetical antagonist finishes with the assertion that virtue ethics does not get us to where a normative theory is meant to get us to. At this point, it is worth remembering why it is that we turn to ethical literature, and therefore where it is meant to get us. It is also worth recalling why it is that there has been dissatisfaction with the other two traditions when it comes to the question of where a normative theory is meant to get us, and if one satisfies this *condition of adequacy*.

We turn to ethical literature to aid us in reaching more informed, defensible positions when it comes to the questions of what we and others should and should not do and why. Endeavours to reduce the ethics of archaeology to lists of right and wrong actions do provide the individual with a simple tool to serve as their moral authority. However, the narrow focus, fixed nature, and omission of the individual's character and intentions means that codes provide the individual with the means to arrive at an incomplete picture of the moral standing of their options, one prone to self-contradiction, redundancy, and misapplication. For those seeking as defensible a position as possible when it comes to their moral considerations, they must engage with the question of what a good person would do in their circumstances for its own sake, and not just because of the inevitability of moral dilemmas and unprecedented scenarios.

These limitations of codes also point towards what is needed from agent-focused ethical guidance for the purposes of archaeological ethics. In the theatre of archaeological ethics, what is needed is an account of what it means to be virtuous; an account which is justifiably applicable regardless of the potential audience's positions, with an understanding of archaeology and the

archaeologist's place when it comes to a commitment to being good. It must be a framework that provides the individual with the means to arrive at an understanding of what being good in their precise circumstances means, including scenarios which involve unprecedented scenarios or impossible moral choices, or scenarios in which values might have to be critiqued, revised, or re-defended: a unified framework of contextual sensitivity.

However, if we look back at the literature advocating virtue ethics, we see contributors recommending such a framework, not providing one. I point this out, not to criticise the value of these contributions to the discussion, since it was not their intention to provide such a framework, but instead to identify the necessity of a response to their recommendation to look beyond act-focused ethical approaches. As matters stand, there is no comprehensive account of being virtuous with the past that satisfies Hursthouse's *condition of adequacy* – something which I endeavour to remedy with the following thesis.

Conclusion

I began this chapter by asking why it is that we turn to literature on ethics generally, concluding that in so doing, we endeavour to reach conclusions that are optimally defensible regarding the morality of our conduct. With metaethics, we attempt better to understand these phenomena which we call the good and the bad; with normative ethics, we seek out how to identify phenomena as good and bad, and with applied ethics we seek the means to say that specific phenomena should be valued morally in certain ways.

Archaeological ethics builds upon these traditions in moral philosophy, and so the reason that we turn to literature on the topic should be appreciated as the same, just with a narrower focus: to help us understand what it means to be good with the past. A necessary part of such considerations, I have argued, is determining what role, if any, professional archaeologists should

have, and how this translates into who is entitled to do what to which aspects of the human past, and why.

I then outlined the predominant way in which the ethics of archaeology has been conceptualised, in act-focused terms of right and wrong actions, and correspondingly how this manifests practically, namely through codes of ethics. Whilst codes offer the individual moral rules that hopefully resulted from substantial critical acumen, and therefore contain ideas that they should consider valuable, I cautioned the reader about the limitations and issues that arise when one allows one's code to do one's thinking for one.

The first was that in attempting to reduce the ethics of archaeology to right and wrong actions and focusing only on one's immediate options, codes fail to provide guidance when one needs it most: when confronted with a moral dilemma, where one needs guidance in doing one's best in the circumstances as they present themselves. The second, meanwhile, focused on the fact that codes are static, a result of previous critical acumen allowing them not only to become outdated, but also to blind individuals to the nuances of specific cases which they should consider, and the potential need for fresh thinking. The third focused specifically on what act-focused ethical approaches leave out, namely the individual and their character, and the importance of considering the morality of one's character and intentions in the aim of reaching *as informed* a conclusion as possible.

I then concluded by drawing from Hursthouse's defence of the use of virtue ethics in applied ethics to outline why virtue ethics has been largely and unjustly overlooked until recent years. I defended her position that its omission comes from a misunderstanding of the framework, and that charges of inadequacy result from people critiquing frameworks lacking a comprehensive and justifiable understanding of *eudaimonia* and virtuousness. For archaeological ethics, this would

require an understanding of archaeology and the archaeologist's place in *eudaimonia*, and be justifiably applicable on a pan-human basis, given archaeology's global presence.

This thesis will endeavour to provide such a framework with a fleshed out understanding of *eudaimonia*, virtuousness, and archaeology's place within a commitment to human flourishing, one which, I will argue, is justifiably applicable on a pan-human level. In the proceeding chapter, I will begin this endeavour by outlining and defending Foot's virtue framework as both justifiably applicable on a pan-human basis, and comprehensive enough to aid the individual in arriving at adequate moral guidance – it is therefore well suited to the needs of archaeological ethics.

Chapter II

Qualifying *Being* "Good"

Introduction

In the previous chapter, I argued for the need of a framework that can aid the individual in understanding and actualising what being good with the past entails for the purposes of archaeological ethics. I made this case by outlining three problems with depending upon codes for one's moral thinking, problems I argued resulted from their act-focused nature. I also outlined Hursthouse's acknowledgement that what is needed for a virtue framework to be considered adequate for applied ethics is that it provides a comprehensive and justified understanding of what virtuousness entails that can adequately guide the individual to action. Further to this, I acknowledged the specific challenges for such an account to be adequate for the needs of archaeological ethics, arguing that it should be a pan-human applicable framework of context sensitivity, with a mechanism to adapt and offer adaptive guidance.

This pan-human perspective is not one I am prescribing to the profession but one largely embraced by the profession. We can see it in examples like *The Hague Convention*[20] which continuously references *human* heritage and *world* culture, and *The Vermillion Accord* that talks about

[20] http://portal.unesco.org/en/ev.php-URL_ID=13637&URL_DO=DO_TOPIC&URL_SECTION=201.html

moral obligations to *human* remains. And, the idea that context must be king in one's moral deliberations is emphasised in many codes, treaties and laws, like *The Vermillion Accord*, when they call for respect to be paid to local customs, beliefs and traditions.

And there is a logical defence for archaeologists concerning themselves with achieving a pan-human applicable moral perspective. Every instance of archaeological work has implications on what is or could be deemed moral elsewhere. To prescribe value to researching aspect X of humanity's history is to say there is necessarily a value in researching aspects of humanity's history in all its forms. Equally, justifying any example of archaeological research as moral establishes precedence that can influence what is considered moral elsewhere, something a moral agent would be wary of for they would not want to risk justifying bad conduct even accidentally. What is therefore needed in archaeological ethics is a framework for determining, regardless of circumstance, and therefore on a pan-human level, when variation in circumstance justifies variation or consistency in conduct when one aims to be good.

In this chapter, I will argue that Foot's (2001) species-focused, biological approach to virtue, one that employs the scientific method as its mechanism for critiquing moral positions, provides an adequate and appropriate framework for the pan-human applicability needs of archaeological ethics.

To do this, I will first outline and defend Foot's approach to virtue as justifiably applicable on a pan-human level because of its focus on our commonality as members of the human species, and appropriate because of the authority it grants human decision making in its construction of the concepts of virtue and human flourishing.

It will be my argument that, in using our capacity to make sound decisions as the authority of morality and virtuousness, Foot provides an account of virtuousness only objectionable to those who commit a logical contradiction. This contradiction will be that the *decision* to oppose must come from someone who expects their *human* reasoning and their *human* autonomy to be valued, yet their act of wilful defiance requires a rejection that *human* reasoning and *human* autonomy are morally valuable and should serve as the moral authority. This will allow me to conclude that Foot's use of human decisions making as the authority of the good, and her concept of human *eudaimonia* as a state where individuals are most enabled to make use of their critical faculties and be sound decisions makers, are justifiably applicable on a pan-human level.

I will then set to the task of defending her framework as adequate and appropriate for the needs of archaeological ethics, dividing the two considerations, its adequacy and appropriateness, separately.

Firstly, I will focus on the question of whether this strictly biological approach to ethics prescribes an appropriate perspective for engaging with the question of the value of people's beliefs, values and traditions, an important consideration when it comes to whether a framework is appropriate for archaeological ethics specifically. I will draw from John McDowell's concern that certain types of moral naturalism have the potential to overlook the significant role that our subjectivity, and subjective elements like our beliefs and values, play in our understanding of wellbeing (McDowell, 1998). I will also repeat González-Ruibal's concern regarding frameworks that employ a pre-defined understanding of human wellbeing that is not open to critical appraisal (González-Ruibal, 2009).

I will respond to these points arguing that as Foot prescribes a framework of using as complete as possible an account of the human animal to inform one's concept of human wellbeing,

eudaimonia, and virtuousness, it obliges one to account for how subjectivity factors in our wellbeing. This commitment to the scientific method, to validity, I will argue, not only gives appropriate regard to our subjective states, but also means that it prescribes an approach to understanding human wellbeing that is ever subject to new information, addressing González-Ruibal's concerns as well as McDowell's (McDowell, 1998). This will allow me to conclude that Foot's framework prescribes an appropriate moral perspective for pan-human application in archaeological ethics as far as human subjectivity, and therefore human beliefs, customs, and values, are concerned.

I will then shift the focus to the question of whether Foot's framework prescribes an adequate moral perspective for applied ethics or if in the aim of being justifiably pan-human applicable, the framework prescribes vaguely agreeable but inadequate moral guidance. It will be my argument that Foot's framework should be read as a pluralistic: one that appreciates that context can and should have a significant role in each of one's moral decisions, but that the overriding commitment to human wellbeing brings with it defined parameters, guiding one in how they should and should not approach their task of moral decision making.

This will allow me to conclude that Foot's approach to the concept of virtuousness means that she provides an adequate and appropriate moral perspective for the needs of archaeological ethics, justifying my use of it in the following chapters.

Eudaimonia & Science as the Author of Virtue

The first two questions any virtue ethicist must be able to answer are:

What is their means for determining virtue?

and

Why is it an appropriate mechanism for identifying virtuousness?

Without answers to these questions the individual lacks the means to determine what being good entails, the capacity to justify their conclusion about what virtuousness entails in the face of hypothetical or real opposition, and a means to convince another to adopt their position on what virtuousness entails.

Typically speaking, hypothetical and real ethical debates are going to be between two or more human actors. What *eudaimonists*[21] like Aristotle, Rosalind Hursthouse, and Philippa Foot endeavour to do is use our common humanity, and assumed positive disposition towards advancing our human wellbeing, as the basis of their moral philosophies (Aristotle, 2009; Hursthouse 1991, 2010; Foot, 2001). The *eudaimonists* operate on a simple assumption that individuals value their wellbeing, and use this assumption as the common-ground starting position in any moral discourse between individuals: a commitment to valuing human wellbeing.

Phenomena that are pro-human flourishing are thus prescribed with a positive moral value, whilst phenomena obstructive to human flourishing are proscribed with a negative moral value. And this goes for people and their character traits as well as non-human phenomena: virtues are pro-human-flourishing character traits, whilst vices are anti-human-flourishing character traits. The truly virtuous, who most embody this commitment to valuing their human wellbeing, serve as our moral exemplars, with deviation from this imagined ideal demonstrating a moral failing: that one has failed to be moral.

This demonstrates the need for the virtue ethicist to provide a compelling rationale for the imagined other to accept their understanding of what human flourish entails, if they are to expect

[21] *Eudaimonia*, typically translated as "flourishing"

this imagined other to accept their conclusions about what virtuousness entails and adjust their ideals and conduct accordingly.

The three aforementioned philosophers employ a naturalistic[22] approach to understanding what human flourishing entails. This involves making observations of the thing under consideration, in this case humanity, determining its *telos*[23], and using its *telos* to inform one's understanding of the qualities necessary for it to achieve its *telos* effectively. These considerations are then used to determine what complete virtuousness entails.

For example, a leaf, which is dependent on its host tree, has the *telos* to photosynthesise, so a good leaf photosynthesises well: this might be considered leaf *eudaimonia*. High levels of chlorophyll and efficient nutrient transfer enable a leaf to photosynthesise well, so these might be considered leaf virtues. Meanwhile, low levels of chlorophyll and high levels of nutrient retention, leading to the leaf being parasitic of the tree, might be considered leaf vices: this might be good, at least in the short term, for the individual leaf, but it would be an example of a bad leaf. Were leaves conscious and capable of changing their chlorophyll concentration and rate of nutrient transfer, *eudaimonists* would argue that a good leaf would seek to optimise these aspects of itself so as to achieve its *telos* and thus flourish as a leaf, achieve leaf *eudaimonia*[24].

One strength of using the scientific method[25] thus is that it employs a mechanism to understanding that all individuals are familiar with and use: using observations to inform conclusions. The other strength is that, in endeavouring to use as objective a perspective as one is capable of, one will employ an understanding that is hopefully fair and impartial, and therefore a perspective with

[22] Moral naturalism is the idea that scientific observations of the world that can be used to justify moral positions. It is distinct from and neutral to moral objectivism, which advocates that there are objective moral facts, facts that would exist independent of us. The moral naturalist can be a moral objectivist, viewing observations of the world as a means to understand moral truth, or they could merely advocate the use of observations of the world as the authority on the validity of moral positions.

[23] *Telos*, literally translated to "end", typically understood as the phenomenon's function or purpose.

[25] This is a commitment to act on what one has the most evidence for; a validity based approach. (Bortolotti, 2008, p22)

conclusions that it would be reasonable for both parties to accept. Returning to the leaf example, one can test and observe with their own eyes the impact of chlorophyll concentration and nutrient transfer on leaf/tree development/wellbeing, validating the hypothesis that these factors are significant to leaf flourishing. Upon achieving the results, one theory would have been most validated whilst others, including ones the individual likely did not consider, would have been falsified. What the scientific method asks the individual to do is act on the most likely, most validated hypothesis, for this is the one they have the most reason to assume.

A further strength of using the scientific method is that it follows the evidence, and therefore adapts to it. Recall González-Ruibal's concern of static concepts of human wellbeing being applied without critical appraisal (2009, p115). A commitment to the scientific method, as the naturalists prescribe, would address this concern, arguing that any concept of human wellbeing is as valid as the evidence, meaning new data can and should be used to validate/falsify the concept being employed. Recall the example of the Zuni in the previous chapter. There was an understanding of heritage's role in promoting human wellbeing, one that it was believed validated the notion that this justified the imperative to physically preserve articles of cultural significance. With the Zuni, however, we find ourselves facing a community whose relationship with their heritage falsified this belief, and so justified the need to revisit how we understood our relationship with heritage in the aim of being committed to valuing human wellbeing. The naturalistic perspective therefore addresses González-Ruibal's concern of static accounts of human wellbeing and what a commitment to human wellbeing entails, obliging the individual to follow the evidence.

We have yet, though, to say anything about the nature of a flourishing human life that one is meant to be committed to in their thoughts and deeds.

It is uncontroversial to proclaim that humans are more complex than leaves in form and *telos*. People have differing accounts of what it means to flourish leading to different accounts of the kind of lives that one ought and ought not pursue, and, therefore, differing accounts of what it means to live morally well and therefore differing accounts of virtuousness.

The virtue ethicist must therefore provide a compelling reason for the imagined other to accept their account of *eudaimonia* and subsequent account of virtuousness. Alasdair MacIntyre makes this point in *After Virtue*, criticising Aristotle's account of virtuousness as too influenced by his Athenian culture to justify its application beyond ancient Athens, and even within ancient Athens, arguing that Aristotle's understanding of *eudaimonia* presupposes Athenian cultural norms as objectively correct (MacIntyre, 2017, pp172-174). However, what MacIntyre does not dismiss is the Aristotelian, evidence-based method for understanding *eudaimonia* and subsequently for identifying virtuousness.

In an effort to least allow her framework to suffer the same challenge of cultural bias, in *Natural Goodness* Philippa Foot took a strictly biological approach to understanding the human *telos*, or lifecycle as she refers to it, using observations of the human species to inform her concept of human *eudaimonia*. She draws heavily from Aristotle, employing his categorical approach[26] and concept of *akrasia*[27] verbatim. She also employs concepts that are very similar to Aristotle's own but with distinct rhetoric, rhetoric that subtly demonstrates her greater scientific knowledge on the human animal and commitment to the scientific method via her use of biological rhetoric.

[26] That if two things are substantially the same, one has no rational reason to treat them dissimilarly, practically or morally: that variation in regard is the only justified via variation in qualities (Foot, 2001, p 33), this compares greatly with Aristotle's categorical approach to philosophical enquiry as we can see in his discussion on categories in *The Organon* (Aristotle, 1938, pp13-109)

[27] Typically understood as moral weakness – where one knows what they should do but cannot compel themselves to act accordingly -, for example, knowing your arachnophobia is irrational but still being unable to attend to the house spider. (Foot, 2001, p56)

Like Aristotle[28], Foot identifies humans as decision making animals[29]: that what distinguishes us is our capacity to comprehend cause and effect, identify and prescribe value to certain ends, and then act on this mental deliberation. And, like Aristotle, she argues that given the significance of our capacities as decisions makers in our lives, this should serve as the authority in understanding human *eudaimonia* and therefore human virtuousness (Foot, 2001, p65).

Foot makes the observation, again, echoing Aristotle, there are better and worse ways of employing these faculties, meaning if human decision making, or human agency, is to be the authority on living well, the correct use of these faculties should serve as the authority specifically (Foot, 2001, p65). In this case, "correct" would be the way to use one's decision making faculties in a manner most consistent with valuing human agency. For example, with greater knowledge of one's options in life, the likely consequences of each option, and probabilities of success, one best arms themselves with the means to determine the best choice in any given scenario, and can therefore best actualise their identity as a choice maker (Foot, 2001, p95). Meanwhile, she identifies diminished capacity to reason and/or capacity to act on reason as a defect[30], something one should not want, for as it inhibits one's capacity to flourish. Those that would disregard the value of knowledge would therefore demonstrate a character trait detrimental to their capacity to choose and therefore actualise their identity as a choice maker. Whilst those with knowledge act knowingly and therefore best choose their prospects, the ignorant allow their ignorance to be sovereign, reducing their capacity to make their choice their own and best ensure their own flourishing. The wellbeing of this choice making animal, to Foot, is therefore contingent on its capacity to use its critical faculties well.

[28] "Every art and every inquiry, and similarly every action and choice, is thought to aim at some good; and for this reason the good has rightly been declared to be that which all things aim." (Aristotle, 2009, p3)
[29] "… human beings are creatures with the power to recognize reasons for action and to act on them." [sic.] (Foot, 2001, p24)
[30] Her concept of a vice – a biological defect, discernible as a defect for it inhibits the possessor from achieving their *telos*. (Foot, 2001, p16)

Foot's emphasis of choice as the central concern in also overtly evident when she acknowledges that "human lives contain so many diverse activities: because human beings do so many different things" (Foot, 2001, p39). Whilst biology may limit and define our capacity to flourish, choosing well is Foot's primal concern when it comes to understanding a successful human lifecycle and evaluating an individual morally. Take her stance on reproduction:

"Lack of capacity to reproduce is a defect[31] in a human being. But the choice of childlessness and even celibacy is not thereby shown to be defective choice … bearing and rearing of children is not an ultimate good in human life, because other elements of good such as the demands of work to be done may give a man or woman reason to renounce family life."

(Foot, 2001, p42)

Choice, and choosing well therefore serves as the central concern for virtue ethicists like Foot. This puts the potential antagonist to Foot's framework in a tricky situation, for they would have to object to the supremacy of human choice born of sound reasoning, whilst embodying a commitment to such values via their *human* choice borne of *human* reasoning to object to her philosophies and conclusions (Raz, 1986, p292).

Perhaps, instead, the potential antagonist may object to the pan-human mindset her framework employs, which brings with it a shared moral community with shared moral responsibilities. However, such an individual would have to claim that they, their reasoning and their autonomy, are not substantially the same as another individual, despite evidence to the contrary, or that their reasoning is incomparable to the reasoning of the imagined other. This would necessarily mean that their position would be unintelligible to the imagined other, and therefore something the imagined other could not understand nor have the means to have reason to accept it.

[31] Foot uses the concept of biological defect as synonymous with a vice: something that inhibits *eudaimonia* (Foot, 2001, p35)

And all of this talk about the imagined other raises the question of what it means to be virtuous as one of many. In Aristotle's terms we are a political animal (Aristotle, 2009, p4), and in Foot's terms, we are a social animal (Foot, 2001, p35), again revealing Foot's commitment to the biology of human wellbeing. This is particularly evident in her greater willingness to see us as part of the natural world and her willingness to compare us to other animals, like wolves, bees and elephants[32], and therefore the authority she gives biology in the hope of pre-empting accusations of cultural bias.

There is a categorical defence for accepting that to value one's wellbeing is to value human wellbeing, one Foot refers to as Aristotle's categorical defence, alluding to where he posits that:

"…though it is worth while to attain the end merely for one man, it is finer and more godlike to attain it for a nation or city-states." [sic.]

(Aristotle, 2009, p4)

To express a value to one's wellbeing, which one does when they act in the interest of it, is to claim it as a type of thing that has moral value, meaning phenomena like it, the wellbeing of others, should be considered categorically, and therefore morally comparable.

However, neither Aristotle nor Foot are naïve enough to believe that a categorical defence is sufficient to be convincing, nor thorough enough to provide the individual with sufficient guidance in how to be and fail to be virtuous when it comes to our standing as a political/social animal.

[32] In her discussion on human vices/defects, she uses examples like a member of a wolf pack who does not help the pack with the hunt but eats the spoils (Foot, 2001, p16) and a bee who does not dance to inform the hive of nectar sources as examples of being socially defective/vicious (Foot, 2001, p35), and elephants' relationship with a she-elephant as an example of being virtuous when it comes to respecting expertise (Foot, 2001, p44).

To put the necessary meat on these bones, Aristotle focuses on how our capacity to cooperate politically enhances the individual's potential to pursue flourishing lives. Grand infrastructural projects, the existence of the academy, the rule of law, and mutual defence, to name a few examples, are all only possible for a social species, depending upon individuals with pro-human flourishing dispositions. Foot, meanwhile, focuses predominantly on more intimate examples, using the micro to explore the macro. For example, she looks at the concept of keeping promises as a uniquely human tool that reveals our social nature. The vice, or defect in Foot's vernacular, of someone who breaks promises results from the fact that they not only abuse something crucial to human wellbeing, trust in one another, but also undermines the circumstances necessary for human flourishing, for one compromises the ethos of trust necessary for individuals to feel they can trust in others[33]. As Foot puts it:

"In giving a promise, one makes use of a special kind of tool invented by humans for the better conduct of their lives"

(Foot, 2001, p51)

It is with this concept of humankind as a social species capable of making promises, forging trusting relationships, and cooperating in good faith, Foot provides her account of being virtuous with one's social faculties. To appreciate one's capacity to choose and one's commitment to value human wellbeing, one is provided with a rationale for why it is virtuous to value the academy, politics, and other phenomena that depend upon our social capabilities as the logical conclusion of valuing one's own human wellbeing, and aligning their cognitive faculties to this commitment.

Now, in making this step from us as social animals with social responsibilities, to valuing the wellbeing of others and demonstrating this commitment in thought and deed, it is easy to see

[33] I will discuss these concepts in greater detail in the proceeding chapter.

why some suspect virtue ethics of making supererogatory demands on the individual, a demand to be a moral saints (see: Thomson, 1971; Stuart, 2004).

Susan Wolf challenged this notion that virtue ethics prescribes too much of a social mindset with supererogatory social demands, arguing that this belief arises from a misconception that virtue ethics demands more than for us to merely be fair to ourselves and others (Wolf, 1982, p437). Wolf acknowledged that the rhetoric on discussions regarding virtues like humility and charitableness would, prima facie, suggest one should treat their pursuits as more worthy if they help others than themselves.

However, Wolf then acknowledges that to accept the idea that human wellbeing is morally valuable and that this phenomenon is categorically the same from individual to individual requires appreciating it as of objectively equal moral worth: that the individual's wellbeing is as valuable as the wellbeing of others (Wolf, 1982, p438). Much as vice is evident when someone unjustly compromises the wellbeing of another for their own pursuits, so too is vice evident when one treats their own pursuits as unjustly lesser than another. In the case of a job interview, it is inescapable that one person's career advancement will be an obstacle for the other candidates'. However, vice is not evident in the individual who fairly pursues getting the job: they merely treat their wellbeing as something equally worth pursuing as any other individual's.

Vice is evident in the individual who unjustly ruins the chances of the other candidates, for they treat the others' wellbeings as of lesser import than their own. Equally, vice is evident in the individual who treats their own wellbeing as lesser than others'. In appreciating this, Wolf articulates that philosophies that prescribe a pan-human ethos do not demand the individual pursue a saintly life of personal sacrifice, but one they view as worth living, with the only limiting

factor being that they appreciate that each individual is equally entitled to pursue their own flourishing (Wolf, 1982, p438).

And nor does this pan-human ethos contradict individuals having special relationships and demonstrating partiality, but instead asks the individual to understand the value of these relationships in the context of valuing human wellbeing (Aristotle, 2009, p157). Our social nature leads us to forming and valuing certain relationships and communities we find ourselves in, and we expect them to be valued because of the impact they have on our wellbeing. However, there must be a justified excuse for showing partiality towards another and the extent to which they demonstrate partiality towards them, especially if it could be at the cost of another's pursuits to flourish (Foot, 2001, p88). An individual who shows partiality to male candidates for a job where gender is not a relevant factor would be accused of vice for they have denied individuals (female applicants) their status as equals equally entitled to pursue their flourishing, for unjust reasons.

Equally, someone demonstrating partiality to their friend is justified, based upon the value of friendship in the human lifecycle, but this rationale comes with limits of how much partiality they can demonstrate in the name of valuing human wellbeing. For example, assuming one has no misgivings about their particular state's police and judiciary, if one's friend was accused of murder, harbouring and hiding them from the police would not be defensible from a position of valuing human wellbeing. This is because they would putting their friendship as of greater moral import than human wellbeing. The same logic can be applied to archaeologists engaging with communities: that the community's partiality towards its membership is a demonstration of humanity's social nature, but it cannot excuse conduct that is inconsistent with valuing human wellbeing.

When it comes to action guiding, Foot's framework obliges the individual to critique their understanding of human wellbeing, take stock of the nuances of their particular case, and fathom which path best demonstrates a commitment to valuing human wellbeing. As a framework for moral discussion, Foot's therefore provides one with promising prospects for the archaeologist. Firstly, because it prescribes a common ground the archaeologist can assume is present regardless of context but sensitive to context, by making human rationality and wellbeing at the heart of moral considerations. Secondly, in appreciating diversity in humanity, via the significance it places on human autonomy, it seemingly presents a framework suitable for a profession, like archaeology, where context is often king in moral decisions. And thirdly, it seemingly provides a framework that can guide one in enacting a policy without consensus, that they can justify as pursuing a valid moral ambition: to best promote human wellbeing.

There are, however, two questions an advocate, like myself, of Foot's framework will have to answer, if it is to be considered adequate and appropriate for archaeological ethics. The first is if it employs an appropriate account of human wellbeing and virtuousness and acceptably accounts for non-objective phenomena, like people's beliefs, cultures, traditions, and sense of heritage, for pan-human application. And the second is if, in the pursuit of this vastly accommodating account, it can provide adequate moral guidance or merely agreeable but vague advice.

The Science of Human Values

I will start with the question of whether Foot's framework prescribes an appropriate moral perspective for evaluating non-objective or, rather, subjective phenomena morally. This is a particularly acute issue in archaeological ethics where subjective elements like a sense of "belonging" or "meaning" can be very significant to the implications of one's context and therefore one's choices. Furthermore, McDowell (1998) raises a concern that moral naturalists prescribe a world view that undervalues or entirely omits the necessary relevance of these

subjective phenomena in our moral decisions. In this section, I will argue that this concern is not applicable to Foot's framework by engaging with the question of what authority should be given to human subjectivity in morality.

In *Two Sorts of Naturalism*, MacDowell identifies two conceptions of the natural world, and how they are incorporated into various ethical theories as a way of challenge certain types of moral naturalism (McDowell, 1998). The first conception is the one he refers to as the world "as is", measurable, purposeless, meaningless, objective: the "disenchanted" world of science. And he contrasts this with the world as it appears to us: one with meaning, values, purposes, the subjective world we perceive: the world "as it appears". He does this to raise the question of whether naturalistic frameworks, like Foot's, give due regard to our subjective states, given their integral role in our wellbeing.

For the purposes of archaeological ethics, this question is more pertinent, because we are talking of the ethics of a profession that routinely interacts with people's beliefs, values, ideals, and other subjective elements of their wellbeing, including how they understand the world and their place in it.

The question must be raised of what would be too much or too little regard to give human subjectivity, and/or a specific example of human subjectivity, if one is to charge a framework with giving or failing to give appropriate regard to this phenomenon.

What must be appreciated is that any example of human subjectivity is directly comparable to an example of another's subjectivity, and that to give value to an example of subjectivity is to say that it is the kind of thing that has moral value, and should therefore factor into our moral considerations. It is also worth acknowledging that there is diversity of opinion regarding the world

"as is" as a result of how it "appears to be" to different peoples. This is the case in science, where there are different and incompatible models for how different aspects of the world work, each bringing with them sweeping implications on the world "as is" where only one may be right. What science does is favour the one that has most "appeared to be" correct: the one with most validity (Kuhn, 1962). Models have gone from being gospel to antiquated, replaced by new models with greater evidence, "paradigm shifts" in Kuhn's vernacular (Wray, 2011, p186). The most infamous example is perhaps how the scientific community went from the view that the sun orbited the earth to the earth orbiting the sun: more accounts of how the world appeared conformed to the new theory. But on the topic of how much value one should give to an example of human subjectivity, on how the individual understands the world and their place in it, one has one of three options.

First, they could dismiss the value of the world "as it appears" as relevant to their commitment to human wellbeing, however, this is an untenable position for three reasons. Firstly, again, as McDowell pointed out, this aspect of the human condition is deeply significant when it comes to human wellbeing, and so this position gives too little regard to the phenomenon. And secondly, it suggests that the individual's understanding of the world has not resulted from their own experiences of how it has appeared to be to them, which would have, assumedly, manifested as one of value and purposes they have prescribed. And thirdly, it must be appreciated that the account we have of "the world as is" is merely a result of which account has the most consensus for people's perspectives on the world "as it appears". This is demonstrable when one considers paradigm shifts[34] as part of the scientific method. For example, the shift from the geocentric view of the world to the one we have now can be considered as a shift from people having more evidence, from their perspectives, that the sun orbits the earth, as many people had the experience of seeing the sun cross the earth's sky. Whereas the contemporary scientific view is one confirmed

[34] Where the fundamental assumptions of an idea or argument are replaced by another (Wray, 2011, p186)

by, a now greater body of human experiences, that now validate the view that the earth orbits the sun. The shift in our understanding of the world "as is" resulted from there being more consensus that the world appears as one where the earth now goes around the sun[35].

Secondly, one could give equal weight to every account of the world and its values. However, this makes it impossible to have a moral framework for more than one individual. One is reminded of the character Rocket in the film *Guardians of the Galaxy* who struggles with the concept of theft as immoral regardless of how much he wants the object he desires. To understand his desire as wrong requires putting him in a moral landscape with others with whom he shares rights and responsibilities, all capable of having different subjective dispositions towards phenomena in the world they share and, therefore, have collective moral status within. If we permit his moral position where his wanting can be the authority on morality, we end up with every individual being in their own moral world, not a shared moral world with rights and responsibilities to each other, let alone a world where individuals are of equal moral import because of their standing as essentially the same kind of thing: another person.

The third option, which complements Foot's commitment to the scientific method, is to commit oneself to the most valid account of the world as is, appreciative of the fact that it is the one that results from the greatest number of accounts of the world as it appears, and therefore validates the most number of subjective accounts. It also commits them to the most valid account of how to best value human subjectivity, addressing the issue of science as the play thing of the tyranny of the majority.

[35] This raises the issue of science as the play thing of the tyranny of the majority, i.e. that if the majority has an irrational perspective this, assumedly would become the scientific account. However, I will outline how Foot's framework addresses this issue via its focus on rational application of one's senses.

For example, one has, I assume, a wealth of human experience that confirms that this is a world where consuming hydrochloric acid, (HCl) would be painfully fatal to humans, and therefore detrimental to our wellbeing. It should therefore be accepted that this is the rational perspective, and therefore the one one should assume. Now imagine one is in a situation where one finds themselves in a scenario where the majority view is that HCl is an ambrosia from the gods that one must consume to cleanse themselves. More to the point, this community would find it troublesome that you doubt their faith and do not consume it. However, you have more evidence, more examples of the world as it has appeared to others, that this is not the case. To best demonstrate a value towards the kind of thing that is these people's subjectivity, namely to value human subjectivity, in a manner that is consistent with valuing human wellbeing as we best understand it, according to the greater number of subjective accounts of what is good for human wellbeing, therefore leads one to the conclusion that the virtuous thing to do is to refuse the drink. And this is the position that Foot's framework obliges us to assume, appreciating that deviation is to give greater value to certain expressions of human subjectivity without a rational reason to do so and is to undermine the notion that people's subjectivity is something of moral value.

This is, of course, an extreme position, but one relevant to archaeologists who find themselves engaging with a community who perceive the archaeologist's work as detrimental to their human wellbeing, one born from a view of the world "as it appears" that is distinct from the archaeologist's own.

And Foot's framework comes to its own in such circumstances. Hers is a framework that commits the individual to be ever critical of their concept of human wellbeing, subjectivity and all, and to use the most validated understanding of human wellbeing to inform them of their position of what would be the most prudent course of action to demonstrate a commitment to human wellbeing. It therefore cannot be one that one considers granting too much or too little to different

perspectives to the world "as it appears" or people's subjectivity, for one is obliged to act according to what the most evidence of human experience points to as the most pro-human flourishing course of action.

If we think back to the Zuni case, the archaeologist would be given evidence that human wellbeing can be contingent on allowing tangible heritage to erode, and so would be compelled to revise their understanding of what would be the virtuous course of action. This does not oblige them to abandon their position that scientific knowledge of the human past is a means to achieving a *eudaimonic* good, merely that they will now have to seek the most virtuous way to proceed with balancing these two perspectives of the world and humanity as they appear. It may remain the case that the virtuous thing to do is to physically preserve the shrines, assuming that the archaeologist can defend the position that the Zuni's position on their wellbeing, human wellbeing, and phenomena relevant to human wellbeing is logically untenable. Alternatively, this case study may, as it did, give the archaeological community a cause to rethink how they understood heritage's role in human flourishing and how they should apply this revised understanding into practice and moral principles.

Of course, in most circumstances in archaeology we are not talking about medically hazardous or functionally hazardous quandaries, we are talking about what is the moral thing to do with someone who attaches great significance to something because of purely subjective reasons. What Foot's framework does is allow us to flip the argument on to the person who is expecting their subjectivity to be valued, and determine what would and would not be a reasonable request on the part of the individual.

For example, I am partial to red and blue, there may be some subconscious reason for this, though I am unaware, the important thing is that I prefer red and blue coloured things. I also appreciate

that a preference to any particular colour is rarely defensible via functionalistic ideals: a blue chair would be, objectively speaking, as good as a green one. However, I prefer blue and red, and given the option between something red and something green, I would prefer the former, for entirely, I appreciate, arbitrary reasons. If something being purple would make it better for human wellbeing than if it were red, and I demanded it still be blue, then I would be putting my own wellbeing as of greater importance to a commitment to valuing human wellbeing (again, a logically unsustainable position). However, it is equally the case that, if colour is arbitrary when it comes to human wellbeing, it would be vicious for a third party to deny me my preference towards red or blue, for example by swapping my red chairs with green ones. With such conduct, the individual would be undermining my wellbeing unnecessarily, exhibiting conduct inconsistent with valuing human wellbeing, conduct they saw value in doing and acted upon, meaning they prescribe value to their own human wellbeing, an equally logically untenable position as my own when I wanted my tastes satisfied for the sake of undermining human wellbeing.

The same goes for the rest of humanity's irrationalities, idiosyncrasies, and partialities in Foot's framework. This is a species that has these phenomena and they are significant to our wellbeings. What Foot's framework commits us to is appreciating them as best we can for what they are, by understanding their place in the human lifecycle, and to accept that it is the individual's choice to demand they be and how they be respected, committing us to channelling all these considerations in a manner most consistent with valuing human wellbeing. The fact that we can appreciate the world "as it appears" and "as is", compare and contrast both of these perspectives, and be critical of the two, means that there is a virtue in doing so properly.

This shows Foot's framework as capable of providing the archaeologist, and layperson for that matter, with an appropriate moral perspective for engaging with the question of what course of action would most demonstrate a commitment to valuing human wellbeing, subjectivity and all.

Though rationalist in nature, because of her naturalistic standpoint, it is a perspective that responds well to concerns raised by McDowell and González-Ruibal. Human subjectivity, including our irrationality, plays a significant role in the human animal's wellbeing, and so it plays a substantial role in what it means to be committed to valuing human wellbeing to Foot. And a commitment to the scientific method means that Foot prescribes a commitment to be ever critical of how one understands human nature, wellbeing, and the past's relationship with the two. The imperative for the individual to follow, in Foot's framework, is to gauge what values, beliefs, and other subjective elements are relevant to their situation they find themselves in, when it comes to being committed to human wellbeing. This will entail discerning who the relevant parties are, what they want, could do, need and need not do. It also requires acting with the assumptions of a common commitment to valuing human wellbeing, and turning this into action. The only individual who would oppose this schema for moral decision making is the individual who puts their experiences of the world as of greater empirical worth than the sum of human experience or who acts in the interest of their own wellbeing whilst disregarding the value this implies of human wellbeing generally: an irrational and/or immoral standard.

The Limits of Pluralism

To Foot then, the fact that people X value P, and people Y do Q because they value R are relevant considerations to one endeavouring to demonstrate a commitment to valuing human wellbeing in their dealings with X and Y. This does make one suspicious of whether this is a framework of pure capitulation to any imagined other's demands for the sake of accommodating all of humanity.

However, whilst Foot's framework is one that appreciates the diversity found across humanity, it is fair to describe it as a pluralistic framework, not a relativistic one. In appreciating this, I will argue that Foot's framework provides adequate guidance in determining to what extent one should

accommodate the values of others, and what the virtuous thing to do would be when it comes to specific peoples with specific values.

Moral pluralism is the idea that one can have a unified moral framework that can accommodate seemingly contradictory moral conclusions and ideals. It is sympathetic to cultural relativism which argues that the moral standing of an action can be dependent on the cultural landscape one finds themselves in (Wolf, 1992, p789). However, it is incompatible with moral relativism. As Susan Wolf puts it, pluralism does not commit the individual to the view that "anything goes" in morality, but to a framework that recognises the plurality of values, and respects them within the bounds of reason and empirical fact (Wolf, 1992, pp790-791). What Wolf is arguing here is that one can have a unified moral framework of contextual-sensitivity and, therefore, the idea that being good may entail committing contradictory actions from case to case, but still remain a logically consistent moral framework.

However, there will still be a way one can fail to be moral in such frameworks, and this depends upon what the foundational level commits the individual to. In Foot, the biological animal that is the human being is the gauge for identifying vice and determining how and how not to conduct oneself in a given context, and there are definitive ways one can fail. Virtuous moral decision making entails valuing human wellbeing, identifying phenomena conducive and detrimental to human wellbeing, including the ideals, values, and intentions of others, and pursuing the most *eudaimonic* course of action: that which most demonstrates a commitment to human wellbeing.

Vicious values, in Foot's framework, are those that are inconsistent with valuing human wellbeing; ones that do not demonstrate a commitment to valuing the human decision making process and, by proxy, valuing phenomena conducive to the human decision making process (Foot, 2001, p97). Equally, vicious values manifest as ones that are inconsistent with appreciating the objective

equality of members of the human condition and how our social nature is significant to our wellbeing. Furthermore, it bears repeating that a rejection of universal equality is also vicious because it is self-defeating: coming from someone demanding that their wellbeing and their reasoning is valued, but that human wellbeing and reasoning is not valued.

The obligation Foot's framework therefore prescribes is to use one's critical faculties in any given situation to ascertain the most *eudaimonic* course of action. This does not lead to guidance in the form of imperatives like "iconoclasm is wrong". Instead it prescribes an obligation for the individual to: identify the nature of the iconoclasm under consideration, the values in play, their potential courses of action, and only then can one determine which course most promotes and protects *eudaimonic* goods and is most consistent with valuing human decision making process.

Sticking with the iconoclasm example, consider two archaeologists engaging with two iconoclastic communities they have the means to obstruct from committing their intended iconoclasm. The first is the Zuni who allow their war god shrines to erode, that, it could be describe, perform a sort of "passive iconoclasm". And the second is the Taliban who elected to destroy the Buddhas of Bamiyan (see overleaf) (Colwell-Chanthaphonh, 2009, p146 & p140) . Both parties would challenge the archaeologists' intentions to physically preserve their respective effigies, but their rationales and the circumstances vary distinctly.

In the case of the Zuni, we have individuals who made the shrines, meaning the shrines are a result of their agency, meaning to value human agency is to value this expression of human agency. Equally, the shrines were made to eventually erode, meaning part of their intangible heritage, which the archaeologist is charged with valuing, is that they will erode. A commitment to human wellbeing, in valuing human agency and phenomena instrumentally valuable to it, leads us to the conclusion that it would be vicious to obstruct the Zuni's practice.

Figure 1: The Buddhas of Bamiyan 1963 (Left) & The Buddhas of Bamiyan in 2008, post Destruction (right)[36]

Meanwhile, in the Taliban's case, their ownership claim comes from them assuming territorial ownership of the region the Buddhas were in, and their justification for destroying the shrines came from their Islamist stance that images of other religions should be destroyed. The shrines were produced by a now extinct nomadic Buddhist community centuries ago, who produced them we assume, to stand the test of time rather than to be destroyed (Colwell-Chanthaphonh, 2009, p140). An archaeologist would be justified, in Foot's framework, to obstruct this example of iconoclasm. By obstructing the Taliban, they would have obstructed an action spurred on by a belief system that prioritises religious doctrine over a commitment to human wellbeing. To do

[36] By Buddha_Bamiyan_1963.jpg: UNESCO/A Lezine; Original uploader was Tsui at de.wikipedia.Later version(s) were uploaded by Liberal Freemason at de.wikipedia.Buddhas_of_Bamiyan4.jpg: Carl Montgomeryderivative work: Zaccarias (talk) - Buddha_Bamiyan_1963.jpgBuddhas_of_Bamiyan4.jpg, CC BY-SA 3.0, https://commons.wikimedia.org/w/index.php?curid=8249891

otherwise is to compromise one's commitment to the most validated understanding of human wellbeing for the sake of this belief system, and therefore fail to be virtuous in Foot's framework.

The archaeologist can fail in being virtuous by not making an informed decision. This is because in acting without information one does not use their critical faculties most virtuously; they elect to act in a manner potentially detrimental to *eudaimonia* when they could have made an informed, *eudaimonic* decision. A commitment to valuing human wellbeing therefore comes with a commitment to take steps in protecting human wellbeing, including from one's own ignorance. The same questions and the same moral commitments may remain, but the conclusions and rationales will likely differ.

Foot's framework should therefore not be viewed as offering an "anything goes" morality, but instead an "anything that is a product of thorough consideration and is the most compatible with valuing human autonomy goes" morality. This does, indeed, mean that so long as one can justify their decision as consistent with these two criteria one can justify as moral, and that this will mean that X will be moral in some circumstance and immoral in others. But these are demanding criteria with defined parameters, and certainly not ones that lead to a moral framework accommodating enough to be considered inadequate for applied ethics.

Conclusion

In this chapter I have advocated Foot's biological approach to the nature of virtue as adequate and appropriate for archaeological ethics. I began by outlining the naturalistic and *eudaimonic* traditions that her framework has built upon, and how it can be seen as a response to the concerns Alasdair MacIntyre raised against Aristotle's own moral conclusions.

I argued that in focusing on our shared identity as humans and what this identity means, based upon biological observations, Foot arrives at a framework that is justifiably applicable across humanity, satisfying the need in archaeological ethics for a justifiably pan-human moral perspective.

In focusing on the human capacities to reason and choose, and arguing that these capacities are integral to everything we elect to do in our lives, including our decision to challenge a moral philosophy, I leave my potential antagonist is left with three options. They may reject the value of human reasoning and choice, despite wanting their *reasoning* that informed their *choice* to oppose me be considered worthy of consideration, leading them to a *reductio ad absurdum*. They may reject their identity as a member of the human species, but, in so doing, reject the authority of observation, categorical logic, and therefore the means their antagonist can identify and reason them as worthy of moral consideration. Finally, they may argue that Foot's approach to understanding human wellbeing is too scientific and does not give sufficient consideration to subjective phenomena integral to our wellbeing, but this fails in the same way and the previous concern fails: it requires an rejection of the authority given to observation and validity.

Moving specifically to the concerns of archaeological ethics, when it comes to the appropriateness and adequacy of a moral philosophy, I demarcated these two concerns.

On appropriateness, I focused on McDowell's concerns about how naturalistic perspectives on human wellbeing incorporate, or fail to incorporate human subjectivity; an acute consideration for a profession, like archaeology, that deals with people's beliefs, customs, and identities. I made the point that Foot's is a framework that prescribes a commitment to the scientific method when it comes to understanding human wellbeing, and therefore prescribes an obligation to understand human wellbeing in its entirety: subjectivity and all. This also prescribes a critical approach to how

one understands human wellbeing and being committed to valuing human wellbeing: one should operate on the understanding that has the most validity for and is therefore the most likely to demonstrate a commitment to valuing human wellbeing as the individual can understand it. This, I also argued, addresses González-Ruibal's concern of static concepts of human wellbeing, for the individual is prescribed with an ongoing commitment to be critical of how they understand human wellbeing and what this means for their commitment to valuing human wellbeing. Valuing subjectivity entails valuing all subjectivity, and translating this into action requires treating each example as equal in worth as data on how to navigate the world morally and acting on the most valid conclusions. Foot's scientific method embraces this, and so should be considered appropriate for archaeological ethics.

I then finished with focusing on the framework's adequacy for applied ethical consideration in archaeology. In this case, I focused on Foot's framework as a pluralistic one committed to valuing human reason, choice, and wellbeing, one that aids the individual for being prudent of the specific circumstances they are in, but with a consistent moral aim and gauge. This, I argued, demonstrated the framework as adequate for the applied ethical challenges in archaeology, for virtuousness was reserved for those who can defend their choices as prudent of the specifics of their circumstance, and most complementary to the endeavour to valuing human wellbeing: the result of sound and thorough moral consideration.

This chapter, however, only serves to justify Foot's framework as an adequate and appropriate one for archaeological ethics. How it works in application, and the kinds of conclusions it leads to are yet unexplored. Scientific knowledge of the human past, the role archaeologists should have in the human lifecycle, and what good archaeological-lay relations are, are all questions as yet undiscussed.

In the proceeding chapter, I will begin the groundwork for understanding the role the archaeologist should be permitted if one accepts Foot's approach to being committed to valuing human wellbeing.

Chapter III

Professionals: In Whom we *Should* Trust

Introduction

In the previous chapter, I argued for the use of Foot's biological approach to virtue ethics in archaeological ethics. This is an approach that commits us to evidence based understandings of human wellbeing, subjectivity and all, and acting consistently to valuing human wellbeing in the way the evidence best validates: of best using our cognitive faculties where best is qualified via observations of the species . It is also one that binds us into one moral community via our shared humanity, prescribing a moral perspective we can all relate to and then apply to specific moral considerations. Because of these two considerations, I argued, this shows Foot's framework as appropriate and adequate for archaeological ethics' need for a justifiably pan-human moral perspective for case-by-case moral decision making.

This is, in Paul Faulkner's terms, a genealogy of human nature, where history and biology are employed to understand what we should be from what has proven beneficial for our species (Faulkner, 2007). From the general to the particular, this approach allows us to examine specific aspects and abilities human possess and evaluate what our relationship with them should be. One

such aspect: professionalisation. Before I can look at the role it would be virtuous to prescribe the archaeological profession and its professionals, there is a need to understand how professionalism and the human abilities that allow for professions fit into the human lifecycle.

We do not go through life as uniform members of the species interacting with indistinguishable other members of the species. We are able to recognise and distinguish people based upon shared histories, affiliations, and variation in skills and knowledge. The existence of a professional is the product of this ability. Here a collective prescribes a role to the most capable at promoting a good; this role will be defined by the rights, limits, and responsibilities the collective determine these experts need to promote this good well in and of itself and in relation to other goods (Corbin, 2001).

Now, professional ethics is about what role, if any, we should trust which experts with. And the question I will engage with in this chapter is whether Foot's framework provides us with an adequate and appropriate to approach the topic of what we should entrust a professional with, and what we should entrust them to be and to do.

Therefore, in this chapter, I will argue that by exploring trust through Foot's species focus lens, we can achieve an adequate and appropriate concept of the professional we *should* trust, one based upon what it means to be virtuous with one's capacity to trust. This is a concept I will then employ in subsequent chapters to construct an understanding of what we should entrust archaeologists to be and how this translates into what it means to be a good archaeologist.

I will start by identifying the concept of trust and its relevance in professionalisation. I will also draw from Colwell-Chanthaphonh and Ferguson's article "Trust and Archaeological Practice" (2006), to identify the need to better understand what it means to be moral with our capacity to

trust so that we can better understand the concept of the professional we should trust. I will then outline three issues an account of being moral with trust must be able to account for and guide us in, if it is to be considered an adequate and appropriate understanding for us to depend upon it to inform us of the nature of the professional we should trust. I will argue that Foot's approach to virtue does adequately address these issues.

First will be that trust is not a purely rational phenomenon, but one affected by the individual's emotive state, most notably a fear of vulnerability, meaning we require a concept of being appropriately fearful. I will argue that Foot's appreciation of the human animal as a creature with affective states means that she provides us with an adequate and appropriate framework for evaluating the impact our affective states have and should have on our capacity to trust. This will lead me to the conclusions that, as far as affectivity goes, Foot provides an adequate and appropriate lens for determining when we *should* trust, even when we do not want to.

Secondly, drawing from Baier's "Trust and Antitrust" (1986), I will acknowledge that, to Foot, the choice to instigate and maintain a trusting relationship is always subject to the relationship's relevance to human wellbeing, presenting trust as always conditional in her view. Whilst I will appreciate that, prima facie, this presents a rather noncommittal account of trust, I will argue that the conditions attached are such that a moral person would not consider them controversial. I will then defend Foot's approach as providing an appropriate condition for maintaining, amending, or even abandoning trusting relationships, given the unpredictability of the world. I will also argue that this understanding of trust would promote, not undermine, the atmosphere of trust the human animal depends upon to flourish.

Together, these considerations will provide an account of being moral with one's capacity to trust as the capacity to determine when trusting another will likely promote *eudaimonia* or undermine it,

based upon the competency and moral character of yourself and your potential trustee. These considerations will be identified as the *condition of adequacy* and the *condition of moral character* respectively, and I will argue that when an individual satisfies these conditions virtue demands one *should* trust them. As an account of trust, it will therefore be one that casts the nature of the professional we should trust from the perspective of the virtuously sceptical, based upon trust's role in our species' lifecycle.

I will then look at a third and final complication: when trust should be granted but is not. Again, drawing from Colwell-Chanthaphonh and Ferguson's (2006) article, I will argue that there are two trusting relationships involved in any professional's choices: those of their immediate public and of humanity generally[37]. Accepting that we have grounded the profession's role in its relevance to human wellbeing, trust between the profession and humanity will be taken as granted. However, what cannot be taken for granted is trust from an immediate public, because of frequent scenarios that arise involving a viciously distrusting immediate public which throws these two trusting relationships, these two commitments, into conflict. In such instances I will argue that what we, as lay people, should want, is a professional committed to *eudaimonia*, and therefore one that will act in the interests of human wellbeing, even when an immediate public will not entrust them to be this *eudaimonic* force. I will argue that, with Foot's emphasis on a commitment to human wellbeing, and her appreciation of humans as emotive animals, she provides appropriate guidance for how we should want our professionals to act with a viciously distrusting public. This will be a professional that takes all reasonable steps to challenge the distrust and, in scenarios where they cannot acquire trust, does so to demonstrate their commitment to human wellbeing, in the hope of undermining the vicious ethos of distrust.

[37] This chapter focuses on professional-lay relations, because I am arguing what we (laypersons) should entrust the professional to be. I will discuss how professionals should relate to each other within their own academy and with members of other academies in Chapter V.

What Foot's account will provide, I will argue, is an account of the professional we should trust based upon the role trust should play in our lives, and therefore from the perspective of the virtuously sceptical, an account I can then justly apply when exploring the role the professional archaeologist should have in subsequent chapters.

Trust me, I'm a Professional

Trust is the capacity to willingly and conditionally surrender sovereignty of something over to another (Baier, 1986). It is distinct from gifting which is to wilfully and unconditionally surrender sovereignty of something over to another. If I entrust a houseplant to you whilst I am away, you accept this responsibility. If it dies as a result of your intent or negligence, you breached the conditions of the trusting relationship. If, however, I gifted you the plant and you killed it, I may be disappointed but there was no trust involved, and therefore no trust to breach. Trust therefore involves a willingness to conditionally make something currently under your power vulnerable to another in the expectation that, whilst they can breach this trust, they will not.

Trust is also distinct from reliance, for it requires agency on the part of the trustee: they have to have consented to the trust placed in them (Jones, 1996, p14). Imagine two scenarios involving a colleague bringing in enough food to feed both you and them at lunch. In the first, this was something they happened to do, and in the second scenario it is something they agreed to do. It would be fair to say that in the latter you have entrusted them with the task of bringing in lunch, whilst in the former you merely relied on them to bring in the lunch as they never agreed to be responsible for your diet. If one day they ceased to bringing in lunch without prior warning, the choice to do so in each scenario carries different moral weight. In the former, they had no obligation bring in lunch for you, you just relied on the idea that they would. However, in the latter, they agreed to do so, your reasoning for not bringing in lunch, and making yourself vulnerable to hunger, was because they had consented to being entrusted with the task of bringing

in your lunch. This example demonstrates why it is better to say that we rely on machines, but trust people, for trust involves an agent to consent to being entrusted.

Trust involves us making two judgements about the potential trustee: one on their competence and one on their character (Jones, 1996, p21). The rational individual would not trust something to someone they know is not up to the task of being entrusted with it. Nor would they make themselves vulnerable to someone they suspect would exploit this vulnerability intentionally or expose it to negligence. The whole point of trust is that one sees reason to make themselves vulnerable to another, not merely to allow one to be vulnerable to another.

Trust manifests in various forms throughout our daily lives, demonstrating the significance of using it appropriately (Kohn, 2009, p2). We leave the house trusting strangers will not unjustly obstruct or undermine our endeavours. We purchase goods assuming that we have not been deceived about what we have bought, presupposing we can trust all the individuals involved behind this purchase, from the traders to the regulatory bodies. We trust friend and family with promises and testimony. And, we trust professionals.

The existence of a professional requires trust. Professionals are not merely experts, they are experts in a field recognised as a good, regulated to be qualified in promoting this good and trusted to promote it in a certain manner.

As we have already seen, most professions, including archaeology, endeavour to justify their role via the idea that the good that they pursue, and are most qualified in pursuing, is a common human good, meaning to value humanity is to value their role in humanity (Colwell-Chanthaphonh and Ferguson, 2006, p124). This is in the hope that they can respond to a sceptical layperson via a conversation like:

Layperson: Why should I trust you to do X?

Professional: Do you value your and, by extension, human wellbeing?

Layperson: Yes.

Professional: By entrusting me to do X you will be enabling me to promote human wellbeing to an extent impossible without me and my expertise.

Layperson: As someone who values human wellbeing, I therefore see that I should trust you with this task, so I will, come what may.

Professional: Excellent, I will now do X.

Applied ethics, however, is rarely about the ideal, and this scenario comes with several assumptions to reach the happy ending, assumptions that cannot be made given the real world mechanics of trust. The first is that it assumes an entirely rational layperson, despite the fact that trust is not an entirely rational phenomenon: it is about one's fear of vulnerability to others. Secondly, it implies that trust should be about establishing a relationship that, once agreed, does not have to face criticism or revision by either party, that the job is done upon shaking hands. And thirdly, it implies that there will be a correlation between what the archetypal individual would entrust a professional with, and what the actual individual would actually trust the professional with.

As Colwell-Chanthaphonh and Ferguson observe, any professional who grounds their work's value, and therefore the role they say they should be trusted with, in its relevance to human wellbeing will always have two parties to concern themselves with: the immediate public and the general public (Colwell-Chanthaphonh and Ferguson, 2006, p123). However, sometimes members of the public do not want professional interference: what humanity should entrust them with and what members of humanity will trust them with conflict.

What Colwell-Chanthaphonh and Ferguson hint at, towards the end of their article is the need for an account of moral trusting relationships to inform the concept of the trusting relationships we should have and, by proxy, the trusting relationship we should have with which professionals (Colwell-Chanthaphonh and Ferguson, 2006, pp129-130).

This is something I will now argue is achievable via Foot's species approach to ethics, because of its resulting understanding of being good with our capacity to trust and being trusted, and how this translates into an account of the professional we should trust.

Foot on the Virtue of Trust

A commitment to human wellbeing is a commitment to be the kind of person who is, in thought and deed, conducive to human flourishing, including with their capacity to trust.

Trust serves an essential role in our species' lifecycle. As social and autonomous animals, we depend upon mutual cooperation to flourish but never have guarantees that the other party/parties will be faithful to the original terms: the reason we elected to make ourselves vulnerable to the third party in the first place (Foot, 2010, pp45-51). Guarantees are impossible for a species of autonomous animals as everyone can literally do anything that is within their power to do, meaning the individual depends upon probabilities of what the other party is likely to do. The decision to trust or distrust another, to Foot, is therefore one about determining the likely end of choosing to trust or distrust someone given the circumstances, including the character of the potential trustee, and choosing the most *eudaimonic* (Foot, 2010, p44).

This immediately discounts certain trusting relationships as immoral by virtue of not being relationships consistent with valuing human wellbeing. Colwell-Chanthaphonh and Ferguson give an example sympathetic to this idea, one of a local government official and archaeologist pairing

up to undermine the just wishes of a local indigenous community (Colwell-Chanthaphonh and Ferguson, 2006, p29). This would be considered a vicious and therefore immoral trusting relationship for Foot for whilst trust is involved, namely between the local government official and the archaeologist, it is used by both parties for a non-*eudaimonic* end: undermining the just wishes of third party.

This is not just an intuitive moral parameter for a morally justifiable trusting relationship, but a logical one. The nature of a trusting relationship is one about valuing agency. The trustor *chooses* under specific terms to make themselves vulnerable. And they trust, not rely, on their trustee, because in their trustee they have an agent capable of consenting to a commitment on these terms. Trusting relationships therefore demand prescribing value to the human capacity to choose, and therefore must be ones consistent with valuing human agency in order to avoid logical contradiction.

Now, taking Foot's species-focused approach to trust, we can see what the moral parameters of a moral trusting relationship are, and therefore the two considerations the individual must make before electing if one *should* trust or distrust someone.

The first question is over one's competency and the competency of their potential trustee at promoting a more *eudaimonic* end. Imagine you and a friend, who is a trained medic, happen upon a medical emergency, you rightly determine they are more able to promote the *eudaimonic* good of health, so elect that you should entrust them with authority over the situation and not get in their way.

The second question is over the potential trustee's moral character: about what one can reasonably assume their potential trustee will do by being empowered by your trust. There can be consensus

over something being a *eudaimonic* good, there can even be consensus that your potential trustee is more capable at promoting that good. But, if one has reason to believe that the potential trustee is not committed to using their abilities to a *eudaimonic* end, one cannot view entrusting them as the virtuous decision. Take archaeologists in Francoist Spain as an example, they were regulated to use the human past to promote the narrative of a united Spain, and therefore to legitimise the authority of the central government (Díaz-Andreu, 1993, p76). Now, suppose you happen across some artefact that references the Kingdom of Aragon, and therefore an artefact that contradicts the unionist narrative. You believe that it is likely that if you entrust this artefact to the archaeologists, it will be destroyed, thereby undermining *eudaimonia*. You therefore conclude that your commitment to human wellbeing obliges you not to trust them, not because they are unable to better promote *eudaimonia*, but because you have reason to believe they will not.

However, if one comes to the conclusion that *eudaimonia* would be better served by an individual more competent at promoting some relevant *eudaimonic* good than they are, and one has such a candidate that it is reasonable to assume will promote it virtuously, one has no grounds to not trust them. More than that, to choose not to trust them would be a choice antagonistic to *eudaimonia*: it would be to be viciously distrusting. Starting from understanding trust's role in the human lifecycle, and what it means to be virtuous with one's trust, we arrive at Foot's understanding of when we *should* trust someone, one we can then apply to understand the nature of the profession we should trust. This technocratic sentiment is most overt in *Natural Goodness* when Foot professes that:

"… human societies depend on especially talented individuals playing special roles in a society's life. As some species of animals need a lookout, or as a herd of elephants need an old she-elephant to lead them to the water hole, so humans need leaders, explorers, and artists. Failure to perform a special role can here be a defect in a man or woman who is not ready to contribute what he or

she alone -or at best- can give. There is also something wrong with the rest of us if we do not support those of genius, or even special talent in their work."

(Foot, 2010, p44)

I will now assess how this approach to being good with one's capacity to trust copes with the three issues identified with accounts of trust: namely how it accommodates the relevance of affectivity in one's choice to trust, what conditions should be attached to trust, and what to do when facing a viciously distrusting third party.

Trust & Affective Attitudes

Trust is not wholly a matter of *rational* decision making. Trust is about willingly making oneself vulnerable to the wills of others. Trust involves, or at least should involve, fear, even if in some instances it is so minor that it didn't even reach one's conscious mind (Jones, 1996, p14). This is problematical for two reasons. Firstly, because an account of being virtuous with one's capacity to trust therefore requires an account of what one's relationship with fear should be. And secondly, because the individual requires a gauge for evaluating their relationship with their fear that is not "affectable" by the relationship they already have with fear. This is something I will argue Foot's framework provides us, because the gauge is established via fear and trust's observed role in the human lifecycle, which one can then employ to evaluate their own dispositions and, if not immediately overcome vice, identify their need to cultivate a more virtuous disposition.

Consider two individuals, one raised in a den of thieves whilst the other is raised in a close, trusting and trustworthy community. The former is raised in a scenario where extreme fear of vulnerability to your fellow man is the norm, where trust is thus seen as a naïve venture, causing them to cultivate a character that reflects these sentiments. The latter, meanwhile, has had a life of validated trust, one where they have not felt the pain of being betrayed, and so do not fret or fear trusting

in others. Were they to both leave their homelands and find themselves faced with the same option, with all the same variables, of trusting in someone, their decisions would likely be distinct. More to the point, if they were to view the other's decision they would likely charge the other with vice. The one from the den of thieves would likely lambast the other for being viciously naïve, whilst the one from the trusting community would likely charge the other with being viciously distrusting (Bernstein, 2001, pp366-367).

What Foot's approach to ethics does is provide a means to determine where one's character is compared to where it should be, based upon what has proven beneficial in the past. To use Paul Faulkner's terms, she uses a genealogical account of trust (Faulkner, 2007). Using an evolutionary perspective she arrives at the conclusion that there is a role for trust in human life, as is demonstrable via our past. History and biology are her evidence for how we should use this ability to trust, leading her to a conclusion akin to Sissela Bok's when she professes that we should value our capacity to trust as:

"*Whatever* matters to human beings, trust is the atmosphere in which it thrives."

(Bok, 1978, p31)

We have right and wrong ways to be trusting, and by blending history, biology, and ethics we can arrive at a picture of what it means to be trusting properly. We can sympathise with someone who cannot bring themselves to trust but still remark that they should have trusted someone; that there is a way to be trusting and this person's way is wrong.

Consider the extreme example of a mother trapped with her child in a housefire, physically capable of surrendering her child over to a firefighter, but psychologically unable. This might result from what I will refer to as "conscious akrasia" or "unconscious akrasia". Akrasia generally is typically translated as a "loss of control": where one's emotive states makes one unable to choose to do

what they morally ought to do. It is contrasted with *enkrateia*, typically translated to "in power", where one's reason and action has not been compromised by their non-rational states: where they were able to determine what would be virtuous and then did it. By unconscious akrasia I refer to the capacity for our emotive states to influence how we perceive and relate to data. Meanwhile, conscious akrasia is where one knows that they should do something, but their non-rational states disable them from doing what they know they morally ought to (Foot, 2010, p56).

For example, on unconscious akrasia, the mother in the housefire might focus on the fact that the firefighter is a stranger who might exploit her vulnerability when she relinquishes her child by inflicting something worse than death upon them. This fear gives rise to the amount of guarantees she feels she needs before she thinks it prudent to overcome her fear of entrusting her child to the firefighter: to her, it is not prudent to trust the firefighter. Alternatively, on conscious akrasia, she may know that she should trust the firefighter, but her fear of making her child vulnerable means that she is not able to act as she knows she should.

Most would sympathise with the mother's inability to trust the wellbeing of her child to the firefighter, but at the same time would say she should have trusted them. In making this claim they are asserting that her relationship with fear and her capacity to trust is defective. Foot's framework provides us with a rationale as to why it is defective, and in the process provides a means to evaluate the influence our non-rational states have on our decision to choose to trust or not.

No one should want to be a victim of akrasia, they should want to know that if they deem something as the rational course of action, they will be able to take it, they should want to be the kind of person who can trust the firefighter (Aristotle, 2009, p118).

Foot's framework therefore provides us with a mechanism to evaluate the affective aspects of trust and arrive at a concept of the professional we should trust, namely one whom, by trusting, we will likely empower to promote *eudaimonia* to an extent impossible without our trust. It is one that allows us to evaluate the rational and non-rational aspects of our capacity to trust and use the combination of history, biology, and ethics to determine where we are with trust and where we should be. Should we arrive at a situation where trusting someone is more likely to promote *eudaimonia* than not trusting them, we should find the will to trust them. The professional we should trust is therefore someone who provides this ethos to us, so that we know we should find the will to trust with their *eudaimonic* role.

Flexible Trust

There are two things that must be accepted as fact when it comes to understanding the morality of instigating and maintaining trusting relationships. We have already touched on the first, that morally obliging someone to do something immoral employs a contradiction: saying they ought to do something they ought not to do. The second is that we undertake trusting relationships fully aware that they can be perpetually examined in terms of their continued relevance to the good, including how unpredicted and/or unpredictable events might influence the relationship's moral standing. If we are being true to Foot's framework, we should embrace these two facts, temper our lack of omniscience with our capacity of perpetual reflection, and expect our trusting relationships to be subject to their relevance to our commitment to human wellbeing.

Baier makes a similar point when she posits that any trusting relationship should be subject to its relevance to the good, claiming that:

"Alteration of the trust relationship need not take the form of destruction of the old form and its replacement by a new form, but of continuous growth, of slight shifts in discretionary powers, additions or alterations in scope of the goods entrusted, and so on."

(Baier, 1986, p256)

Prima facie, an issue here is that, in appreciating the non-rational aspect of trust and therefore the *eudaimonic* good that is an atmosphere of trust, Foot seemingly prescribes an understanding of trust antagonistic to promoting this *eudaimonic* trusting atmosphere. The idea here is that if you know others can break or amend the terms of a trusting relationship unilaterally if they see reason to do so, you are less likely to *feel* you can trust them. The professional we should trust in Foot's framework is therefore, prima facie, one who would undermine the atmosphere of trust if they deemed it *eudaimonic* to do so.

However, this should not be seen as problematical. The conditions for maintaining, amending or ending a trusting relationship are stringent enough to address Baier's concern that it might manifest as noncommittal. Equally, one has to question if the much desired atmosphere of trust is best achieved by an account with trust as always conditional but with fixed conditions, or one where it is understood as unconditional.

Colwell-Chanthaphonh and Ferguson engage with the latter consideration towards the end of their article, outlining the problem of unconditional trust for promoting a trusting ethos. They use the example of the British prime minister swearing *unconditional* trust to MI5, arguing that in making such a claim, they make any future claims of trusting MI5 valueless, for the trust was a given (Colwell-Chanthaphonh and Ferguson, 2006, p129). Trust is no longer appreciated via its relevance

to the good, but regardless of it, promoting an ethos where trust would be viewed as something given, rather than perpetually taken seriously.

However, in an ethos where trust is perpetually conditional with a commitment to the good, we can appreciate what it means for an individual to say that they trust X. To Foot, they are saying that they have this relationship because they understand it as *eudaimonic*, and will maintain it so long as it remains *eudaimonic*, that this relationship is an expression of a commitment to human wellbeing.

This does give the individuals involved a justification for breaking trust. However, in appreciating that an atmosphere of trust is *eudaimonic* and that breaking trust threatens this atmosphere, the onus is on the individual to justify why threatening this *eudaimonic* good is consistent with a commitment to *eudaimonia*. If the condition for breaking trust was "if the individual wants to" then one could charge it with being a noncommittal understanding that unnecessarily undermines the valued ethos of trust. However, the criterion is demanding to the point that it still makes trust a significant commitment, one that does not end when the relationship is instigated, but is of perpetual re-evaluation.

And Foot's species-focused approach to ethics gives us a justifiably pan-human gauge for determining if and how our trusting relationships should adapt.

Recall that we should want to be the kind of person that promotes human wellbeing because the fact that we value our own wellbeing means we prescribe value to things like our wellbeing, namely the wellbeing of others and phenomena conducive to human wellbeing.

We should therefore want to be the kind of person who would appreciate their own epistemic limitations when it comes to instigating what they believe will be an uncontroversial trusting relationship by allowing for the possibility that unpredictable events may cause us to revisit what we should entrust our trustees to do. Furthermore, we should not want trustees that would commit themselves to an arrangement regardless of its relationship to human wellbeing, or how its relationship to human wellbeing develops.

With these conditions in place, I propose that the virtue of trustworthiness should not be understood as a capacity to make and keep to conditions regardless of if keeping to them remains consistent with a commitment to the good. When individuals establish trusting relationships they do so knowing circumstances may unpredictably change, shaping the moral character of keeping to the original terms. The good of trust should be understood via its relevance to human wellbeing, and so should a trusting relationship: both parties of a trusting relationship should be jointly committed to perpetually engaging with the question of how the relationship should develop to remain consistent with a commitment to human wellbeing. A professional would therefore only be untrustworthy if they broke trust for non-*eudaimonic* reasons. However, they would not be untrustworthy for breaking it for *eudaimonic* reasons, for we have entrusted them with a task relative to its relationship to human wellbeing.

Consider an archaeologist who is entrusted by a local community with the task of examining a shrine. They are granted the right to remove artefacts for lab-based examinations but with the promise that they will return the artefacts to the site once the works are complete. We would have no issue with lambasting the archaeologist as untrustworthy if they instigated this trusting relationship purely to get access to the artefacts and take them. In Foot's framework they have exploited human trust, this *eudaimonic* good we all depend upon, for a non-*eudaimonic* end.

However, now imagine that, upon removing the artefacts, there is an earthquake which swallows the shrine, leaving only a massive gully. We will assume that the local populace viewed the artefacts as of moral significance, hence them inviting experts in and making their treasure vulnerable to strangers because of their ability to promote these valued artefacts' good. As moral individuals they should not want their trustees to do something inconsistent with valuing the good, and so should not want them to keep to an arrangement that is no longer consistent with the good: they should not want the archaeologists to throw the artefacts down the gully to reacquaint them with the shrine as agreed. There is an onus on both parties now to determine what is the virtuous way to proceed, and we should consider it vicious if the local community called foul if the archaeologists demanded to revisit what they should do now with the artefacts.

We should want to be the kind of person that perpetually works with our trustees to adapt, if necessary, our trusting relationships to be consistent with the good. We should also value the professional capable of thinking imaginatively, so that when the world makes it impossible or unpalatable to keep to the original terms of a trusting relationship they can adapt as the world has forced them to, and still best achieve the good (Baier, 1986, p236).

What Baier does is cause us to rethink what it means to be moral with our capacity to trust and be trusted, given we lack omniscience over this unpredictable world but can perpetually re-evaluate our place in it. What Foot does is provide us with a moral gauge for engaging with the question of whether we should instigate a trusting relationship, and if we should maintain, amend, or abandon one already undertaken. It constructs a concept of what it means to be trustworthy from the perspective of what it is reasonable to entrust someone with and to do, and when it is reasonable to expect one's trustee to amend the terms of an undertaken trusting relationship.

Because Foot appreciates the affective elements of trust, she appreciates the value and fragility of an atmosphere of trust, and therefore our obligation not to undermine it unnecessarily. As such, whilst this is account of being trustworthy which allows one to abandon an agreement, it should not be viewed as a noncommittal concept of trust, nor one that justifying professionals being untrustworthily noncommittal. The decision to amend or abandon a trusting relationship's terms is merely understood as as morally significant as the decision to undertake and maintain a trusting relationship.

Her account of the professional we should trust should therefore be viewed as one who takes seriously their task of undertaking and perpetually critiquing their trust-based relationship with the lay-community, via its relevance to human wellbeing, and the atmosphere of trust the human animal depends upon. It should therefore be viewed as an appropriate and adequate approach to understanding what we should entrust professionals to be in this unpredictable world of epistemically limited trustors and trustees.

Professionals & the Viciously Distrusting

So far I have assumed a commitment to human wellbeing on the part of the potential trustor and trustee, a commitment to inform them of if and when they should trust people generally, and professionals specifically. Sometimes emotions prevent us from making ourselves vulnerable to someone even when we know we should, where "should" is qualified via trust's role in the human lifecycle. And sometimes, thanks to the unpredictability of the world, we cannot expect our trustees to be ultimately committed to the original terms of a trusting relationship, but instead should appreciate that they may have to amend or abandon their commitments iff doing so is *eudaimonic*. And we should want to be the kind of person that accepts that our trustees, professional or otherwise, will see their commitments to us as conditional to their relevance to human wellbeing.

All of this presupposes a mutual commitment to human wellbeing when it comes to what we trust individuals, professional or otherwise, to be and to do. And this would be fine if the professional only had to deal with humanity it its entirety, as their profession, in Foot's framework, would be structured around its relevance to human wellbeing.

However, as Colwell-Chanthaphonh and Ferguson observe, day to day, professionals do not deal with humanity in its entirety, but instead members of humanity, and there are times where their role, for human wellbeing, may permit them to compromise the wellbeing of the individual (Colwell-Chanthaphonh and Ferguson, 2006, p123).

Consider the example of a physician. We value health as a *eudaimonic* good, and one that can be irreparably compromised by the actions of the individual, and so appreciate the need for a profession for medical health, with qualified authority on best protecting and promoting this good. We value this good to such an extent that, in most countries, we grant the physician the authority to instigate a quarantine. This is not done for the quarantined individual's wellbeing, but for the wellbeing of humanity generally: to best protect human health, in this case at the cost of the individual's liberty (Oakley and Cocking, 2001, p104).

This can be justified via a virtue ethical perspective, for we are merely granting the professional physician a role with the ability to prevent actions we should not want to commit nor want others to commit for they are vicious actions. In this case, it is the choice of regarding one's liberty as of greater moral import than the health, and therefore liberty, of others. This choice demonstrates a vicious disregard for the wellbeing of others, that we should hope we would not have.

However, it is entirely understandable, especially for other professions, why individuals would have reservations about entrusting someone with a task that may be employed at their personal cost. This is especially problematical for professions where there is not even consensus concerning whether the profession promotes a good, and therefore that they are entrusting someone to competently promote a good. This is an issue archaeologists face, for example, when engaging with communities with a concept of traditional knowledge or oral histories, ones that do not prescribe a value to a scientific account of the past, and so have no sense of moral obligation to trust the professional archaeologist with their job (González-Ruibal, 2009, p115).

Let us assume that the professional's job does promote a *eudaimonic* good, that the professional has committed themselves to promoting said good virtuously, and that they have done everything in their power to address the concerns of the local community. Still, however, the locals will not trust them with the job.

The professional has two options: to act despite the lack of trust from the community or to not act because of this lack of trust. The former is controversial, but the latter ethically unjustifiable by anyone who equates being good with valuing human wellbeing.

The reason we are able to identify the local community as morally relevant as ourselves, is because we are able to identify them as other human beings, putting them in the same moral community by nature of them being in the same biological community (Foot, 2001, p66). When we then arrive at an understanding of the role of a profession grounded in its relevance to human wellbeing, there is an expectation that we should, as members of the human community, trust the professional with this role, and not capitulate, thereby betraying our trust and their commitment to human wellbeing/the good, because some members oppose their virtuous interference.

However, this must still be appreciated as a morally controversial decision, even for someone committed to this pan-human ethos. In accepting that: trust and an ethos of trust go hand in hand, that they are both valuable to *eudaimonia*, and to appreciate the role our affective states play in both, is to appreciate the implications acting without trust can have on potential future trusting relationships and *eudaimonic* goods.

Acting with force because one cannot gain trust is likely to undermine the chances of getting trust in the future. For example, if an archaeologist could not get a local community's permission, their trust, to excavate a site and elected to do so anyway, they undermine any future archaeologist's chances of getting the community's trust, for the chances of an ethos of trust has been compromised by the original archaeologist's decision. This may cultivate an ethos where the professional is viewed an entitled elitist, an antagonist to the individual and the good, making it less likely that this community will ever trust the professional. It also might mean that local and other communities will foster wider resentments to professionals generally.

That being said, we cannot ignore that there are vicious actors in the world, individuals that if our professionals capitulated to, we would feel a sense of betrayal. Recall the layperson in Francoist Spain, the one who was worried that entrusting artefacts from the Kingdom of Aragon would lead to the artefact's destruction. Whilst their decision at the time was virtuous, imagine that they still held such suspicions about archaeologists today, and will not entrust the archaeologists with the task of researching the artefact. Now imagine that the archaeologist appreciates that they cannot get this person's trust and so elects not to research the artefact. In Foot's terms, they have elected to not be the *eudaimonic* force we have entrusted them to be purely because of the vicious lack of trust from a member of humanity, making the archaeologist vicariously vicious. What Foot's account does is provide us with a valid, pan-human perspective, for determining if, when, and importantly, how, a professional should be entrusted to act when confronting vicious distrust.

In the case where there is a reasonable suspicion that through making some concessions one would not significantly compromise *eudaimonia* whilst at the same time lay the foundations for a future trusting *eudaimonic* relationship that promotes human wellbeing greater than would have been possible without the trusting relationship, one could argue that these concessions are justifiable. Consider the scenario where the archaeologist is powerless to stop a group destroying some shrine, that if they attempt to remove artefacts it will all be demolished sooner, but they are granted the opportunity to view it briefly before its demolition. They know that pushing for more will likely lead to the shrine's destruction, and so they capitulate: they do not make the perfect the enemy of the good. The rest of humanity cannot condemn them for being untrustworthy, they did all that was in their power to best achieve what we entrusted them with.

Meanwhile, in instances where there is conceivably no hope of being entrusted by the local community, but a professional has the capacity to act without their trust, we would consider them vicious for not doing so. Think back to the Navajo/Anasazi situation, where the Navajo ritualistically destroy Anasazi sites. Imagine that archaeologists happen upon a site currently occupied by some Navajo who have the intention to destroy aspects of it. These Navajo will not permit the archaeologist access prior to their ritualistic iconoclasm. Also, imagine that the archaeologist has the capacity to obstruct the Navajo. The choice not to obstruct the Navajo here would be a choice to allow *eudaimonia* to be undermined. Firstly because it is a choice to allow a *eudaimonic* good to be lost. And secondly because it undermines the trust humanity placed in the professional archaeologist, and therefore how much they feel that they can trust the professional archaeologist in the future, given they have shown a willingness to not actualise their *eudaimonic* responsibilities if they face opposition.

However, this does not give them a carte blanche for how they elect to act. They must appreciate that they have an opportunity here to prove that their ultimate commitment was to human wellbeing and that the community was in error for doubting this. Assuming that they value their profession's telos, hence them investing time in being a professional, and assuming they agree with Bok (1978) that trust is conducive for what they value to be achieved most effectively, they should want to use this instance as an opportunity to establish precedence for future generations of professionals. In this case, the opportunity is to provide future generations of professionals an example in history where others like them have demonstrated their ultimate commitment to human wellbeing even in the face of scepticism and distrust (Baier, 1986, p242). Trust is about what is reasonable to assume one can expect from an individual, a professional part of a respected tradition has more to lose by not acting trustworthily, for this intergenerational trust serves them well by giving them reason for the suspicious layperson to entrust them.

For Foot, the professional's decision to act or not act due to the lack of trust for their immediate public must result from a consideration of if and how acting or not acting impacts the trust their profession depends upon for contemporary and future practice.

Conclusion

In this chapter I argued that Foot provides an adequate and appropriate perspective for those endeavouring to understand the rights, responsibilities, and therefore role we should entrust to professionals. In the first section I sought to understand the nature of this thing we call trust and understand its relevance in the concept of professionalism. I also demonstrated, once again, that professionals seek to employ a pan-human ethos so that they can appeal to a commitment to pan-human wellbeing to justify their role and what they feel they need to do in order to fulfil their role morally. I also outlined some of the challenges with attempting to understand what we should entrust professionals to be and how to translate this into practical moral guidance. These issues

were the non-rational aspect of trust, the conditionality of trust, and how one should interact with the viciously distrusting.

In Foot, I have argued, we have an approach to trust which adequately and appropriately attends to these issues. Using human experience and a commitment to human wellbeing, as Foot understood it, I have constructed an account of being virtuous with what our capacity to trust entails generally, and then prescribed it to our specific trusting relationship with professionals.

The second section addressed the non-rational or emotive aspects of trust, specifically our fear of vulnerability, arguing that there is an appropriate relationship to have with these facets of our psyche, and that using humanity as a gauge we can evaluate if we have the appropriate relationship or if our emotions are drawing us to vice. It is an account sympathetic to the fact that we cannot always will trust because of its non-rational components, but also that we should want to be the kind of person who is able to trust when it is *eudaimonic* to do so. Such an instance is where our potential trustee is demonstrably more competent at promoting a *eudaimonic* good than we are, and it is reasonable to assume they will promote it virtuously, meaning our commitment to human wellbeing obliges us to find the will to at least physically enable them to do their work.

The third section then looked at the nature of being virtuous with our capacity to trust as epistemically limited individuals in an unpredictable world. This provided an account of trust that appreciates untrustworthiness is not about unconditional loyalty to an agreement, it is about trustee and trustor being moral with their trusting relationships from initiation to termination. A trusting relationship, I therefore argued, is one where the trustee continues to satisfy both the *condition of adequacy* and the *condition of moral character*, where both parties are critical of this in a mutual commitment to being *eudaimonic* forces.

And the final section looked at the question of what we are trusting our professionals to be in instances where members of the human condition will not trust them to do their *eudaimonic* work. Again, it is thanks to Foot's species focused approach to ethics that we are provided with an intuitive approach to what we should expect our professionals to be in such instances. Appreciating the value of the ethos of trust, such instances must be viewed as opportunities for the professional to demonstrate their commitment to *eudaimonia* to both the immediate distrusting population and humanity in its entirety.

We therefore arrive at this account of the professional we should trust from the perspective of the virtuous sceptic. The virtuous professional is the one qualified in promoting a *eudaimonic* good, and seeks to do so in a manner consistent with valuing human wellbeing. They are the individual who, if we elected to distrust, we would be guilty of vice, of not using our capacity to trust appropriately.

The question now before us is what the professional archaeologist should be entrusted with being. This requires understanding their work as relevant to human wellbeing, and what, if any, rights and responsibilities, and therefore what role, they should be entrusted with in the name of a commitment to human wellbeing.

Chapter IV

Heritage's *Eudaimonic* Good as Archaeology's Subject Matter

Introduction

In the previous chapter I argued that for a professional to be someone we should trust, it must be the case that trusting them would be more *eudaimonic* (more conducive to human flourishing) than not trusting them: that one would be compromising *eudaimonia* by not trusting them. A professional that we should trust must therefore be part of a profession that pursues a *eudaimonic* good with their subject matter, and be committed to promoting this good virtuously if they are to be able to justify the idea that we should entrust them with their subject matter.

Archaeology provides us with an initial challenge: defining the archaeologist's subject matter and therefore what falls into this category of something we should potentially entrust to them. This also raises the challenge of justifying scientific knowledge of the human past as a *eudaimonic* good so that the archaeologist can justify their rights to work with whatever falls into the category of "human heritage".

In this chapter, I will argue that one *eudaimonic* good of all human heritage is that it can confirm aspects of the scientific account of the human past: that which archaeologists pursue. As such, it will be my argument that being virtuous with the past entails appreciating its capacity as archaeology's subject matter, meaning that we must value all heritage's potential as archaeology's subject matter and accept there is a role for the archaeologist in the human lifecycle. I will not be arguing that heritage should only be valued as archaeology's subject matter, merely that the *eudaimonic* good of a scientific account of the past should always be appreciated when one is contemplating the ethics of their relationship with an aspect of human heritage.

To do this, I will first outline the nature of archaeology's subject matter, human heritage, recognising the controversy attached to endeavouring to provide a unified account of this phenomenon. In response to the controversy, I will argue that we should, as Foot would recommend, look at what it is about humanity that allows us to have heritage, and enables us to identify phenomena as heritage, so that we can arrive at a human understanding of heritage. The abilities necessary for us to have heritage, I argue, are our temporal awareness, self-awareness, and social-awareness, and I will use this to demonstrate that human heritage should be understood as "phenomena that promote greater awareness of the human past".

Whilst vastly accommodating, I will argue that this definition of human heritage is adequate for applied ethical consideration, for it allows one an appropriate means to evaluate the relative value of phenomena as human heritage, namely via their significance to the human narrative.

I will then shift my focus to prescribing a moral value to human heritage. To do this, I will look at the three ways human heritage manifests to the individual, as: their heritage, the heritage of others, or as the heritage of us all (human heritage). I will pair each with an aspect of human nature (our nature as self-conscious, diverse, and mortal, respectively) in order to argue that so long as

humanity remains a self-conscious, diverse, and mortal species, we should value heritage as a *eudaimonic* good, be it one's heritage, the heritage of others, or the heritage of us all. In each case, I will acknowledge how heritage can compromise human wellbeing, but argue that such compromises depend upon vice on the part of the individual. I will therefore conclude that human heritage is a *eudaimonic* phenomenon for the human species, albeit one that can be inappropriately engaged with.

I will then focus on the question of what humanity gains from having archaeologists entrusted to study the human past. I will demarcate the archaeological community's telos into two roles: pursuing an ever more complete scientific account of the human past, and preserving manifestations of the human past. On the former, I will argue that human wellbeing flourishes by having an academy that can be trusted to be trained in unearthing evidence of the human past, an academy whose findings we can trust, for this allows us to better achieve the goods discussed in the previous sections. On the latter, meanwhile, I will argue that manifestations of human heritage allow the individual to ground their knowledge of the human past in something, allowing them to better achieve the aforementioned goods of awareness of human heritage. I will also focus on the irreplaceable nature of human heritage, and on how mismanagement can lead to irreparable damage, preventing further scientific investigation, whilst also preventing future laypeople from having these manifestations of which they can ground their knowledge. Because of this, I will argue that humanity benefits from having individuals skilled in preserving human heritage, meaning that being good entails deferring to expertise when it comes to protecting the future of the human past.

It should be made clear that I do not endeavour to argue that scientific knowledge of the human past should be understood as *the eudaimonic* good from the human past, but merely *a eudaimonic* good we can get from human heritage. However, in arguing for scientific knowledge of the human

past to be recognised as a *eudaimonic* good, I will be arguing that a phenomenon's capacity to provide us with scientific knowledge of the human past should be something one should be mindful of when contemplating the morality of their potential engagement with something that could promote scientific knowledge of the human past.

Defining Human Heritage

Definitions in ethics are essential, and often controversial. They are how we demarcate and group phenomena practically and morally, informing the individual of how they should conduct themselves with phenomena within a given category (Aristotle, 1938, p13). For example, I know that I should treat members of the category of poisonous phenomena differently from how I would treat members of edible phenomena. And on the strictly moral level, if I know two phenomena share a category, I have cause to treat them as members of this category: with the moral standing befitting membership of this category. For example, the idea of human rights employs the category of humanity, where the necessary criterion for membership is typically membership of the species, with the idea that members should be treated equally as befitting members of the category.

For there to be a profession, there must be a subject matter for that profession, which will have to be defined, thereby requiring a category, in this case "profession X's subject matter". Engineers work on mechanisms, physicians on patients, and archaeologists on human heritage. To prescribe a role to a professional is to ascribe to them certain rights over their subject matter, making the definition of their subject matter, and therefore what falls into said category, an essential and often controversial consideration.

It is an especially controversial topic for archaeology because of the abstract nature of the archaeologist's subject matter: human heritage. As previously discussed, organisations like

UNESCO and ICOMOS have changed their understanding of human heritage from one that applies exclusively to manmade, physical phenomena, to an understanding that now includes intangible and some natural phenomena. The rationale that was given for these changes employed the idea that if two phenomena share the same qualities, they share the category of "phenomena sharing this quality" and should not be considered excludible from the pre-existing category. In the case of human heritage, various bodies, such as UNESCO and ICOMOS, argued that as the qualities they looked for when determining if something should be considered human heritage were not qualities unique to physical manmade phenomena, the category of human heritage should not be considered exclusively applicable to physical manmade phenomena.

The unintended problem this endeavour to use more a qualified and justified definition of human heritage raised, is that we now have an understanding of human heritage so accommodating that it seemingly becomes meaningless. A meaningful definition for the purposes of moral thinking is one that allows the individual to identify phenomena as befitting a certain category of phenomena that they should interact with in the manner befitting members of that category. I understand suffering as a bad, and various creatures as categorisable as capable of suffering, and therefore know to conduct myself differently to such creatures than I would conduct myself with, say, a rock.

With human heritage, however, we now have a definition that does not exclude much in this world. As Constantine Sandis points out, focusing specifically on British heritage:

"…hooliganism, [though] unlikely to feature on British magazines about heritage … may be as much a part of Britain's culture as Big Ben, the Monarchy, Stilton cheese, the National Health Service, and Top of the Pops – the sort of things celebrated in Danny Boyle's 2012 Olympic Ceremony Opening."

(Sandis, 2014, p11)

As long as something is relevant to understanding how humanity got to where it is now, it is seemingly deserving of being in the category of "human heritage". Prima facie, this understanding of human heritage is unhelpful to the individual, for everything relevant to understanding humanity is heritage, and everything that has influenced an individual, subtly or overtly, can shed light on some aspect of the human narrative, and is therefore "human heritage".

With Foot, however, we have a means to justify this definition of human heritage, but also a means to make it a practical definition for the morally concerned.

Humans categorise and demarcate based upon similarities and differences they can detect. How they can detect qualities informs their definition (Aristotle, 1938, p13). For example, it is our thermo-sensitivity that allows us to have the concepts of hot and cold, and the ability to compare and contrast things as hotter and colder. Without this ability, the concepts of hotness or coolness would be incomprehensible to us. Everything has the potential of being hot or cold, but this concept allows us contextually helpful categories. Can we achieve the same with human heritage?

The very idea of one's heritage requires two abilities: what I will refer to as temporal sensitivity, and social-awareness.

By temporal-sensitivity I refer to our capacity to conceive the passage of time, and phenomena as having endured that passage. Without this, all phenomena in the world would manifest as temporally consistent: phenomena that just are rather than phenomena that have been and continue to be, or are new. Instead, however, we are able to see ideas and patterns of behaviour as enduring through time, and see different structures as of relative age. To understand the idea

that the Palace of Westminster is older than the Shard requires a creature capable of perceiving time's advance.

And by social-awareness I refer to our capacity to see ourselves as one of a collective, be it as members of humanity or members of a sub-group of humanity. Without an awareness of one's membership of humanity or a sub-group of humanity, one would not be able to view evidence of wildebeest activity as distinct from evidence of human activity or as evidence of the activity of one's specific sub-group of humans.

Recall that a Zuni tradition is to allow their shrines to decay so that the spirit of the shrine can return to nature. For a Zuni to understand placing a carved shrine in to the woods to decay as part of their Zuni heritage, it requires this individual to understand this as a practice that has endured through time, a practice committed by others they should supposedly identify with, in this case, the Zuni. For the Rosetta Stone to be considered human heritage, rather than merely a rock with some animal's scratch marks on one side, requires understanding its place in the human narrative. For Aboriginals to understand Uluru as a sacred site to their people requires them understanding the concept of *their* people, and *their* people having had a relationship with this natural rock formation that has endured time.

In each case, the qualities searched for and the human abilities employed are the same: one is effectively identifying something they understand as having endured through time to the point of them having a relationship with it: something that allows them a connection to past peoples. This access can be provided by tangible or intangible phenomena, manmade or natural, and so the definition should reflect this: anything relevant to understanding the human narrative is human heritage.

What this species-focused approach to categorisation allows us to do is ground the definition in our human nature, and therefore, justifiably apply it on a pan-human level: this is what humans should understand as heritage, and which phenomena should be considered examples of it.

Ethics requires common ground if a discussion is be fruitful rather than merely an exercise of different individuals talking past one another. For the Zuni to protest an outsider's intrusion on their shrines, they require the third party to understand why the shrines should be considered something the Zuni have exclusive rights over. Think back to the example of the archaeologist from the early 20th century interacting with the Zuni for the first time, an archaeologist with a deeply materialistic view of human heritage. If the archaeologist stayed fixed with their understanding of human heritage and how to preserve it, the two parties would not be able to talk meaningfully to one another. What is required is a debate over what makes something heritage, and what it means to preserve heritage. Both parties arrive with their understandings of the two, with the only common ground being they are both speaking as humans with a concept of the past and that manifestations of the past should be respected.

For Foot, this is enough of a common ground. The common ground of the two antagonists is their joint membership of humanity, and this is used to build up understandings and ethics. They can then look at the phenomenon under dispute, its relationship to human wellbeing, what category of "*eudaimonic*" good it falls into, the status granted this phenomenon as a "human relevant phenomenon", and what it means to be good with phenomena in this category. The Zuni, like UNESCO, may point to the two parties' joint concept of cultural heritage, how the archaeologist comes from a group of humans that will also likely have non-conservationist traditions as part of their heritage, that there *is* such a thing as intangible heritage, and their ritual with their shrines *is* one such thing. But to arrive at this point, both parties need to start at the human level, building up to it being a specific example of human heritage.

We are, however, still left with the problem that everything relevant to the human narrative fits into the category of human heritage. This problem stems from the idea that membership of a category is always black and white, rather than there being gradations of membership. The category of warmer phenomena are phenomena warmer than the average in a set. Faced with the option of several croissants, I can articulate that they are all warm, in that they are warmer than the ambient temperature, and that I would like one of the warmer ones. Can we arrive at a similar understanding of membership of human heritage?

Thanks to Foot, I would argue that yes, we can. Human heritage is something that promotes awareness of the human past, and different phenomena attest to various amounts of the human narrative. If you wanted to explain how humanity got to where it is now, the Rosetta Stone provides evidence of ancient Egypt, of over 4,000 years of history, of the antiquarian obsessions of the British and French Empires that impacted the majority of humanity. Meanwhile, the IKEA spoons in my kitchen can attest to humanity's 21st century habits in terms of trade and eating. Both the Rosetta Stone and my IKEA spoons can stand as evidence of the human narrative, but the former can attest to more of our species' narrative: the Rosetta Stone is thus a more valuable example of human heritage than my IKEA spoons.

Ethics requires common ground with common concepts if there is to be meaningful discussion rather than a mere exercise in talking past one another. With Foot, we have a biological approach to defining and categorising phenomena, and therefore for arriving at human definitions. Our status as members of humanity is a guaranteed starting point, where both parties can then build up to human definitions and critique both the definitions and how one should understand ethical conduct with phenomena befitting such a definition. By looking at what allows members of the species to have heritage, we can arrive at an understanding of heritage, namely as phenomena that

promote awareness of the human narrative. This also allows us a fair gauge for prescribing relative value to phenomena as human heritage: via their relative significance as part of the human narrative. Parties may value different phenomena differently as heritage, but on the human level they are provided with a fair arbitration mechanism: of its significance as *human* heritage.

The question remains, however, of what the moral significance of human heritage is: where does it fit in the human lifecycle? This is a necessary step that must be taken if there is to be a moral role for the professional archaeologist and if we are to consider our conduct with human heritage as morally significant.

An assumption before I get into ascribing moral significance to human heritage via its relationship with the human lifecycle: there are three ways heritage can manifest to the individual. Firstly, as their heritage – something they are connected to in a manner that others are not. Secondly, as the heritage of others – something others are connected to but they are not, that they can only relate to as human heritage. And finally, as human heritage – something that no one has a meaningful sense of connection to, but we are connected to purely because of our membership of humanity.

I will look at each of these in turn and how a scientific account of these heritages promotes human wellbeing because of aspects of human nature.

Heritage and Identity

We are self-conscious creatures. This brings with it the promise of independent thought and autonomy, but also the burden of identity. In this section, I will focus on how our status as self-conscious and social creatures leads to us viewing certain items of heritage as "our heritage", and argue that these aspects of humanity lead one to the conclusion that heritage is a *eudaimonic* good for the human species.

I am British and view British heritage as *my* heritage. This sentence reveals two aspects of my human psyche. Firstly, that there is a way that I conceive of myself beyond the mere biological, an identity that depends upon others, in this case a collective of individuals who are identified as "British" (Benavides, 2009, p228). This is what Appiah refers to as a "collective identity", an identity contingent on membership to a collective (Appiah, 2005, p65). Secondly, this sentence reveals that I appreciate that this sense of identity endures through generations, that there are past British people of whom we have evidence, and that I identify with them and this evidence of them, that their heritage is my heritage (Shennan 1989, pp10-14).

Identity[38] is important to our wellbeing for it is effectively how we understand our existence in the world: the thing we are versus what we are not, how we stand in contrast the world, and how we can and should navigate it. To Lowenthal, our attachment to our past is inescapable, borne of a drive to use past successes to inform future decisions. As he puts it:

> "Dependence on recognition is universal. Concern with what has been is built into our bones and embedded in our genes. Sheer survival calls for facility of habit and faculty of memory; without them we could neither learn nor long endure. Habit lets us repeat actions without conscious effort; memory recalls known features, negotiates familiar routes, and harks back to familiar experiences. Recall and repetition dominate daily life.
>
> The past renders the present recognizable [sic]. Its traces on the ground and in our minds lets us make sense of current scenes. Without past experience, no sight or sound

[38] It is more accurate to refer to the individual as having identities, in that any one individual possesses numerous identities: a father, a Frenchman, a Christian, an artist, a fan of rock music; all different identities that one individual can possess at once. (Freeman, 2010; Tajfel, 1981)

> would mean anything; we perceive only what we are accustomed to. Features and patterns become such because we share their history. Every object, every grouping, every view made intelligible by previous encounters, tales heard, texts read, pictures seen. Habituation unveils what lies around us."
>
> (Lowenthal, 2015, p86)

One's own heritage is not just important to their wellbeing because of how they can rationally use it, but because of the affective impact one's heritage and its absence can have on human wellbeing. In recognising that with heritage comes a sense of security in one's identity, one also recognises that without it comes a diminished sense of security, a compromised wellbeing, a condition that has acquired medical recognition, that of homesickness (Lowenthal, 2015, pp46-47) (Adler & Bruning, 2008, p36). We therefore seek out confirmations of our identity, our heritage, not just to better secure our sense of identity, but to prevent onslaught of insecurity, of homesickness, an existential crisis, call it what you will, an inability to ground oneself in the world around them.

This sense of alienation, of homesickness, does not just manifest when one lacks the means to confirm their sense of identity, but when something threatens their sense of identity. As Appiah notes, this can happen either because: the individual changes to the point that they no longer identify with a collective identity, the collective changes to the point that the individual no longer identifies with them, or because something challenges how they understood their relationship to this collective identity (Appiah, 2005, p209). Appiah uses the example of discovering one's child has been taught something the parent believes is inconsistent with how they understood one of their collective identities:

"The greatest controversies about education in democracies, as we know, tend to occur when people feel that their own children are being taught things that are inconsistent with claims that are crucial marks of their own collective identities."

(Appiah, 2005, p209)

You have your sense of national identity, how you understand your place in the world via this sense of belonging and what belonging means, the values you should, as a member of this identity group, supposedly hold, and the actions you are supposed to practise. Suddenly, your child, someone you have raised as a member of this collective, returns home from school, and what the national/group's curriculum has taught them about their national identity is inconsistent with what you believe membership entails. Your sense of national identity is challenged, could the school be wrong, is the national curriculum or education minister wrong, did you misunderstand what the collective's values are, or has the collective changed to the point that you are no longer part of it? These are all questions one might ask when a collective identity they hold as significant to their personal identity is challenged. People value having security in their identities, for it confirms how they understand their place in the world, and, to varying degrees, treat with hostility challenges to their sense of identity.

We are a species that learns from its past, one that can identify with human successes and failures, emulate the former and avoid the latter. It is therefore no shock that heritage has such a significant role in our wellbeing and why challenges to our identity confirmers are often met with a frosty response.

Researching the past throws up the opportunity to better understand one's identity, or one's place in the world based upon evidence, but it also raises the possibility of invalidating one's sense of identity (Adler & Bruning, 2008, p36). The scientific account of the past promises them, if done

properly, the least biased, the most validated, and therefore most trustworthy and secure account of their heritage, and therefore the most secure sense of identity possible.

Lowenthal cautions us about humanity's capacity to employ a sense of selective amnesia about their past (Lowenthal, 2015, p48). The Englishwoman who models herself on her Victorian ancestors would likely, or at least hopefully, rethink grounding her sense of identity in them upon discovering some of the values her ancestors held. For her then, discovering more about the past is to undermine how well this part of her ancestry can inform her identity: suddenly what was a secure grounding becomes not so relatable. What it does allow for her to do, however, is compare *and contrast* herself with her heritage and arrive at a more secure identity confirmed by the similarities *and differences* she has with those in her heritage. A more informed account of one's heritage will still give the individual more information they can use to understand their place in the world than a less informed one.

Science does not respect nostalgia, the purpose of scientific enquiry into the past is to decontextualize the evidence from the contemporary world and arrive at a most validated account of the past.

But what of the individual who fears that scientific enquiry might challenge their sense of identity, someone who feels secure enough in their identity, and therefore sees themselves as only standing to lose from scientific enquiry?

The question might be put: to lose what? In this case, it is to lose a delusion they can, at best, delay in being revealed. And what are they denying? The potential of new data that will allow them to more firmly ground their sense of, now amended, identity in the world around them.

However, the true viciousness of the individual who would object to scientific enquiry into their heritage is that they would be denying others, not just themselves, the means to a more secure sense of identity, and therefore wellbeing. Valuing one's *human* wellbeing, their wellbeing as a decision maker, comes with a commitment to valuing knowledge so that one can choose how they navigate the world. Whilst virtue demands sensitivity to humanity's emotive nature, valuing human autonomy, our existence as a decision-making animal, and knowledge's role in being a good decision maker, necessarily commits one to want there to be as much knowledge of the past as is possible. A desire for blissful ignorance betrays a vicious disposition towards knowledge.

And it is vicious, not just because of what it says about the individual's character when it comes to knowledge, but because it requires denying others this knowledge and, with it, denying the other as secure a sense of identity as the world can offer them. Such a position betrays a contradiction in thought. The individual who values their heritage values it as part of their identity, as something that confirms their place in the world. Despite this, they object to research done that could allow individuals, including themselves to better understand their place in the world, and therefore have a greater sense of identity, and therefore wellbeing. This individual therefore appreciates knowledge of the human past as a *eudaimonic* good, for they identify with the past, but demands this *eudaimonic* good be engaged with, only so far as it is good for *their* relationship with it: restricted for the sake of *their* happy ignorance. Such an individual therefore wants knowledge of the human past for *their* wellbeing, appreciating it as relevant to human wellbeing, but only permitting humanity to engage with it for their specific wellbeing.

Virtue entails appreciating that humanity, the nostalgic species, strives for a secure sense of identity, and the past offers a means to that end: it is a *eudaimonic* good. The more comprehensive and validated an account of one's heritage, the more one can understand their place in respect of history, and so the science of the human past should be understood as a *eudaimonic* pursuit. In this

pursuit, some may be given cause to rethink how they understood their place in the world, but the alternative is to deny people, including themselves, the means to achieve a most validated, and therefore secure, sense of personal identity for the sake of wanting to live in, supposedly, blissful ignorance. In appreciating humanity as a species with a sense of identity, and how the past is relevant to this sense of identity, heritage, and scientific research into heritage, must be appreciated as *eudaimonic* goods.

Heritage & Diversity

Now, heritage does not always manifest as "one's heritage" but sometimes as heritage of the "other". And this reveals the other side of humanity's capacity to see itself as members of a group: its capacity to view itself as not members of other groups. With these divisions of in-group-out-group (Tajfel, 1970) have come divisions in narratives, identities, cultural traditions and ideals, and of heritage. Whilst I can appreciate Russian heritage as relevant to my own human heritage[39] in that it is evidence of what other humans have done, and that sometimes what these Russian humans have done in history impacted the British directly or indirectly, and is therefore relevant to my British identity vicariously. However, I still experience Russian heritage as something others, for example, Russians, have more of a connection to than I can have; it is more *their* heritage than it is *mine*, it is the heritage of an *other*.

One of the implications of these diverse histories informing diverse identities is that it has led to divisions in humanity: we are divided in ideals, beliefs, histories, and identities, and each individual will put varying emphasis on each of these aspects of themselves. This diversity has its benefits, but it also causes its problems, and the question this raises, for those concerned with the ethics of archaeology, is what does a scientific account of the heritage of the other offer?

[39] I will discuss this concept more thoroughly in the next section.

It must first be appreciated that this diversity has negative implications on this social species: it makes it harder to understand the other, what the rules are with a particular other, and how to successfully navigate with the other. What heritage allows one to do is understand the other, how they arrived at their ideals and beliefs, and that you, had you been born to their people, might have likely ended up with these values: heritage allows one to de-alienate the alien. Look at Montesquieu's attempt to understand the of variation of values when it comes to the consumption of alcohol. In *The Spirit of the Law* he argues that variation in climate may have impacted the variation in values in regards to the consumption of alcohol found in Northern Europe and the Middle East. His argument was that in arid climates dehydration is a bigger threat to life than in tundra climates, and that the warming effects of alcohol are more desirable in tundra climates than in arid ones, leading to a variation in perspectives on the morality of consuming alcohol (Montesquieu, 2011, pp238-239). What we see here is an individual attempting to understand how a people came to have certain values. Such knowledge does not just aid one in avoiding a *faux pas* that might have ruined the chance of fruitful social interactions, but it also aids one in understanding and empathising with the other, two valuable implications that come with knowledge of "the other".

Now, one might argue that this knowledge therefore only becomes *eudaimonically* valuable for the individual likely to engage with someone of a particular culture. An individual in 15th century Finland that, somehow, knows of the Maori's existence is unlikely to socialise with them, and therefore unlikely to need knowledge for the purposes of effective social interactions with Maori. To this individual there are two responses.

The first is that they should appreciate, as virtue ethicists like Foot and Aristotle do, that there is virtue in acquiring any knowledge and vice in undervaluing knowledge, whatever it is knowledge of (see Chapter II). Whilst one may not see the immediate use of a piece of knowledge, they will

not be able to definitely say that they will never have use of it. Recall that actualising one's identity as a choice maker entails the capacity to *choose*, and this brings with it a requirement of knowledge: of what one's options are, what the likely outcomes are, which options to take, and how to take them. In short, they should value knowledge if they value their humanity.

Secondly, and building upon the previous section, as a species with the burdens of identity, the knowledge of "the other" brings with it an extra means to better understand oneself and therefore arrive at a more secure sense of identity. Recall that in *After Virtue,* MacIntyre criticised Aristotle for a failure to appreciate which of his ideals were culturally informed, that he was unable to see Athenian exceptionalism as a result of Athenian narratives (MacIntyre, 2017, p172). And, as previously stated, McDowell acknowledged that Philippa Foot does not suffer this same shortfall because she has 2,000 years of greater knowledge of humanity to work on, where cultures and ideals can be compared and contrasted (McDowell, 1998). The heritage of an alien culture, something that one does not identify with, allows one to critique what it is that they do identify with and question whether they should. Similarities will allow them a greater sense of human identity, for these similarities have endured despite variation. And differences will allow them to critique their own culturally informed ideals, and better understand what they want to identify with, not be limited, like Aristotle, in terms of what they can identify with.

However, we are not 15th century Finns, and one of the great benefits of Foot's use of the scientific method is that it appreciates that variation in conditions requires variation in principles. In this case, our growing interconnectedness on a global level, and therefore as a species, and, with this, growing interdependency and exposure to all "others" makes knowledge of the other all the more important for this social species (Held, 2005).

Heritage as a tool for better understanding, as something that aids the individual in de-alienating the other, should therefore be understood as a *eudaimonic* good for this social species. Though one may not view a piece of heritage as exclusively one's own, one cannot ignore that knowledge of the other's past is beneficial for this social and diverse species burdened with identity.

Heritage & Mortality

The final aspect of humanity I want to consider is our mortality, and how heritage, specifically the concept of human heritage, aids us in living these mortal lives well. In this case, I am referring to pan-human heritage: heritage we view as part of everyone's identity. Such pieces of human heritage may be associated with a specific group of individuals, extinct or extant, its identity as human heritage is not its sole identity, but is an important one.

It is often the case that with experimental and exploratory science that the practical application of a new piece of knowledge comes after the knowledge is acquired, meaning that part of its value is the unpredictable good it potentially might bring (Cannon, 1940; Mach, 1896; Merton and Barber, 2004). This too goes for archaeology, for we never know what we may find out about the human animal from its history, what lessons to learn, what patterns of behaviour to look out for, what has proven successful or the cause of devastation: how we survive one another and this planet (Harris and Smith, 2001, p15)..

For example, consider a piece of comparative archaeologies done in southeast Asia and Mexico (Lucero, Fletcher & Coningham, 2015). In the study, two empires have their success attributed largely to their capacity to move and store drinkable water, and their declines are attributed to their loss of this ability due to ecological changes. The Maya, in modern day Mexico, constructed great reservoirs and irrigation systems, with the water quality maintained by the presence of a specific water lily. Meanwhile, the Khmer Empire was able to sustain its powerful and sizable city of

Angkor via good irrigation and storage, keeping the waters clean due to the presence of a lotus. A shift in climate killed off the plants and, with this and poor maintenance of their irrigation systems, the two empires saw their capitals become a breeding ground for disease, their citizens fleeing to form smaller collectives in the countryside, taking with them the empires' powers. It is thanks to this archaeological work that we are provided with this explanation for the fall of these two empires. And through this explanation we are provided with lessons to learn on human nature and human survival. If we are to succeed where the Maya and Khmer failed, then we must appreciate that political power and water control go hand in hand, and that the threat to both our water supplies and political cooperation can be complacency and/or climate change.

This case reveals archaeology as a tool where we best use one of our crucial faculties: the capacity to learn from previous failures, be they our own or the failures of others. So long as surviving this planet is a concern, knowledge of how different members of the species have succeeded or failed, what conditions have proven favourable and unfavourable, will be a valuable resource (McAnany & Yoffee, 2009, pp11-15).

Equally, another benefit of knowledge of the past is that it provides, not just greater evidence to verify scientific theories, but also provides more emotionally resonant evidence for what we need to do to survive this world well than mere predictions of the future. This is particularly important for a species, like ours, that: can have global impact, has the capacity to exercise scepticism, and have this capacity influenced by our non-rational states.

Human heritage can serve as a persuasive scientific policy justifier because it concerns the past, not just the speculative future. Individuals can fail to trust other individuals, including scientists, they can perceive them as having an ulterior motive. This is something they cannot, or at least cannot as easily do, with evidence. One of the reasons cited for the rise in anti-vaccination

movements has been the success of the vaccines themselves, and the subsequent lack of exposure people have to the horrors of some preventable diseases, with some people questioning why they need vaccines for a disease they have never seen[40]. The past allows them something they can more readily trust. Stories of climate change induced devastations as befell the Maya and Khmer grasp the imagination in ways a graph on probable, predicted, future weather patterns may not. Human heritage can therefore serve as an extra verifier for a species prone to bouts of irrationality and distrust.

Human heritage is a testimony to human existence, its trials and tribulations, its successes and failures. It can therefore be viewed as a guidebook in what does and does not work, a guidebook in surviving well, and not repeating the same mistakes over and over again: that progress, rather than repetition, when it comes to our lives in this world is achieved.

The Value of the Archaeological Academy

So long as humanity remains this self-aware, diverse, social, and mortal species, human heritage, specifically scientific knowledge of it, will remain a *eudaimonic* good; something we, in our commitment to being good humans, should value (Harris and Smith, 2001, p15). This is not to say that we should only value heritage for its scientific value, merely that we should recognise the role manifestations of the human past and knowledge of the past, including scientific knowledge thereof, play in the human lifecycle, and value these goods accordingly.

What then is the value, from the standpoint of a commitment to *eudaimonia*, of the archaeological profession? To answer this I want to focus on two aspects of heritage: that it requires conservation and interpretation.

[40] BBC, 2018, "Why is there a Measles Outbreak in Europe?", https://www.bbc.co.uk/news/av/health-45301399/why-is-there-a-measles-outbreak-in-europe [last accessed on 11/05/19]

Firstly, on conservation. In appreciating that awareness of the human past is a *eudaimonic* good, we are led to valuing phenomena that can promote an awareness of the human past, including scientific awareness of the human past. For the archaeologist, the loss of an article of human heritage, be it from decay or destruction, is an irreparable loss of something they could have used to fill the blanks in the scientific account of the human past. When we hear stories of iconoclasts destroying examples of human heritage, or tales of some well-meaning amateur taking it upon themselves to restore some artefact, it is right that we view this with moral controversy, for their actions have led to the irreparable loss of something that is good for the human animal. The woman who elected to "restore" an antique portrait of Christ in Zaragoza (see below) before deciding it was perhaps best to have left the job to a more qualified individual, did more damage than merely ruin a painting; she made it that this piece of heritage will likely never be restored properly. More than that, she also contaminated the portrait with her own paints, complicating any future archaeologist's research on the artwork[41].

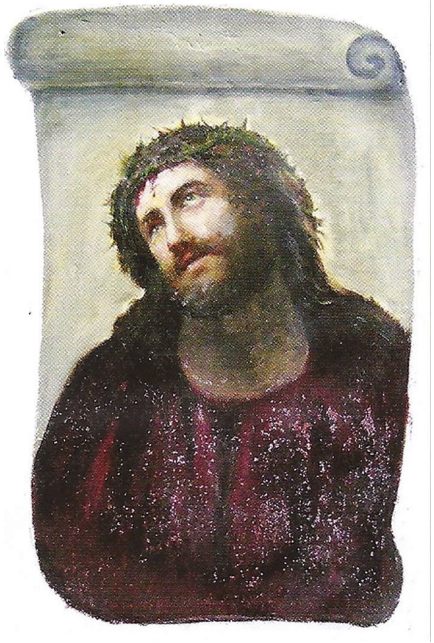

Figure 2: Ecce Homo prior to "restoration"

Figure 3: Ecce Homo after "restoration"[42]

[41] https://www.bbc.co.uk/news/world-europe-19349921 [last accessed: 14/05/2019]
[42] Both images found on https://en.wikipedia.org/wiki/Ecce_Homo_(Mart%C3%ADnez_and_Gim%C3%A9nez,_Borja), last accessed on 11/05/19

This reveals the need for a profession skilled and entrusted with the task of conserving manifestations of the human past, so that this *eudaimonic* good is retained both for future scientific research and also for people to see it first-hand (Harris and Smith, 2001, p15). Survivors of a bygone age stand irrefutably as evidence of their time, and the time between their creation and the observer viewing them, and, as such resonate more with the viewer than mere data and hypothesises. Examples of human heritage therefore serve a function in the human lifecycle as a scientific subject matter and narrative verifier, and should be valued and protected for this function, including protection from the well-meaning amateur, by entrusting their conservation to those qualified: to the professional.

On interpretation, recall Karen Jone's discussion on "Trust as an Affective Attitude". At one point she identifies how emotions, specifically those relevant to our decision to trust others, influence our perspectives on evidence, and the beliefs a piece of evidence may give rise to (Jones, 1996, p11). To those that we feel we can trust, consciously and often unconsciously, we prescribe a lower evidence threshold than to those we do not trust.

Humans have their biases, and these can undermine the potential of a communal good (Tajfel, 1970). For example, consider herd immunity. In a society which trusts the medical academy and acts on their recommendations and subsequently gets vaccinated, the society acts as one trusting entity and all benefit from the good of herd immunity: i.e. without epidemics. Meanwhile, in a society where the medical academy is not universally recognised as those due our trust in medical matters, perhaps valuing homeopaths or faith healers, the good of health is compromised, sometimes irreparably.

The same goes for archaeology. Different people trust the method and testimony of others differently when it comes to the human past. A society with a concept of oral tradition who does not value the scientific method would view the archaeologist as jeopardising the good of their histories for this clinical, valueless goal of a scientific account of the past Equally, someone from modern day India will likely be sceptical of a British archaeologist's interpretation of an artefact from the early Raj which validates a less than scathing perspective on the British, perhaps suspicious of patriotic bias. Biases cannot justify compromising a *eudaimonic* good, only a commitment to some other *eudaimonic* good can, with varying degrees of success, spare one from a charge of vice.

One must recall from the previous chapter that part of being virtuous with one's capacity to trust is to determine if their potential trusting relationship will likely promote a more *eudaimonic* end than not entrusting them. One must also appreciate that professionalisation, at least when done properly, exists to make it easier for one to identify someone qualified in promoting a good well, or, in virtue ethical terms, a *eudaimonic* good virtuously: someone they should trust.

With the existence of a professional archaeologist, one qualified and morally regulated at promoting the *eudaimonic* good that is a scientific account of the human past virtuously, we have a professional regulated to be someone we should entrust with the task of promoting their profession's good (Harris and Smith, 2001, p15). Their existence allows us the possibility of an account of the human narrative we can least suspect of bias, and therefore one we can feel we can trust and ground our sense of identity in. More than that though, appreciating that once a piece of heritage is lost it cannot be reclaimed, the decision to obstruct or merely delay the work may well allow time for the article to decay irreparably further, preventing humanity insights into its past forevermore. To deny such an archaeologist to promote their profession's *eudaimonic* good well

should therefore be viewed as a decision to allow a *eudaimonic* good for all of humanity to be lost irreparably, requiring a strong justification if one is to not be accused of vice.

Conclusion

Heritage has become an all accommodating term, and justifiably so. When we look at the rationale given for certain sites and monuments to be protected in codes like *The Hague Convention* and *The Venice Charter*, we see them selected based upon their capacity to promote awareness of the human past. It is not just tangible, manmade phenomena that are capable of this, and so it is justifiable that intangible and natural phenomena were included as potentially worthy of the title of human heritage. And, to an extent, the archaeologist cannot escape the fact that when they dig up the material past they do so to promote an intangible good, knowledge, and that their pursuits may interfere with intangible parts of human heritage.

With Foot we are not only provided with a means to justify this more accommodating understanding of heritage, but a means to prescribe value to examples of heritage. By once again using human nature and the human lifecycle as a means to categorise and ascribe value to phenomena we can arrive at a decidedly pan-human understanding of heritage and its value. In the first section of this chapter I sought to outline this approach, arguing that it is our nature as a species aware of itself as a collective that has endured through time and capable of identifying manifestations of this endurance that allows us to have heritage. This, I argued should therefore serve as the means to arrive at a human understanding of heritage and the means to ascribe value to phenomena as human heritage: via their capacity to promote awareness of the human narrative.

When it came to ascribing a moral value to human heritage, I then turned to three aspects of the human condition that makes heritage significant in our lifecycle. Self-awareness brought with it the burden of identity, diversity brought with it issues for this social species to cooperate, and our

mortality the fight to survive and survive well. Heritage, I argued serves an essential role in attending to these aspects of the human life, with the scientific account providing the most validated, comprehensive, and trustworthy account possible, and therefore the one most capable at promoting our wellbeing given these aspects of humanity. This I used to justify the *telos* of archaeology as a *eudaimonic* good and, therefore, something a commitment to being a good member of the species obliges us to value morally.

I then shifted my focus in the final section to the question of the need and therefore place of the professional archaeologist. I focused on the irreparable threat decay and mismanagement pose to remnants of the human past, and therefore the need for those skilled in conserving them to be entrusted with this task. I also used the fragility and irreparable nature of human heritage and the good of a testimony on the human narrative we can trust to justify why we should want an archaeological profession: a profession that can and will pursue completing the scientific account of the human past.

Part of being a good member of this species is therefore to appreciate the role of heritage in our lifecycle, and, as a result, to appreciate that there is a role for the professional archaeologist, something we should entrust them with being and doing (Harris and Smith, 2001, p15). One is not expected to appreciate heritage's value solely as a conduit for scientific knowledge of the past, merely to appreciate that this is part of its value, something being a good person requires we value, and should therefore entrust archaeologists to promote well. This leaves open the question of what it means to promote this *eudaimonic* good well, something I will explore in the following chapters.

Chapter V

Professional Virtues in Archaeological Practice

Introduction

In the previous chapter, I argued that the *telos* of archaeology, scientific knowledge of the human past, should be considered a *eudaimonic* good, at least so long as humanity remains a self-aware, diverse, social, and mortal species. I used this to justify the idea that we should value expertise in promoting and protecting conduits of scientific knowledge of the human past, and therefore should want there to be an archaeological academy that promotes this *eudaimonic* good virtuously. This raises the question of what it means to promote this *eudaimonic* good virtuously?

In Chapter III, I argued that for it to be virtuous to trust someone and vicious not to, the potential trustee must satisfy two criteria: competency and moral character. It is therefore not enough for an archaeologist to profess expertise in promoting scientific knowledge of the human past if they are to claim we *should* entrust them, they must also be committed to promoting this good virtuously. This raises the question of which role would it be virtuous for archaeologists to assume

and how do they fulfil it virtuously? This is the question I will be endeavouring to answer in this chapter.

Now, archaeology, like most professions, must be appreciated as a multifaceted endeavour, meaning any comprehensive account of what it means to be a virtuous archaeologist must complement the complexity of this endeavour. In this chapter, I will explore the nature of the virtuous archaeologist by breaking down their role and looking at what it means for them to be virtuous with their: research, career, colleagues, academy, and any third parties.

In each case I will explore these aspects in reference to a relative virtue: objectivity, humility, respect, and pragmatism. I will argue how Foot's framework provides the archaeologist with an adequate and appropriate means to determine how they should engage with their choices in a manner worthy of our trust. I will do this by providing an understanding of how they embody the relative virtue by understanding its role in the human lifecycle. This will allow me to conclude that Foot's framework provides the archaeologist with an account of what it means to be worthy of the trust of anyone who claims to be committed to valuing human wellbeing, and appreciates the naturalist's approach to understanding what human flourishing entails.

I do not pretend to assume that in exploring these four aspects of being a professional I will have exhausted the considerations the professional archaeologist should make, merely that this will provide insights into how they should regard their work (in professional objectivity), their career (in humility), those with whom their work brings them in contact (in respect and care), and how they should regard their moral ideals in a less than ideal world (phronesis). I should also make clear that I will only be engaging with the question as if in a moral vacuum: one only concerning the archaeologist pursuing the good of their profession. This is to provide an account of the virtuous archaeologist in its own right, which I will then employ in subsequent chapters involving

other *eudaimonic* goods and question how a virtuous archaeologist should balance their professional good with other goods.

The Virtuous Professional: A Virtuous Person in a Professional Role

Before setting out to discuss the various aspects of being a virtuous archaeologist, it is worth pointing out how Foot's framework aids the professional with the age-old challenge of balancing being a good person and being a good professional when the two can seemingly conflict.

The example often used for such discussions is that of the lawyer tasked with defending a morally contemptible client. This lawyer has a professional obligation to defend their client to the best of their abilities, to ensure fair legal representation. They also know that if they keep to this commitment they are capable of getting them off free. However, they also and exclusively know that their client is guilty. Their obligations as a lawyer and as someone endeavouring to be a good person, of being a good professional and a good person, seemingly come into conflict.

Within Foot's framework, these two commitments cannot come into conflict, for the professional is merely an individual operating in a specific *eudaimonic* role that it was virtuous for them to adopt (Foot, 2001, p44). Despite having moral obligations in being a professional, their ultimate commitment remains being a virtuous person within this *eudaimonic* role. Adopting a professional role is a morally relevant consideration, for it is only virtuous to adopt virtuous roles, meaning a virtuous person would only assume a virtuous professional role. This means that said role must be, and remain being, *eudaimonic* if it is to be virtuous for the individual to be committed to pursuing said role's *eudaimonic* good.

The aforementioned issue for our lawyer would not manifest in a world consistent with Foot's framework, for it would not allow for lawyers to be regulated to do something as non-*eudaimonic*

as to obstruct justice. The lawyer, whose *telos* is justice, would be obliged to protect their client from unjust abuses of the law, but not from justice. For the lawyer to be a *eudaimonic* force, they should reveal their client's admission of guilt to the courts, rather than withhold information. And the client should not feel that trust has been breached for they should appreciate that that their trusting relationship with the lawyer, like any trust-based relationship, should be considered justified only as long as it is and remains *eudaimonic*. If this was our understanding of what we entrust lawyers to be, our faith in the legal profession would therefore not be undermined if our lawyer were to put justice before their relationship with their clients. And this would only be controversial for the individual who would want a lawyer who would be immoral for their own benefit.

As professions in Foot's framework are justified via their relevance to *eudaimonia*, as is the individual's decision to assume a professional role, one's professional obligations cannot come into conflict with one's endeavour to be a good person (Foot, 2001, p44). One's standing as a professional is justified via its necessity for *eudaimonia,* not regardless of its relevance to *eudaimonia*. This reminds us that Foot's virtue framework is pluralist, that variables, including adopting a trust based role like a professional role, will be crucial to what is virtuous for an individual in any of their given circumstances, but *eudaimonia* and one's commitment to being a virtuous person in their given circumstances will remain the ultimate concern.

What follows, therefore, is not a review of virtues exclusive to being a virtuous archaeologist, nor is it an exhaustive list, for it would take an inconceivable amount of time to account for the virtue of every aspect of the human psyche and employing it virtuously. Instead, what follows is an account of four virtues of special significance for those endeavouring to virtuously adopt the role of a professional archaeologist, one entitled to our trust.

The Objective Researcher

Let us start with objectivity. In the previous chapter, I argued that part of the good of having an archaeological academy committed to the scientific method is that it best allows individuals access to a scientific account of the past in which people can feel they can trust. Securing the archaeological academy's capacity to promote its *eudaimonic* good, and the good of having an archaeological academy, therefore requires securing its reputation as committed to the scientific method: archaeologists must endeavour to be and be seen as being objective. As Silberman notes, it is the academy's commitment to scientific methods and standards that allows it to profess authority compared to alternative explanations (Silberman, 1982, p88).

Now, what do we mean by objective accounts and what is the good of them for this species? By an objective account I refer to something that is true or observed to be the most valid account of something independent of the individual's subjectivity (Padovami, Richards & Tsou, 2015, p173; Wylie, 2015). Two individuals looking at the same chair may, and likely will, prescribe certain subjective elements to the chair, for example, that it is a nice chair, a comfortable chair, one they would like in their house. However, there are certain things that they cannot change without interference: its height, mass, construction material, and that it is able to function as a chair for most humans. The latter are testable and will yield the same answers independent of the perceiver's subjective elements, they are *objectively* so. A commitment to the scientific method is a commitment to objectivity, to profess only what the data says and therefore to profess a conclusion that others can feel confident is best independent of the individual's subjective elements.

Objectivity's good for the species is that it leads to conclusions about the world members of the species can assume is correct for all members of the species: knowledge they can feel they should employ in their pursuit of *eudaimonia* (see Chapter II on the good of knowledge for agency). The medical academy can run trials, determine that the data points to a correlation between sugar

consumption and diabetes, and the lay community can hopefully feel that they can trust this result as a product of the scientific method and that they should therefore be cautious about their sugar intake.

When a scientific academy loses its authority, its capacity to be a *eudaimonic* good is compromised, for people will lose faith in what members of the academy profess. This can happen when a scientific academy, or member of said academy, is found to be professing something beyond or other than what the evidence validates. Members of the archaeological academy must therefore be cautious to not undermine the authority placed in their academy as a professor of the objective if they are to be deserving of our trust in them over the *eudaimonic* good that is scientific knowledge of the human past (Padovami, Richards & Tsou, 2015, p173).

Now, as I noted in Chapter III, our rational faculties, including our evaluative and interpretative faculties, are not immune from non-rational interference, especially when it comes to something we value. I used the example of two individuals coming from two different kinds of upbringings to make this point, one from a den of thieves and another from a trusting and trustworthy community. Their experiences, and experience shaped character traits, I argued, shaped their perspectives of when it was reasonable to trust others, causing unconscious biases in both. When presented with the same option to trust another, I argued, each would arrive at a different conclusion despite the same data to act on because of how their non-rational faculties influenced both their perspectives on the data, and what they could bring themselves to do with the data. What this demonstrated, I argued, was the need to appreciate the shortcomings of our rational faculties.

Archaeology offers more fertile ground than most sciences offer for our biases to impact our reasoning because of the nature of the subject. As Kohl and Fawcett note, perhaps excluding

evolutionary archaeology, archaeology is always going to be a political enterprise, and therefore relevant to the individual's values and biases (Kohl and Fawcett, 1995, p4). This is because non-evolutionary archaeology involves grouping and dividing people into different collectives, thereby bestowing varying degrees of significance to certain divides and collectives. Kohl and Fawcett's anthology mostly concerns examples of conscious bias and abuse of archaeology as orchestrated by governments like Franco's Fascist government, the Nazi Government, and the USSR (Kohl and Fawcett, 1995). However, they also voice concerns over how such abuses can occur without intent. This can come from something subtle like the socio-political and/or religious context in which one was raised shaping their values, such as their sense of patriotism unconsciously influencing how they perceive different pieces of evidence. Equally, it could be an overzealous commitment to the orthodox narrative. We can find examples of the latter in other sciences in cases of grand paradigm shifts where members of the scientific community, consciously or unconsciously, overzealously commit themselves to the orthodoxy, practicing excessive scepticism to new theories and new evidence and insufficient scepticism to the orthodoxy (Wray, 2011, p186).

This is not just anti-scientific, but hazardous to the authority of the scientific academy. An institution that claims authority on truth loses public trust when its "truth" is then invalidated (Kuhn, 1962). Meanwhile, an institution whose members professes validity rather than truth, who are transparent about their data, the limits of their conclusions, and possibility of counter arguments, are able to best spare themselves and their academy from the possibility of this embarrassment. Equally, they are able to profess to the layperson why their conclusion should be appreciated as the most valid; because their expertise enables them to better assess the data and determine the most likely conclusion. And this appreciation of the scientist as a validity professor rather than a truth professor manifests as more trustworthy because of their public acknowledgement of the limits of what they can, with confidence, profess. Such members of an

academy therefore best protects the authority of their academy and therefore its capacity to promote its *eudaimonic* good from the risks of dogmatism.

Given the potential for unconscious and conscious biases threatening the good of the academy, the professional committed to *eudaimonia* is one who takes efforts to minimise the threat of challenges, valid or otherwise, of bias in the academy. In appreciating the fallible tool that is the human mind, Evelyn Fox Keller makes the recommendation that:

"… rather than abandon the quintessentially human effort to understand the world in rational terms, we need to refine that effort. To do this, we need to add to the familiar methods of rational and empirical inquiry to the additional process of critical self-reflection."

(Keller, 1982, p594)

The issue this poses is that one requires a means to evaluate rationally the non-rational aspects of their psyche. However, with Foot we have a framework for identifying and evaluating our own biases, and what informs them, and, in so doing, we are able to produce a means to better ensure a more detailed, less biased account of our findings: one that is less susceptible to charges of bias. One can start from a relative point of *tabula rasa* and examine data within and outside of its context and pre-established narrative, examine one's own sentiments towards various aspects of the narrative, and use these considerations in an attempt to isolate one's particular biases. In undertaking this exercise, one can more confidently profess the ultimate conclusion as scientifically backed and minimally biased, with assumptions well on display, in the hope one that one professes a conclusion anyone of reason would also reach from the findings presented.

Furthermore, in engaging with and critiquing the emotions raised in research, one better prepares themselves for professing an account of their findings more resonant with individuals who shared

or are aware of such biases or have other relevant biases, thereby promoting the impact of their research (Keller, 1982). Imagine a British archaeologist researching archaeological findings concerning the British Raj. They may, perhaps, consciously or unconsciously, have some sense of guilt regarding Britain's colonial past in India as well as a respect for their nation as it stands now, a sense of patriotism, either of which may temper their perspective of what they find. By examining their own potential biases and including them within their research, they not only perform an exercise of often necessary critical reflection, but produce something that others with similar biases can relate to and find it harder to outright dismiss as biased. Two candidates that come to mind are a very patriotic British person or a very anti-British Indian, with the former predisposed to treat sceptically any anti-British sentiments and the latter to be highly sceptical of research commissioned by a Britton as potentially biased to the point of revisionism.

In appreciating the scientific account of the human past as a *eudaimonic* good we commit ourselves, via our commitment to being good, to wanting there to be an academy that can promote this good virtuously. The longevity of the academy is always dependent on the authority given to it by those outside of it: via the lay community. And two things that can undermine the authority of an academy are accusations, fair or unfair, of bias, and unengaging results. What Evelyn Fox Keller (1982,1988) advises is the need for scientists to engage more with their own subjective experiences during their research and when writing up their research in order to both identify and critique their own biases and produce a more comprehensive and relatable account of their findings. Such accounts serve not only to attend to potential conscious and unconscious biases, but also to pre-empt potential accusations of bias from the potential audience, leading to more detailed and impactful results that better safeguard the academy and its capacity to promote a *eudaimonic* good.

Part of the issue is the role our non-rational states can play in these biases and in blinding us of our biases. With Foot, however, we have a framework for critiquing one's own biases, of being

honest about our subjective experiences, identifying them, comparing and contrasting them with the wealth of examples humanity has to offer as evidence, and using this to arrive at a more prudent, and hopefully less biased, conclusion. One is not blamed for unconscious biases, just for not endeavouring to identify and mitigate the impact they might have at the cost of *eudaimonia* and *eudaimonic* goods like a scientific academy having the capacity to profess their validity backed results and have humanity listen.

Whilst science strives for the objective, the instrument used, the human mind, of both the practitioner and audience, is a fallible instrument. Biases and emotions, conscious and subconscious, play havoc for the researcher, orator, and audience, and therefore offer a challenge in the acquisition, dissemination and reception of scientific knowledge of the past. However, in accepting our shortcomings and how one can best attend to them we arrive at an approach to science that is more effective at achieving the goods of science whilst safeguarding the good of the academy from the limits of humanity.

The Humble Professional

Continuing briefly on the topic of bias, there is, perhaps, one party most of us are typically biased about: ourselves. As self-conscious, choice making animals, we seek reason for how we conduct ourselves and how we have conducted ourselves. It is therefore in our interests to assume we conducted ourselves properly, that we made the right decision, decisions that will, in hindsight, validate our standing as a moral person who makes morally justifiable decisions. A problem, however, arises, at least for those concerned with human flourishing, when this sense of personal bias allows for poor evaluation of ourselves, our decisions, skills and abilities, in their own right and in comparison to others. I refer here to vices of arrogance and its antithesis, which I will refer to as servility.

For the purposes of this discussion, arrogance should be understood as the vice of defective humility whilst servility should be understood as excessive humility, making humility the relative virtue. The general phenomenon under consideration is how the individual evaluates themselves, an aspect of themselves or something they value (V) in its own right and/or in comparison with another/another's. The arrogant erroneously evaluate V, or at least act as if they think of V as better or more worthy than the other. Meanwhile, the servile erroneously view V, or, again, act as if they view V, as lesser or of lesser import than the other. The golden mean, the virtue of humility, meanwhile, is about proper evaluation of the self in its own right and in comparison to the relevant other(s) in terms of skills, knowledge, ability, and standing.

This becomes a point of *eudaimonic* and therefore virtuous concern when one contemplates the implications this aspect of the human psyche can have on this social animal's wellbeing. The arrogant get in the way of the more able at promoting a *eudaimonic* good, whilst the servile leave the less able to promote a good they would have been more able to promote. *Eudaimonia* requires that we, as a social species of individuals, one capable of self- and other- evaluation, are able to accurately evaluate our own skills, knowledge and abilities, as well as those of the relevant other's. It also requires us to be able to communicate well if and why we believe X is best skilled or read to promote a good than the potential other. From a human lifecycle perspective, humility is therefore understood as our species' mechanism to ensure the most able at promoting a good is given the responsibility of promoting it.

This is a cause for concern in all inter-personal evaluations, however, they are of particular import for the professional. It must be recalled that the professional has a role with which they may operate in only because others have entrusted them, or should entrust them with, said role. Within Foot's framework, we are to entrust someone with a professional role because it would be *eudaimonic* to have individuals of special talent to operate in said role. Professionals are therefore

entrusted to be a specific kind of *eudaimonic* force. Character traits that compromise their capacity to be a *eudaimonic* force challenge the reason they are to be considered ethically distinct from laypersons, undermining the professional's capacity to be the *eudaimonic* force we entrust them to be, and so are professional vices the individual should seek to exorcise or at least not act on.

The point I want to emphasise in this section is that the existence of a profession and professional requires a professional we can entrust to be humble. To repeat Foot:

"… human societies depend on especially talented individuals playing special roles in a society's life… Failure to perform a special role can here be a defect in a man or woman who is not ready to contribute what he or she alone -or at best- can give… There is also something wrong with the rest of us if we do not support those of genius, or even special talent in their work."

(Foot, 2010, p44)

To Foot, the same technocratic metric used to justify the existence of a profession is applied to the professional's responsibility to leave the task of promoting their profession's good to the most able within their academy: a commitment to *eudaimonia* and a recognition of variation in ability in promoting *eudaimonic* goods.

This is a particularly demanding imperative, especially for archaeologists, for it would oblige them to leave great discoveries to the most able. For example, had there been a more proficient Egyptological archaeologist than Howard Carter, Carter would here be obliged to leave the exhuming of Tutankhamun, and subsequent the fame and glory, to said candidate, or else be charged with vicious arrogance.

Whilst this does seem demanding, prima facie, we should consider the implications of the alternative, and the real viciousness of the arrogance of an archaeologist who puts their own desires above the *eudaimonic* potential of their academy.

Firstly, there is the direct damage: they have chosen to undermine the potential *eudaimonic* good of their academy. Secondly, they threaten the academy's image: something of great import for the archaeological academy if it is to get the public support it requires to effectively promote its *eudaimonic* good. The archaeological community has expended great efforts to dissuade the image of its discipline as an acceptable form of graverobbing and/or treasuring hunting. These efforts are ultimately undermined when a member of their academy puts their own agendum before the academy's *eudaimonic* good. Justifying one's profession via its relevance to human wellbeing therefore obliges one to best be a conduit to their academy's *telos*.

What then does it mean to be a virtuously humble professional archaeologist? To answer this there are three potential communities the archaeologist should consider their relationship with: laypeople, members of their own profession, and members of another profession.

On interacting with laypeople, whilst the archaeologist cannot risk servility by allowing their work to be viewed as "but one alternative", which would undermine their academy's authority and therefore capacity as a *eudaimonic* force, they also cannot risk arrogance when it comes to what the lay community potentially has to offer. Pantazatos makes the point that having local communities as informants and participants in archaeological research gives the archaeologist extra material to shape and structure their interpretation of the raw data (Pantazatos, 2018, p133)[43]. This can also help the archaeologist determine where they should go about their work based upon local

[43] He demarcates informants from participants, arguing that the latter gives information on the site/artefact/practice but also participate in the product of the investigation, with their voice being present in what is produced and published, for example, in a section on what the community views as significant and why.

testimonials of previous generations' activities, produce a more resonant and therefore impactful piece of research, and determine how they can go about their work in a manner that minimally negatively impacts the wellbeing of the local community by learning of their values (Kuwanwisiwma, 2008, pp151-153).

Furthermore, we cannot ignore the relevance of contemporary perspectives of local communities when it comes to their own past, for these will have been informed by their past. And what Kuwanwisiwma notes is that there is greater chance of collaboration with local communities, rather than confrontation, when archaeologists are seen as respectful of the local communities and trying to learn of their past rather than rewrite it. Kuwanwisiwma references the case with the Hopi, where the archaeologist agreed to publish the "traditional interpretation" of findings alongside the "scientific interpretation" (Kuwanwisiwma, 2008). The result of this is not something that challenges the authority of the scientific or archaeological account, but adds to it, and does so in a manner that allows the archaeologist the chance to foster greater relations with the community and, in so doing, arrive at a more comprehensive understanding of the people whose past they were researching.

All of this is potentially lost with a professional who arrogantly assumes they have nothing to gain from interacting with the lay: the balancing act must be attempted if they are to be true to their professional commitment to human wellbeing. Part of being virtuous with one's social skills is knowing their place and proper usage in order to achieve *eudaimonic* ends. In a professional's mindset, this becomes all the more relevant of a consideration because they have taken it upon themselves to be entrusted as a *eudaimonic* force, bringing with it a sense of greater responsibility in honing one's social virtues.

On their dealings with other professionals, again, there is the need to be humble to the potential of what one might learn from the other whilst safeguarding the legitimacy of the academy. An expert in political history and ideology may help the archaeologist understand and better interpret findings of the Russian Revolution, but an overtly political reading of the data would threaten the archaeological academy's image as a politically neutral, and therefore trustworthy, academy.

Potential arrogance and servility also raises the problem of determining which profession's *eudaimonic* good takes priority when two or more butt heads, or how to best accommodate them all, if possible. The servile archaeologist unnecessarily allows the good of archaeology to not be pursued or, even worse, lost, invalidating the trust we placed in them. Meanwhile, the arrogant puts too much emphasis on the importance of their profession's good at the unjust cost of another *eudaimonic* good, compromising human wellbeing in the name of promoting something good for human wellbeing. The humble, meanwhile, accept that their profession's work pursues a good amongst many, demonstrating an appreciation that in justifying their role via its relevance to human wellbeing they must pursue it, if they can, in a *eudaimonic* setting. Their thoughts must therefore turn to whether they can explain their decision to the imagined other as justifiable via a commitment to human wellbeing generally.

Consider the case of the mass migration that occurred on the Indian sub-continent after The Partition. Many migrants in the newly formed country of India sought shelter in mosques. The government, appreciating the sudden need for shelter, legislated to allow designated sites to serve as temporary dwellings (Lahiri, 2013, p299). The archaeological community could effectively adopt one of three positions: outright objection to the politicians' decisions, capitulation, or compromise. Objection implies the good of the sites for archaeological research trumps the good of providing people with shelter, an arrogant position, as shelter is a more substantial *eudaimonic* good than potential archaeological research. Capitulation without attempting to best safeguard the

archaeological good of the sites betrays an underappreciation of the good entrusted to them. Compromise, as archaeological communities pushed for and achieved, at least in legalisation, however, demonstrates a professional humble of the fact their work pursued a good amongst many, worthy of defending as best as possible in the given conditions, and worked with political professionals to best achieve what they had been entrusted to achieve.

This reminds us of the significance virtue theories place on the individual's role as choice maker, that they cannot be accountable for circumstances beyond their control, just what they did in said circumstances (Aristotle, 2009). The archaeologists in the case of post Partitioned India, for example, can point to the extreme circumstances, their limited power in the situation, that they looked at what they could do and, given the options, chose to act as they did. In doing so, they can defend their choices as what a good person would have done given all these variables.

Whatever the situation, whoever the professional is interacting with, be they lay, colleague or member of another profession, endeavouring to be being virtuously humble, as opposed to viciously arrogant or servile, must be something the professional concerns themselves with.

The problem with this, for the individual, is determining if they are erring into vice. The servile may not view themselves as servile, and the arrogant may not view themselves as arrogant, they need an independent yardstick to compare what they view as appropriate, which they can compare and contrast with what they thought was virtuously humble. When it comes to one's abilities as a professional versus a layperson, one has something they can use to justify their position: qualification. This may, to an extent aid them from being viciously servile, but fails to aid them in avoiding being viciously arrogant, and does nothing to aid them with determining if they are being viciously arrogant/servile when it comes to their colleagues or individuals of other professions.

With Foot, however, we are provided with such a yardstick, one that implores the user to review the role of humility in the human species, examples where *eudaimonia* has been compromised by improper humility, and use this to consider the relevant goods in their given situation, and what they can and should do to be an effective conduit to *eudaimonia*. It is therefore a framework that does not view the professional in abstraction from humanity, but as part of humanity, with the same rules and standards, just of a virtuous person that has also assumed a certain social role.

This is not a fool proof mechanism for the arrogant will have a propensity to view themselves better than they are, much as the servile will view themselves as lesser than they are, but it does at least provide one with a means to evaluate the psychology behind their choice and if they can justifiably say if they have best striven to be virtuously humble.

The Respectful Deliberator

One of the biggest challenges for archaeologists is determining when variation between cases should justify variation in response and when it should not. In chapter I, I noted that *The Vermillion Accord*'s prescription to "respect" the wishes of third parties does not aid the individual in determining when this means one should vary their conduct and when it does not.

Dillon provides a potential solution by contrasting what it means to respect others with what it means to care for others, arriving at an account of care-respect which uses both phenomena to inform an understanding of how to be moral with both our capacity to care and respect (Dillion, 1992).

Respectfulness, as Dillon understands it, is about treating something or someone as worthy of our consideration: that we treat them as morally significant (Dillon, 1992, pp111-112. The issue, as Dillon raises, with traditional accounts of respect, is that they typically prescribe a very impersonal

account of what respect between humans entails in the aim of being applicable on a pan-human level. I have already discussed why this can become an issue in archaeology, namely with archaeologists applying the same standards across humanity despite humanity's diversity, where what they should have done is engaged with the question of if their specific case is one that justifies the need to vary their conduct.

Dillon contrasts respect with care arguing that the latter is often formulaic and therefore impersonal, whilst care is often referring to specific and therefore more personal relations. I respect X as a fellow human being, but I care for them as my friend, our specific relationship, with their certain eccentricities which means that I treat them distinctly from how I treat others, because of the person they are. Dillion advocates the two as symbiotic, that part of respecting humans is about respecting the diversity they present, and part of caring for others is appreciating them as someone worth caring about, worth us acknowledging, and therefore respecting (Dillon, 1992, 118).

It is worth restating that Foot's is a framework that obliges one to value human capabilities via their usefulness to *eudaimonia*, and this will include our capacities to both care and respect others (Foot, 2001, p44). To be overly concerned with caring for others can lead to unjustifiable bias, compromising *eudaimonia*, for example, helping one's friend avoid just imprisonment because they are your friend. And being too clinical with one's capacity to respect can lead to the aforementioned problem of overlooking relevant nuances between individual cases and treating individuals impersonally, compromising *eudaimonia* by overlooking a crucial aspect of humanity and its flourishing: our diversity and the relevance we attach to our individuality. To be virtuous on Foot's terms requires employing one's human faculties *eudaimonically*, including our capacities to care and respect for others.

For the archaeologist to achieve being respectful on Foot's terms they must therefore appreciate the diversity in humanity and have an active concern of the hypothetical other's specific eccentricities, but also appreciate that each individual is worthy of this effort because they are humans worthy of the respect of someone committed to *eudaimonia*. It is not an account of respect that decays into moral relativism but instead embraces moral pluralism: agreeing that we should be sensitive to people's relative *eudaimonias* and value them because they are *human's eudaimonias*.

An archaeologist abiding by such an account of being respectful would say something akin to:

"You are someone who does X, Y, and Z, and I respect that. I can pursue archaeology's *eudaimonic* good in a manner that allows me to accommodate X, and so I shall. Accepting your wellbeing as morally relevant, but also archaeology's *telos* as morally relevant, we will need to find a justifiable compromise on Y in our, assumedly, consistent commitment to valuing human wellbeing. However, as a virtuous person committed to human wellbeing, I cannot, should not, and will not accommodate Z for it is inconsistent with valuing human wellbeing because of P."

By making such an appeal, the archaeologist retains their commitment to human wellbeing, explains why the nuances of this specific case justify consistency with X and Y but not Z. Furthermore, they explain why their dismissal of Z is not done without a sense of realisation of respect and care for the imagined other's wellbeing. There is a saying often attributed to Winston Churchill about tact, though it equally applies to respect, it is that that [respect] is the art of telling someone to go to hell in such a way that they look forward to the trip. This saying is a reminder that how one says or does something can often be as important as what one says or does, that disaster or triumph can result from one's tact. For the individual striving to be a force for *eudaimonia,* or entrusted with being a *eudaimonic* force and protecting an academy's capacity to act as *eudaimonic*, respectfulness is therefore essential.

Kuwanwisiwma acknowledges an example of archaeologists doing exactly this. In his example, some Hopi opposed archaeological research being carried out on their material heritage. Upon investigation, archaeologists determined that this opposition resulted from a fear that the research would be presented as invalidating their people's mythos and therefore identity (Kuwanwisiwma, 2008, p157). In identifying the cause of the opposition, and treating it with respect, the archaeologists were able to propose possible solutions: means to least challenge the Hopi's wellbeing but still carry out the work humanity has entrusted them to carry out. The Hopi were to be given an active role in the excavation and research of any and all findings, the right to an interest over publications, and that two accounts would always be printed, one giving the "western, scientific account" and the other giving "traditional" account. Neither account was publicised as in opposition to the other, but merely provided alternative explanations based upon different approaches to understanding the world (Kuwanwisiwma, 2008, p157). This move did not undermine the authority of the archaeological academy, those who value the scientific method are provided with the objective, scientific account. But, as a result of caring and therefore learning about the complexities of the case, the archaeologists found that they, in their commitment to human wellbeing had to tailor their conduct, and found an inventive way to do just that.

Had the Hopi refused, the pan-human element, respect, would have come into play, reminding us that this is a pluralist, not relativist principle, and in such instances Churchill's aforementioned principle would become relevant: to be respectful even in the face of morally unjustifiable opposition. We should want our archaeologists to be committed to human wellbeing and promote the *eudaimonic* good of archaeology virtuously in the face of non-*eudaimonic* opposition. They fail to be deserving of our trust if they promote an image of the academy as disrespectful, but also if they present the academy as uncommitted to human wellbeing when moral controversy arises. If the Hopi had still refused, their position would be one of demanding their human wellbeing be

respected, but that something good for human wellbeing, scientific knowledge of the past, not be considered morally relevant. We should want our archaeologists to be able to identify the contradiction here and why compromise on both sides should be pursued, not capitulation. Therefore, if a third party will not budge, the archaeologist will respectfully and caringly best accommodate the opposition whilst opposing them by taking the course of action that is most consistent with valuing human wellbeing.

With Dillon (1992) we are provided with an account of the human capabilities in play when we endeavour to balance being respectful and caring, as well as an account of how the two should be employed together generally and in specific circumstance. Meanwhile Foot provides us with a framework for endeavouring to strike the right balance between being respectful and caring. The archaeologist regulated by their commitment to human wellbeing is obliged to concern themselves with the diversity humanity presents and values, but because it is relevant to human wellbeing, not in its own right. They are also expected to be mindful of the *eudaimonic* good of archaeology humanity has entrusted them to promote virtuously. In every instance there is a need for them to familiarise themselves with the specifics of their case, for this may reveal issues and solutions for them to balance these commitments. Where it only reveals issues and no solutions, Foot's framework provides them with a means to appreciate that they value the other because of their commitment to human wellbeing, and discern if this commitment obliges them to abide or not abide by the third party's wishes. However, there is the ever-present obligation to be respectful in how they decide to proceed. It is therefore a framework that obliges the archaeologist to prepare themselves to be able to defend their choices to an imagined other where they have taken seriously their commitment to human wellbeing, the trust placed in them, the specifics of the case, and, on balance, did what they could to preserve the academy's reputation as a respectful and *eudaimonic* institution.

The Wise Pragmatist

So far, I have assumed the archaeologists are masters of their own affairs when it comes to their moral decision making. I have also accepted that there are circumstances where their options are limited, but overlooked something that can often be the limiting factor: other people. This was previously hinted at in the preceding section with reference to the Hopi, but it was still assumed that the archaeologist remained sovereign: that they will determine if and how they will accommodate the Hopi's request, and conduct themselves accordingly.

A recurring theme in the literature is the difficult decision archaeologists often have to make when it comes to the decision of whether or not they should kowtow to less than virtuous individuals. In "Trust and Archaeological Practice", Colwell-Chanthaphonh and Ferguson make the point of identifying the archaeologist's potential trustors, or, at least, people they are beholden to, including financial benefactors, governments, and local interest groups (Colwell-Chanthaphonh and Ferguson, 2006). Often the archaeologist depends upon these individuals, and if they elected to be a strict idealist they would not get any archaeology done. Perhaps a government would refuse access or a financial benefactor refuse funding unless they get to review the data and intended publication first, reserving editorial rights to ensure the research does not harm their interests. The question therefore rises, what do we entrust our archaeologists to be, given this less than ideal world populated with less than ideal people?

I want to consider a very specific example: Islamic State's (IS) destruction of Palmyra[44]. Imagine, and that it was believable, that IS permitted archaeologists a week to research the site before they destroy it, on the condition that the archaeologists only publish what IS permits them to publish. IS also make it clear that they will withhold all the data, so that the archaeologists cannot evidence an alternative at a later date.

[44] "Syria's Palmyra Temple of Bel 'severely Damaged by IS", https://www.bbc.co.uk/news/world-middle-east-34103994 [date last accessed: 14/05/19]

One of the benefits of an agent focused approach to ethics is that it does not make the perfect the enemy of the good. This sense of being virtuously pragmatic is found throughout virtue theories, most notably in Aristotle's understanding of *phronesis* or moral wisdom, of using one's critical faculties to identify what one can do and then discern from this what one should do given their commitment to human wellbeing (Aristotle, 2009).

In the case of the archaeologist dealing with their decision with IS and Palmyra, the archaeologist is left questioning what good they can actually achieve, and why their circumstances are such that their course of action is what a virtuous person would do given said circumstances. Such thoughts they should dwell on are that less *eudaimonic* good is achieved by allowing IS to destroy irreplaceable archaeological material unresearched than would be achieved from the archaeologist researching it in unfavourable conditions. So too is it worthy of their consideration of the foreseen longevity of IS, and therefore if they are a force with which the archaeological academy need concern itself with saving face with for the long term, given they may have to deal with them again in the future. Equally relevant is if members of the archaeological academy will be able to, at a later date, construct a more objective publication despite the fact that IS withheld the data. And they should also consider if they will likely be capable of explaining their original decision to publish a biased account out of necessity, and therefore restore/protect the academy's reputation as one committed to the scientific method. All such considerations become necessary ones when one is endeavouring to be virtuously pragmatic with less than virtuous third parties.

This stands to remind us that virtue ethics is not a tradition that offers simplified imperatives like "always commit actions X" or "never do Y", but instead to always be committed to *eudaimonia*, and to use what is actually at your disposal to be a *eudaimonic* force. The action is not considered in isolation but in its proper context and the short, medium, and long term implications it will likely

have. This would appear to have the framework fall into consequentialism. However, it is worth noting that Foot's framework is one that commits the individual to use their human capabilities, for example, foresight, to the best of their abilities when it comes to promoting *eudaimonia*: the ultimate concern still remains being virtuous, and gauging one's conduct via this commitment.

Equally, one of the crucial aspects of an agent-focused account is that it only makes the individual accountable for their moral decision and reasoning, not circumstances beyond their control that established the parameters they are allowed to operate in. There is no hypocrisy in virtue ethics for someone to: profess valuing human wellbeing, the scientific method as *eudaimonic*, that a virtuous archaeologist protects the academy's reputation as objective, yet, despite all these ideals, elects to risk the academy's reputation for objectivity out of necessity. The litmus test in virtue ethics is if one can explain it as the virtuous thing to have done in the circumstances.

This is not an ideal world occupied solely with ideal people, at least not as far as Foot understands how people should be. It is the world and it is occupied by people of various moral convictions, if any, that we often have to work with or depend upon that cannot be reasoned into doing as one sees as moral. Less than ideal options will often be one's only options, one's parameters defined by the decisions and values of others, and in these cases the individual has to make the choice of whether they must be an idealist in the hope of effecting change, or a pragmatist when it comes to their commitment to human wellbeing.

A professional archaeologist, like any member of a profession that puts a commitment to human wellbeing as the justification for their academy, has the extra concern of whether they undermine the trust we place in them by compromising or rejecting the options others give them. In evaluating our capacity to trust, I argued that we cannot expect others to maintain the terms of a trusting

relationship if it becomes incompatible with a commitment to human wellbeing. Here we see that principle manifest.

Conclusion

In chapter III, I argued that a commitment to be virtuous with one's capacity to trust entails an obligation to trust virtuous individuals who are more competent at promoting a *eudaimonic* good than you are with the task of promoting said good virtuously: the *condition of competency* and *condition of moral character*. In the previous chapter, I argued that scientific knowledge of the human past is a *eudaimonic* good, one that can be lost via improper interaction and, once lost, is irreplaceable once lost. And I used this to argue that being virtuous entails wanting individuals with the skills to best promote this good to be enabled to protect and promote it, that those with said skills satisfy the *condition of competency*.

In this chapter, I focused on the *condition of moral character*, looking at four aspects of archaeological work and what it means to be, and fail to be, virtuous with said aspects. In each case, I focused on how Foot's framework provides the individual with a schema to evaluate their rational and non-rational faculties via how these facets of the human psyche can upset or promote human wellbeing.

I started by outlining how Foot's framework commits the archaeologist to the same moral standards to which it commits everyone else: a commitment to be a *eudaimonic* force. However, I then argued that her framework also allows for a profession-specific moral guidance: namely guidance in how to be a *eudaimonic* force as a virtuous individual who has the skills and knowledge at promoting a *eudaimonic* good and has assumed a *eudaimonic* role.

It is the enduring commitment to human wellbeing and the responsibility given to the individual in their moral decisions that makes Foot's framework adequate and appropriate for those

endeavouring to be virtuous in the archaeological academy and therefore worthy of humanity's trust. The archaeologist and archaeological virtues, are not understood as distinct from humanity, but via their special role within humanity.

Furthermore, it bears repeating, that Foot's is a framework that allows us to cast the concept of "the professional we *should* trust" via the perspective of someone endeavouring to be virtuous with their capacity to trust. And, accordingly, the archaeologist we *should* trust with the task of archaeology is one that takes seriously their task of moral decision making, understands their profession's place in the human lifecycle, and therefore how it fits into a commitment to valuing human wellbeing. This is someone endeavours to act in ways they feel confident that they can adequately defend as the most consistent with valuing human wellbeing in their specific circumstances.

When it came to the specifics, I argued that Foot's framework provided an adequate moral lens through which one can critique: their own biases when it came to scientific research, technocratic to oneself and fellow members of their academy, respectful but committed to human wellbeing when it came to third parties, and pragmatic in one's commitment to *eudaimonia*. I also demonstrated that Foot's framework does not just make agreeable but vague moral suggestions, but aids the individual in understanding these concepts via their relevance to the human lifecycle, allowing one to yield adequate moral guidance for our would be archaeologist. Such an individual, I argued, would satisfy the *condition of moral character* and therefore be someone whom it would be vicious for an individual not to entrust with the task of promoting the *eudaimonic* good that is scientific knowledge of the human past.

However, we now need to put the archaeologist into the real world, to understand their role in the human lifecycle given the implications their work can have and has had on other phenomena

relevant to the human lifecycle and therefore human wellbeing. Every power we privilege with the archaeologist and every limitation we prescribe to them informs the role we give them in the human lifecycle, and therefore shapes the significance we grant the to good that is archaeology.

In the following three chapters, I will look at three of the big issues in modern archaeological ethics: property rights, posthumous rights, and negative/dissonant heritage, and explore which powers it would be virtuous for us to entrust to the archaeologist, and therefore shape the role we should entrust virtuous archaeologists with.

Chapter VI

Owning the Past, Virtuously

Introduction

Up to this point, the archaeologist, their profession, and the value of archaeological work have largely been explored in isolation. In chapter I, I argued for the need to look beyond act-focused approaches to ethics for the purposes of archaeology, arguing that we should endeavour to add an understanding of what it means to *be* good with the past to our epistemic arsenal. Chapter II, meanwhile, saw me advocate Foot's scientific approach to human wellbeing and human virtue as adequate and appropriate for the needs in archaeological ethics. In chapter III, I then outlined the conditions archaeologists would have to satisfy for it to be virtuous to, and vicious not to, entrust them with a role as an archaeologist: namely with what role with what powers we should entrust to them. Chapter IV then saw me defend scientific knowledge of the past as a *eudaimonic* good, whilst chapter V saw me outline how the archaeologist should approach their task of promoting this *eudaimonic* good virtuously. Together, these points, I have argued, provide an account of what

role we should entrust the archaeologist with from the perspective of those endeavouring to be virtuous with their capacity to trust.

Archaeology, however, does not happen in a vacuum. This chapter will mark the first of three where I will explore archaeology's place in the lifecycle in relation to other *eudaimonic* phenomena, in this case property rights.

I will start this chapter by arguing that all claims for exclusive rights to objects depend upon using specific examples of human activity as a justifier and, therefore, depend upon accepting the premise that human agency is morally important. I will then bring Foot's framework in, arguing that in grounding one's property rights in a respect of human agency, one is obliged to only use the mechanisms of property rights in a manner consistent with valuing human agency. This, I will identify, has significant implications on the concept of property rights, namely that ownership claims will be perpetually subject to their relevance to valuing human agency. However, I will contend that this is the logical conclusion of using human agency as a justifier of property rights that can be justifiably applied on a pan-human basis for tangible and intangible examples of heritage alike.

I will then focus on the implications of this understanding of virtuous ownership when it comes to heritage specifically, a phenomenon I have previously argued as an irreplaceable, *eudaimonic* good. I will look at the two ways one can acquire heritage morally: by inheritance and by purchase. I will identify that in both cases human agency is used to validate claims, with the benefactor's wishes being used in the case of inheritance and the individual's decision to buy the piece of heritage with their money earned from their labours/agency used in the latter. In both cases, I will argue that one should accept the ethical parameters of Foot's framework when it comes to being moral with property rights, for a commitment to valuing human wellbeing, as she

understands it, is logically consistent with valuing human agency, a value one necessarily professes when attempting to justify ownership claims. However, whilst this leads to a notion that it can be vicious to deny people property borne of virtuous expression of agency, heritage's standing as a perishable, irreparable *eudaimonic* good, I will argue, makes it equally vicious when one retains heritage purely because one can, when one is not the best placed to protect or promote it as a *eudaimonic* good.

I will then shift the focus from discussions of rights to discussions of responsibilities to show that there is a moral failing on all of us if we do not protect the *eudaimonic* good of human heritage purely because it is not "our" bit of the whole. Having established this, I will argue that part of this pan-human sense of responsibility entails appreciating that different people are differently abled at protecting their examples of this pan-human *eudaimonic* good that is heritage. I will make this case by arguing that heritage, regardless of where it is or what it is, is categorically and therefore *eudaimonically* the same, as is human wellbeing. Whilst that may be consistent, the obstacles to human wellbeing vary, and so too then must our sense of responsibility to heritage. Using the example of subsistence digging, where people plunder archaeological relics to sell out of need, I will argue that true a commitment to valuing human wellbeing entails appreciating this variation in burdens. This will lead me to the conclusion that true virtue is evident in those that choose a system where those who are most able to safeguard and promote wellbeing are most tasked with the responsibility to secure *eudaimonic* goods like heritage.

This will validate the notion that archaeology should be appreciated as a global concern, and lead me to the question of what rights and responsibilities, and therefore role, we should want to entrust the archaeologist with when it comes to ownership claims. It will be my argument that we should want archaeologists capable of employing their expertise to: identify articles of human heritage, whom should have what rights to which parts of human heritage, and what should be done and

disallowed to be done to said articles in the interest of human wellbeing. Building upon the previous chapter's discussion on the archaeologist's obligation to be objective, I will argue that we should want impartial experts capable of evaluating the validity of ownership claims, regulated with a view of what should be done in cases involving historic injustices but also what would now best serve human wellbeing.

This, I will argue, justifies giving archaeologists a pivotal role in discussions on heritage when it comes to the interplay between property rights and the good that is heritage, a role with authority to aid virtuous ownership and prevent vicious ownership. In so doing, it will therefore provide an account of what the relationship between property rights and human heritage should be given a commitment to human wellbeing, and what role the archaeologist should be entrusted with when these two come into potential conflict.

Before I start I should make clear that whilst I will be using examples of debates concerning property rights and repatriation, it is not my intention to argue which way any particular debate should go. Instead, this chapter serves to argue that Foot's framework provides a moral perspective individuals should consider when engaging with the question of whom should be entitled to do what to which part of human heritage. Furthermore, it should be pointed out that I will only be focusing on non-human remains, leaving the discussion of being good with past peoples for the following chapter.

Property Rights as Expressions of Human Agency

Before I can talk of the interplay between the goods of property and the goods of heritage specifically, we need to understand how property and property rights fit into a framework grounded in a commitment to valuing human wellbeing. I will be using non-archaeological

examples to establish the general moral framework when it comes to property rights before looking at the implications this has when it comes to heritage specifically.

Property rights entail an individual or group of individuals having an entitlement to something beyond themselves, an entitlement that others should not invalidate or infringe upon. This raises the question of how one morally acquires such entitlements within a pan-human ethos, given we are all substantively the same.

To Locke, property rights are a logical conclusion of the belief that an individual is uniquely entitled to themselves and what they elect to do with themselves; in Locke's vernacular, "their labours". His argument is that we are all substantively the same, so all start with an equal right to ourselves and the world beyond us. When it comes to the world beyond us, we can work it, mixing labours and therefore ourselves with the natural world, and, in so doing, make parts of the world part of ourselves, evidence of our agency, and therefore an extension of our entitlement to ourselves:

> "God, who hath given the world to men in common, hath also given them reason to make use of it to the best advantage of life and convenience … nobody has originally a private dominion exclusive of the rest of mankind … yet every man has a property in his own person : this nobody has a right to but himself. The labour of his body, and the work of his hands, we may say, are properly his. Whatsoever then he removes out of the state that nature hath provided … he hath mixed his own labour with, and joined to it something that is his own…"
>
> (Locke, 2003, pp111-112)

A commitment to Philippa Foot's framework of virtue leads one to a complementary understanding of property and entitlement, to an extent. Both Locke and Foot employ a logic that

difference in moral standing always requires a justification, and this goes for property rights. For individual A to profess they are entitled to X and that individual B is not entitled to X requires a justification for why A stands in a certain relationship to X that gives them this right that should be denied of B. Locke's position is that we should understand an individual as entitled to their labours, and products of their labours as products of their labours. This complements Foot's position that we should value human agency, and that this leads us to valuing products of an individual's agency as products of their agency, for to do otherwise is to invalidate what they elected to do, and, in doing so, dismiss the value of their choices/agency.

There is an old folk story of two woodland critters in the autumn, one, a squirrel who busily stores nuts for the encroaching winter, achieving just enough to ensure his survival, whilst the other, a mouse, relaxes enjoying the autumnal sun. The winter comes, and both Locke and the likes of Philippa Foot, would argue that the squirrel is entitled to his rations and the mouse is not. For Locke, the squirrel's entitlement to the nuts results from them having laboured and stored them: they are a product of his labours and to ignore that is to ignore the squirrel's labour as morally valuable. Meanwhile, to Foot, it is about respecting the individual's autonomy, of their decision to expend their effort: the nuts stand stored because of the squirrel's decision to store them, and to ignore this would be to act in defiance of valuing autonomy. These complementary understandings allow us to justify the notion that the nuts are the squirrel's and that the mouse has no claim to them, for to say otherwise is to undermine the value given to individual autonomy by not valuing the results of their autonomy as result of their autonomy.

Where Locke and Foot come apart is that the virtue ethicist is more morally ambitious, for everything, including the individual's property rights, is perpetually subject to how it is relevant to human wellbeing, including if one is being virtuous in their use of entitlement and property. Locke focuses mostly on one's right to acquire property, with one only being responsible to ensure the

imagined other has as much and as good as what one had to work with to acquire their fortune (Locke, 2003, p114). Virtue ethicists like Foot, meanwhile, would ask the individual to evaluate if the intentions behind their desire to retain their property or demand certain property rights are respected demonstrates intentions that complement a commitment to valuing human wellbeing.

For example, imagine a community devoted a great amount of time, effort, and money[45] into building a reservoir with a filtration system. Both Locke and the virtue ethicist would argue that we should appreciate the reservoir and its product as a result of this community's decision to labour on this task, and that under normal circumstances they therefore have a justified claim to it and the water it produces, for without them this definitively safe drinking water would not be available.

Now, one could debatably be a Lockean and profess that the community, as owner of the reservoir, has the right to charge extortionate rates for the water. However, this is not the case for a virtue ethicist, for such an action demonstrates an individual who is not committed to human wellbeing, for they will exploit the wellbeing of others for the sake of their own: treating their wellbeing as of objectively greater worth than the imagined other.

Virtue ethicists like Foot, however, are not satisfied with having the obligation to leave "as much and as good as" as the upper limit of one's moral obligation, especially when we are talking about rights over a *eudaimonic* good. The community's demand that their labours, past, present, and future, be valued in the form of recompense by those who partake in the water is justifiable, in that it would be vicious not to value the community's autonomous decision to work the reservoir. However, at the point to which they seek to extort outsiders, to profit from their need, they demonstrate a non-*eudaimonic*, parasitic relationship towards their fellow man and their use of the

[45] Money will here serve as an expression of their property, labour, and agency, for it is something they are assumedly entitled to, they have potentially earned via expending their labours/autonomy, and have elected to invest into the project.

instruments of property. At this point, they are treating their wellbeing as of objectively greater worth than that of their desperate clientele.

If we were to be truly committed to valuing human wellbeing, it must be appreciated that circumstance can and should play a perpetual role in the moral standing of an ownership claim. Keeping to the reservoir example, in a situation where water is freely available, one could defend, through virtue ethics, the reservoir owners' right to charge for their water as a luxury alternative. In this climate they are not undermining anyone's wellbeing, the necessity for life that is water is freely available, the reservoir community are merely offering an alternative made available because of their labours, and improving their wellbeing at no cost to the wellbeing of others. However, if a drought should hit the nation, leaving only their reservoir unaffected, their choice to continue charging a premium would take on a very different moral character. Here they would be expecting their property rights be respected despite the implications this has on human wellbeing, which, to virtue ethicists like Foot would betray a vicious character and, therefore, would be an unethical position. Property rights should therefore be understood as ever subject to a commitment to valuing human wellbeing.

This also leads us to an understanding of the immorality of waste, when it comes to property. With the content of the world understood via their relevance to human wellbeing, and the good of one's labours understood via how one works the world to make it better for human wellbeing[46], the individual who would allow *eudaimonic* phenomena to be wasted for the sake of their capacity to assert property rights would be deemed vicious. In Locke's words:

"…if they perished, in his possession, without their due use; if the fruits rotted, or the venison putrefied, before he could spend it; he offended against the common law of nature, and was liable

[46] In Locke's words: "to make use of it to the best advantage of life and convenience." (Locke, 2003, p111)

to be punished; he invaded his neighbour's share, for he hath no right, farther than his use… and that they might serve to afford him the conveniences of life."

(Locke, 2003, pp115)

Waste is understood, to Locke, as when something that could have served life is lost, and he argues that this would be morally undesirable for anyone who views life as morally valuable. The individual who would willingly allow something that could have improved life to be lost, contradicts a commitment to valuing human life, and therefore betrays a vicious character in Foot's terms. Think back to the reservoir example. Imagine that there had been a particularly wet season, that the owners could lower prices so that this convenience for life is more accessible, and that it will stagnate, given current demand, reducing the amount viable for human consumption. Let us also assume that they are likely to make less profit by lowering the price than keeping it high. The decision to keep the price high, in this instance, is to use the mechanism and rhetoric of property in a manner entirely inconsistent with valuing human wellbeing. This is not just because they would be treating their profiteering, and assumedly wellbeing, as of greater moral import than human wellbeing generally. It is also because such a decision is inconsistent with valuing phenomena via their relevance to wellbeing, for such a decision betrays someone who is not allowing something to promote human wellbeing, but instead be wasted unnecessarily: it is by their act that humanity it is unnecessarily poorer.

It is, again, worth pointing out the contradiction in the mindset of the individual who values their agency but does not extend this value to things like their agency, namely the agency of others. By understanding the world's contents via their relevance to human wellbeing, we arrive at a concept of waste as a loss of something good for human wellbeing. And it is this that makes the decision to allow something to waste as one necessarily inconsistent with valuing human wellbeing: a vicious decision.

In my chapter on trust, I argued that it is vicious for an individual to expect their trust partners to keep to terms regardless of the implications they will likely have on human wellbeing. Here I am arguing that the same applies when it comes to our relationship with property rights, and that those who reject this position cannot defend their stance as consistent with valuing human wellbeing.

What is left is to determine what this means when it comes to property rights when it comes to heritage and the practice of archaeology.

Property, Inheritance, & Heritage

In understanding entitlement via a commitment to valuing human wellbeing and agency, we arrive at the idea that acquiring entitlement to property is only morally justified out of biological necessity, via one's labours, or if someone gifts another the product of their labours. And, this goes for heritage.

Heritage is necessarily the product of the labours of others. One can acquire rights to heritage via the originator gifting it to them, or through just purchase, but not via anything innate of a particular individual: it is their relationship with the producer of the articles of heritage that informs their right to it.

Let us start with gifting, and how this informs one's rights to heritage. It is this type of "heritage rights" that informs the relationship between heritage and inheritance. There is nothing about me, as an individual, that makes me have an exclusive right to articles deemed as of "British heritage". However, I have such exclusive rights, whatever they may be, because I am a British citizen. For example, I am allowed to participate in our democratic tradition of voting because of my British

citizenship. I have not worked for these rights, though some might have worked to acquire British citizenship and, with it, the same practical rights that I enjoy, but an individual does not need to labour to acquire these exclusive entitlements to a particular part of human heritage. If I had been born to non-British parents, I would have had to endure extra labours to gain these supposedly exclusive British rights, again, whatever they may be, namely here to acquire citizenship. Yet it seems uncontroversial to say that a people are uniquely entitled, to an extent to their heritage despite not having to do anything to earn this exclusive entitlement. Even by the phrase of "*their* heritage" comes the sense of exclusive entitlement, but where does this justification come from and what are its limits to someone committed to valuing human wellbeing?

If one commits themselves to the mindset that human agency informs human responsibility and rights, as Foot does, there is another party to consider in the phrase "*their* heritage": the benefactor as well as the beneficiary. It is also worth noting that one liberty one has with their property is to gift it, and this gives us a way of appreciating individuals as entitled to *their* heritage as the result of someone's agency, just not *their* agency. In the 19th century there was a population who identified as British, who cooperatively invested in the construction of a structure, Westminster Palace, with the idea that it would outlive them, and have a place in the lives of future generations of people like them (future Britons). We can therefore view Westminster Palace as a result of their agency, and contemporary Britons' unique entitlements to the palace as a result of the assumption that 19th century Britons would have wanted them to make use of it, making the comparison between heritage and inheritance unavoidable.

Perhaps gift is not the correct word to use, but instead entrust, for conditions can be assumed on behalf of the benefactor, and this need to bequest arises from necessity owing to our mortality. We need to concern ourselves with whom gets which articles of our property upon death, given death's inevitability. This is made something of a moral imperative to virtue ethicists, for accepting

one's mortality and one's capacity to bequest articles of property leads one to the conclusion that they ought to ensure they make efforts to secure its *eudaimonic* dispersal. Keeping with the inheritance/heritage comparison, the virtuous individual would draft a will and ensure trustworthy executors to carry out their wishes in good faith. On the heritage scale, this is something we can assume is symmetrical: a people bequeathing their legacy, in good faith, to others. The reason entrusting becomes a more relevant concept than gifting, therefore, is that there are implied responsibilities with what one inherits.

The first responsibility arises logically from a respect of human agency. Heritage stands as a testimony of the lives and therefore agency of people, and its loss as a loss of evidence of their agency: to deny what is left of their agency. To respect an individual's agency as valuable as a means to justify one's entitlement to what they bequeathed you is to value their agency and therefore commits one to not undermine it by ignoring their wishes and therefore undermine the fruits of their labours/agency. In French law[47] there is a concept called *droit moral* or "moral law" which prescribes an artist the immortal right to an interest in their work, immortal in that it endures their death (Sax, 1999, p21). In practicality, what this means is that someone who comes into possession of an article of artistic or cultural significance has an obligation to keep the originator's interests in mind when contemplating what they can and should do to it[48].

The second is the limitation that arises as a result of valuing heritage/inheritances as a product of the benefactor's agency: that it brings with it a commitment to value all human wellbeing, and therefore one's terms must be consistent with this commitment. In my chapter on trust, I argued that any trusting relationship is only as moral as it is consistent with valuing human wellbeing. Here, I am arguing that the same applies to the trusting relationship between benefactor and beneficiary. Keeping with the Palace of Westminster example, the British state and people have

[47] Though, not unique to French law
[48] This will be a relevant principle for when I discuss rights to heritage that one has bought.

acquired an entitlement to the building via our Victorian counterparts bequeathing it to us to, it can be assumed, maintain its intended use. However, economics and, hopefully morality, have meant that there has been a shift in how the Palace is used. No more is it the seat of an imperial power with an agendum of continual expansion, but it does remain the seat of government, of political representation of the British populace. This shift would be viewed as a virtuous one on Foot's terms, for it keeps as true to the Victorian's wishes as possible in a manner consistent with valuing human wellbeing.

The rights and responsibilities of benefactor and beneficiary are therefore viewed as subject to their relationship to a commitment to human wellbeing. One would not be virtuous by keeping true to the Victorian's use of the Palace of Westminster nor by compromising the legacy of their agency by destroying the site, for either course entails contradicting a commitment to valuing human wellbeing, agency and all. There is virtue in challenging vicious wishes from trustors, much as there is vice in ignoring the wishes of a trustor.

Now, whilst the benefactor/beneficiary relationship provides a rationale for British citizens having certain exclusive rights to the Palace of Westminster, it is not the only way British individuals may assert an exclusive right to this piece of heritage. The British citizen has also mixed their labours with it by funding its maintenance and restoration, meaning to ignore this is to contradict a commitment to valuing human agency.

Buying Responsibilities as Well as Rights

This same premise applies to individuals who pay for heritage, where their currency is viewed as a result of their agency which they exchange for goods, thereby mixing said goods with their labours: they worked for the money they used to get the item of heritage.

And it also brings with it the same responsibilities on behalf of the prospective owner to the article of heritage: that one is seeking to have a *eudaimonic* relationship with it. This, I will argue is the logical conclusion of accepting the premise that "any example of heritage should be viewed as an irreplaceable *eudaimonic* good".

I will first argue for the premise that what one can own and what one should do with what they own should be limited to what is consistent a commitment to human wellbeing. There are limited applications of nuclear weapons, and none of them are typically accepted as good for human wellbeing [49]. As such, it is widely accepted that even if I worked hard purely to acquire the capital to purchase a nuclear weapon, I should not be allowed purchase it. This does diminish what I am entitled to do with my property (in this case my labours and money), and therefore, to some, diminishes the value of their property by limiting what they are allowed to do with it. However, it only denies one the right to use it to vicious ends: to use it in manners that are inconsistent with valuing human wellbeing. This sense of intentionality is reflected in the *Prevention of Crime Act 1953* when it comes to carrying weapons, for there is only a right to carry something one has "lawful authority or reasonable excuse" for carrying. The crime is only when these are lacking: where one is carrying something that can only be used and is likely to be intending to be used for vicious ends[50]. The idea of ownership rights being subject to a concern for human wellbeing is therefore not as controversial as it might manifest *prima facie*.

Now, accepting heritage as a *eudaimonic* good, this leads to the conclusion that in purchasing an article of heritage one elects to assume rights but also responsibilities over it. In giving moral responsibility and autonomy to the individual, there is the expectation that they exercise caution and moral restraint in how they employ their critical faculties and purchasing powers: echoing the premise of *caveat emptor* or "buyer beware". If I purchase a traditional Georgian house, I should do

[49] Though, they might, in very extreme circumstances, be used as the lesser of two evils for human wellbeing.
[50] https://www.legislation.gov.uk/ukpga/Eliz2/1-2/14/section/1ZA [last accessed: 14/06/19]

so aware that it will likely come with, or may later become subject to, certain limitations due to the *Planning Act 1990*[51]. And I should find these terms acceptable, for they exist only to ensure property rights do not trump a commitment to valuing human wellbeing.

It is this reason that certain phenomena are considered beyond purchasing power, that, much like an individual's denied right to purchase a nuclear weapon, certain articles should be protected from consumerism based upon a commitment to valuing human wellbeing. This idea does not deny private ownership, but, when it does allow for it, it justifies heavily regulating it, as with what happens with listed buildings: it is mine but not mine to do whatever I please with it. Returning to the *Prevention of Crime Act 1953*, I may own a knife, I may carry a knife if I have a non-vicious reason for doing so, but I may not assert a right to carry my property, my knife, if I lack a credible excuse to be doing so: I am limited to using this article of property to non-vicious ends.

Now, when does it become vicious to deny individuals property rights over heritage? Unsurprisingly, for Foot it would be when it would not be *eudaimonic* to do so. Humanity has a great deal to be thankful for when it comes to private owners of human heritage, often as a result of moral luck[52]. Equally, some have had the virtuous intent to preserve articles of human heritage that would have otherwise been lost due to contemporary tastes or distastes towards certain pieces of heritage. But intentionality is the authority in virtue ethics, namely that one's intention was to arrive at the most *eudaimonic* conclusion and act on it. If an individual or collective of individuals are the best placed to protect and promote a *eudaimonic* phenomenon, which heritage is, and it committed to do so, it would be vicious to deny them of their charge over it. If, however, an individual or collective of individuals are not the best placed to protect and promote its *eudaimonic*

[51] https://www.legislation.gov.uk/ukpga/1990/9/section/1
[52] When good consequences result via accident not intentionality – for example, Lord Elgin's decision to take the Parthenon Marbles prevented them from being destroyed, as much of the Parthenon was during Greece's war of independence (Hitchens, 1998, pviii)

good, they would be vicious for demanding rights over it, for they would be doing so at the expense of human wellbeing.

What Foot's framework therefore demands is that we frame any debates on property and ownership claims and rights within our commitment to valuing human wellbeing, rejecting only those arguments where one asserts property rights at the expense of human wellbeing. Property, to Foot, is therefore understood as an aspect of the human lifecycle, and a logical conclusion of valuing human agency, confining ethical ownership claims, and resulting demands, to those consistent with valuing human wellbeing.

From Chichén Itzá & Beyond

Let us look at the situation concerning access rights to Chichén Itzá, a step-pyramid in modern day Mexico and what Foot's framework prescribes. In "Walking Around like they Own the Place" (2009), Lisa Breglia talks about the tensions that have arisen as a result of several groups asserting different connections, and, with them, exclusive rights to Chichén Itzá. There are international and domestic tourists who see Chichén Itzá as an example of common human heritage, something that any individual can further their flourishing from, and so would benefit from having access to the site. Equally, there is the archaeologist, who would like to promote the *eudaimonic* good associated with Chichén Itzá as an archaeological site, as they would with any piece of human heritage. And these internationalist claims for a right to access are validated, from the perspective of someone who values human agency, via the fact that some conservation works have been funded by internationalist organisations like UNESCO, funded by other peoples via their governments, (Breglia, 2009, p211).

Specifically to Chichén Itzá there are also the internal politics and grievances to consider. Some people of Maya decent see it as "in [their] blood" to care for and benefit from the site, and

therefore that they are uniquely entitled to it (Breglia, 2009, p218). Equally, some locals of the Yucatan peninsula, where Chichén Itzá is located, see themselves as uniquely entitled to the site because of their and/or their families', geographic proximity to the site as legitimising their claim to it. Then there are non-Yucateos and non-Maya Mexicans who view the site as part of their heritage, their identity as Mexicans. Their entitlement comes, not just from this sense of Mexican identity, but also because it is their government funds the conservation work and the employment of those that work at the site. And then there are some locals who work the site who see their labours as legitimising them having exclusive rights to it, with some professing that:

"Neither being Maya nor Mexican, in their eyes, makes one a legitimate heir to the patrimony of Chichén Itzá" (Breglia, 2009, p218).

The situation in Chichén Itzá echoes the kinds of discussions that happen when it comes to debates about who has what rights to a specific example of cultural heritage, and the legitimacy and significance of these various claims. There is the local – non-local debate, which includes discussions over rights to access for tourist and/or archaeological endeavours versus the rights of those with a more intimate connection to the site/artefact, and the intra-local debate (which locals have what rights).

Foot's framework does not commit us to any unified position when it comes to ownership claims and ownership rights, only that the discussions should be done with a commitment to valuing human wellbeing. In the Chichén Itzá case, each of the claims I have outlined would have to be taken as morally significant. The Maya who built it, we can assume built it for their people, meaning their descendants, whichever group(s) that includes, should be viewed as the inheritors of the site. The locals who work the site, and the Mexicans citizens who fund the locals' work on the site via taxation should also be viewed as having "mixed their labours" with the site. And the international

community who have part-funded its conservation can be viewed as having a right to the site as well.

Each claim is therefore justified via how the respected party has gained a special significance based upon what individuals (including themselves) have done to earn them a relationship with the site that deserves moral consideration. They therefore employ the notion that human activity, human agency, is morally valuable for they use it to inform why their relationship here and now is morally significant, limiting the kind of rights they seek to claim to ones consistent with valuing human agency. Each party uses specific examples of human agency to justify their relationship with the site, meaning that they cannot assert a right that trumps valuing human agency without logical contradiction.

This applies generally, not just to Chichén Itzá. The individual who worked hard to earn the money to buy a Rembrandt expects the hypothetical other to value their work and their decision to transfer the fruits of their labours into owning a Rembrandt as morally valuable, requiring a value prescribed to human agency. Equally, in asserting some right to Westminster via my British heritage, I need the hypothetical other to value the agency of the Victorians who built the palace for future generations of Britons. Using human activity as a justification for rights therefore requires a commitment to valuing human agency, and therefore cannot be used to justify rights that trump valuing human agency.

The question, the virtue ethicist would therefore pose to each party is "yes, you do have a legitimate claim, but are you seeking to use it to virtuous ends, are you using the mechanism of property in a manner consistent with valuing human wellbeing, or just because you can, is this right you *choose* to assert one consistent with valuing human agency?".

And this informs the idea that there is a pan-human right to heritage, or at least the idea that no one has a right to deny members of humanity from the *eudaimonic* good they can gain from human heritage. Discussions on various rights to heritage, within Foot's framework, must be framed with an awareness of: the *eudaimonic* good people can get from heritage, the uniqueness of each example of heritage, and the un-*eudaimonic* implications of denying people heritage. This does not lead to a rejection of exclusive rights based upon inheritance or acquisition. Indeed, as has already been discussed, valuing human agency validates the idea that one can have greater rights to a phenomenon, like a specific example of heritage. However, these rights must be understood in the context of valuing human wellbeing and agency, for it is the idea that these phenomena are valuable to people, and that human conduct is relevant to entitlement, that informs the notion of rights.

Returning to "Walking Around Like they Own the Place", one of the grievances the local communities have, according to Breglia, is the disrespect shown to Chichén Itzá by some tourists who scramble over parts designated as out of bounds, irreparably damaging the monument (Breglia, 2009, p207). This would be a justifiable complaint from said local communities to Foot, for what they are objecting to is not people coming and gaining from Chichén Itzá, but to people who do not appreciate its status as a *eudaimonic* good in various ways to various peoples, and which various entitlements to it are based upon different expressions of human agency. Such tourists are vicious, in Foot's terms, because they have elected to do something that compromises Chichén Itzá's capacity as a *eudaimonic* good for humanity and various local communities, via an act that also rejects the notion of justified entitlement and, therefore, valuing human agency. This would not justify denying people a right to gain from Chichén Itzá, but only to deny those who would abuse this right.

What I have demonstrated so far in this chapter is that entitlement or property claims to aspects of human heritage will always use expressions of human agency to justify exclusive rights to

something. It might be the agency of someone else, as is in the case of a benefactor acquiring or producing something that is intend for another, or it might be the individual's agency, in that they have worked to get an entitlement to something i.e. by purchasing something. Either way, this comes with the idea that human agency should be considered morally valuable and can validate exclusive rights.

With Foot's framework we have a moral perspective, not just for property acquisition, but one that also concerns the morality of maintaining and revising entitlement claims, one that is entirely consistent with the idea that human agency is the authority on human entitlement. It provides us with a perspective that justifies pan-human entitlements to heritage because of the *eudaimonic* good of heritage, but also exclusive rights of certain people to certain pieces of heritage as justifiable via specific expressions of agency. And, because of its appreciation that the relationship between ownership claims and a commitment to valuing human agency can change with time, we arrive at a framework that is more consistent with valuing human agency than what Locke prescribes. Though more morally ambitious than the Lockean model of property, it only obliges one to not commit the logical contradiction of using examples of human agency to justify ownerships claims you then employ at the cost of human agency.

Subsistence Digging & Global Responsibilities

Rights cannot be considered in isolation from responsibilities. To claim I have a right to X is to claim that you have a responsibility to not invalidate this right. And to claim we have pan-human rights to heritage in all its forms requires considering what our pan-human responsibilities should be, and how they fit within a commitment to being good.

This has already been touched upon when I argued that it is vicious to assert a right in a manner inconsistent with valuing human wellbeing. In my discussion on the immorality of waste I used

the example of a community owning a reservoir who would rather allow the *eudaimonic* good of water to spoil than see their profits be negatively impacted. It was my argument that them *choosing* to assert a right in this way is vicious for it is a choice incompatible with a commitment to valuing human wellbeing.

The uniqueness of each example of human heritage makes the situation more pressing: if one allows a piece of heritage to waste away, it cannot be replaced, meaning humanity has lost this *eudaimonic* good forevermore. This is why I argued that one cannot virtuously demand property rights over an article of heritage if they are not the best placed to ensure its capacity as a *eudaimonic* good is best protected and promoted. This is a common argument posed by museums in their interest to retain articles of cultural heritage, arguing that it is in the interest of the artefact and, by proxy, humanity, that they, with their expertise and security provisions are the best placed to safeguard humanity's treasures.

Now, so far I have focused on situations where potential conflict arises because of the balancing act between common human rights and specific rights to a piece of heritage. However, sometimes the conflict rests elsewhere, for example, economic incentives versus *eudaimonic* ones, but these two can become blurred in a framework where the onus is put on human wellbeing and making the most *eudaimonic* choices.

Consider the trade of pieces of human heritage. Systems have been implemented in many territories to ensure that the *eudaimonic* good[53] of a piece of heritage *as* a piece of heritage is not undermined for the sake of profiteering. Documentation is often required for transition between jurisdictions and within auction houses, and excavations only permitted if authorised and regulated by relevant authorities, all to prevent the loss of articles of heritage being articles of heritage. The

[53] Not that they refer to it as a "*eudaimonic* good", but, by accident, this is what the legislation does to in effect.

mass adoption and acceptance of these protocols can largely be attributed to the fact that greater commercial value is given to an article's authenticity, making it commercially viable to preserve an article's heritage and evidence of its heritage than to allow it to become some old knickknack. These *eudaimonic* protocols[54] therefore exist, but largely incidentally rather than as a result of a commitment to human flourishing and heritage's role in it. One result of these protocols is that they has restricted an individual's ability to profit from the heritage industry, and this has had disastrous implications on those that depend upon selling heritage.

Consider "subsistence digging". This is where artefacts are sought for the purposes of selling them for survival. For example, 58km off the coast of Alaska rests St Lawrence Island, an island prone to harsh tundra conditions, challenging for the indigenous population, the Yupik. As a means to safeguard their survival, the Yupik were excavating and selling cultural artefacts to the international market. Typically, such activities would be considered illegal. However, special dispensation was granted because of the Yupik's need to engage with this commercial venture as a means to survive (Wollowell, 2006, p72) (Staley, 1993). This position, it was argued, was justified for it conformed to the *Universal Declaration of Human Right's* idea that one has the "right to loot" for the purposes of survival when no other means are available. And this position can be justified on virtue ethical terms as a *eudaimonic* good cannot function as a *eudaimonic* good if there are no people to use it in the aim of their flourishing, and it that it would be vicious to deny an individual of their only means to survive, let alone flourish.

This stands as a reminder that the protections and principles we prescribe to heritage shape how people can use it in their own pursuits, including their pursuit of their wellbeing. This does not just apply to the rights we prescribe and deny, but also the responsibilities. As Dingli (2006) notes, by inscribing something as "world heritage", "human heritage", or "European heritage", the

[54] See page 36

relevant legislative body is prescribing the local population, including their government, with responsibilities to said article of heritage as well as diminished rights to it. With the given case of "European heritage", Dingli also notes that there is a practical inverse correlation between economic circumstances and number of European and World Heritage Sites: there are more in Southern Europe which is currently less economically prosperous than its northern European counterparts. What we therefore have is a pan-European mentality of rights to heritage which burdens those least capable with the most responsibility. Were these economies to focus on these responsibilities, they would have to divert funds from elsewhere, which they are least economically able to do without negatively impacting the wellbeing of their people.

The virtue ethicist, like Foot, would see virtue in efforts made to protect and promote the *eudaimonic* good of heritage in all its forms, because of their categorical approach. However, they would also, because of their categorical approach, argue that there is vice in those who prescribe equal burden to those not already equally burdened. Their logic would be as follows:

P1 – Human wellbeing is, categorically, a morally valuable phenomenon

P2 – The more human flourishing there is, the better

P3 - Heritage is, categorically, a *eudaimonic* good

P4 – Protecting and promoting the *eudaimonic* good is virtuous, given P1, 2, & 3

P5 – Choosing for there to be a situation where human wellbeing iscompromised unnecessarily betrays vice for it contradicts P1& 2

P6 – Some are more capable at promoting a *eudaimonic* good that challenges their wellbeing less than others

P7 – It is vicious to choose a situation where those less able to safeguard their own wellbeing are burdened with responsibilities when others that are more able could adopt this responsibility

Let us thing back to the case with the Yupik on St. Lawrence Island and compare the situation to a wealthy individual in Gloucestershire happening upon some Roman coins in their garden. Regulating the trade of artefacts will not negatively impact the wellbeing of the Gloucestershirer to the same extent as it would the Yupiks' wellbeing. True virtue rests with the individual who is committed to valuing human wellbeing, and this brings with it an appreciation that different people are differently burdened when it comes to pursuing their wellbeing, calling for relative responsibilities. If the Gloucestershirer instead demanded equal responsibilities to heritage regardless of circumstance they would be needlessly advocating a system that unnecessarily compromises the wellbeing of the least able, demonstrating vice in their decision.

In accepting humanity and heritage as categorically and therefore morally equal, that different peoples face different challenges, and that we should all be committed to valuing human wellbeing, we appreciate that virtue is found in the idiom that "those with the broadest shoulders should carry the heaviest burden". As there is no categorical (and therefore no moral) way to differentiate people as people nor heritage as heritage, Foot's virtue ethics commits us to pan-human responsibilities as well as rights to human wellbeing generally as well as to heritage, because of its relevance to human wellbeing.

When it comes to the Yupik, what this gives us cause to do is appreciate the desperation fuelling their need to (sometimes mournfully) extract their heritage to sell, and therefore lose to the international market. Vice is found in burdening them greater via well-meaning but overgeneralised regulations, whilst virtue is found in attempting to protect the *eudaimonic* good of their heritage whilst treating their wellbeing as of equal moral import as anyone else's but under extreme pressures.

Wealth, heritage, and property therefore cannot be seen as isolated issues, their relevance to one another and how they should be considered as relevant to being good must be engaged with. And what Foot's framework allows us to do is explore each of them independently from the same ethical standpoint which, therefore, allows us to then use this same perspective to critique how they should be understood in relation to one another: via their relevance to valuing human wellbeing.

Property rights draw from the idea that human activity, and therefore agency, is morally valuable, for property rights employ the idea that examples of human activity can be used to validate certain individuals having exclusive rights. It is therefore uncontroversial that a commitment to valuing human agency should therefore be the condition for if a demand of entitlement to something or how one intends to use the mechanism of property rights is morally justifiable. And with this commitment to valuing human agency and an appreciation that different peoples face varying challenges to their wellbeing, we arrive at the notion of common human responsibility to heritage to ensure our pursuit to protect and promote this *eudaimonic* good is done in a manner most consistent with valuing human wellbeing, and not one that overlooks the varying challenges that threaten various parts of the human collective

The question now remains, what role does this leave our archaeologist?

Property, Heritage, & the Archaeologist

The Ethics of the relationship between archaeology and property compounds two issues. The first is what the archaeologist's and property holder's relative rights should be when it comes to articles of human heritage and when one should trump the other's, and the second is what the archaeologist's responsibilities are when it comes to validating or invalidating property rights.

I will address the second first, arguing that a commitment to being a good person comes with a commitment to concern one's self with the incidental implications of one's conduct as well as the intended consequences.

Virtuousness demands prudence and a commitment to ensuring that how one conducts themselves will have the most *eudaimonic* consequences. Part of this demand of prudence entails a realisation that no one action can be described as significant in only one way. It might be significant enough in a particular way that we should focus on this particular aspect of it, but it will be describable in a multitude of ways, each betraying a focus on a specific aspect of it as the significant one. An act of theft might also be one of retribution or necessity, it might be one likely to set an example and erode a delicate social system. The eponymous story of a man stealing bread to feed his starving family is one about an act of, yes theft, but also desperation, compassion, and responsibility.

One cannot afford to have tunnel vision when it comes to their actions if they are endeavouring to be virtuous. This, as I have argued, is a fault of codification, that in listing actions as right and wrong the nuance, context, and implications of a specific act are left out of the consideration (see Chapter I). There is a difference from saying that X is a good action and that one should always do X actions, much as there is a difference between X actions and that an aspect of an action is that it achieves X. In chapter IV, I argued that scientific knowledge of the past is a *eudaimonic* good, so it is morally desirable for an action to achieve scientific knowledge of the human past. But this is not the same as saying that an action that achieves scientific knowledge of the human past is the virtuous thing to do, for that action could be more and negatively significant to the human wellbeing for other reasons.

On August 15th 1947, two nation-states came into existence on the Indian subcontinent following the end of the British Raj: India and Pakistan. Both countries became the inheritors of great Hindu and Islamic heritage, but were divided on religious grounds: Pakistan being predominantly Muslim and India predominantly Hindu. Nayanjot Lahiri notes that an extraordinary irony, from an archaeological and heritage standpoint, is that India found itself with a greater wealth of Islamic heritage than Pakistan, and Pakistan found itself the inheritor of the Indus valley, the area associated with the earliest records of Indian and Hindu civilisation (Lahiri, 2013, p295). Both countries therefore have claims to findings relevant to the subcontinent's heritage.

The current political situation between India and Pakistan cannot be ignored in discussions about their joint heritage. The scars of partition, the religious divisions, and the events that followed partition which saw a lot of Islamic sites plundered and razed in Indian territory all fuel a fervour on each side when it comes to heritage from the Indian subcontinent.

Fast-forward now to our archaeologist in contemporary Kashmir, a region divided by present day China and, more significantly for the purposes of this discussion, India and Pakistan. Suppose they find themselves on the border of Indian controlled territory in Pakistani Kashmir, and that they unearth what appears to be an early Hindu shrine.

In an act-focused mentality they can reduce their work down to a piece of archaeological research and profess that this is a good act. But a commitment to valuing human wellbeing compels one to consider the complexities of their particular circumstances and endeavour to take the *most eudaimonic* course of action. This gives them cause to question how they can achieve the *eudaimonic* good that is scientific knowledge of the human past most *eudaimonically* and therefore most virtuously given their particular circumstances. It is not virtuous to ignore: an inconvenient truth,

the complexity of one's options, or to choose to be wilfully ignorant of the wider implications of one's actions before committing them.

As archaeological research can have implications on property rights, the archaeologist should endeavour to be a *eudaimonic* force when it comes to the implications their work might have on validating or invalidating claims. As well as prescribing an obligation for archaeologists to concern themselves with the implications their work and, more specifically, the publications of their work might have on property rights, also further validates[55] the idea that archaeologists should endeavour to be and appear to be unbiased/objective. Their word can impact senses of entitlement/ownership, which might, rightly or wrongly, compromise other claims. As someone endeavouring to be a *eudaimonic* force, they should want to best ensure their actions promote justice over injustice, that they will validate valid claims and only challenge unjustified claims. There is therefore the need for the archaeologist to ensure that their word is trusted, and therefore to cultivate and sustain an image of an impartial evidence relay, not someone with a particular agendum. Return to our archaeologist finding a Hindu shrine in Kashmir, if they were known to have ties to the Indian government, this may fuel unjust suspicion in some Pakistanis when it comes to the question of the legitimacy of their testimony. Good and bad can come from evidence that may be used to validate ownership claims, someone truly committed to virtue ensures that if they are able they help validate just claims and do not undermine the ability of others to validate just claims by, for example, undermining the authority of their academy with accusations of bias.

And, from a layperson's perspective, we should want there to be archaeologists entrusted with the capacity to validate/falsify ownership claims through their research, to add an extra check and balance over ownership claims and better ensure justice. One should not want dominion over

[55] (see chapter V)

something they should not have dominion over, for this necessarily requires denying the just entitlements of the phenomenon's legitimate owner.

Imagine three scenarios all relating to someone buying an Assyrian necklace at an auction, where, at a later date, a third party comes claiming that the necklace was stolen from their private collection. This claim, if true, gives one reason to have a grievance with the auction house and seek compensation from them for making you, unwittingly, an accomplice to denying the rightful owner their property, and gives one reason to return the necklace to the rightful owner. Another option is that this person is a liar, that the necklace has been through proper channels, and that you are the legitimate owner now. Alternatively, the victim is telling the truth, but this is not their necklace. Or, finally, that it is all true but, as it turns out, the necklace is a fake: that both you and the legitimate owner have been victims of a deception.

As individuals committed to being good, we should want to ensure that we are not instrumental in someone's unjust loss, including our own, and should therefore want there to be someone who can provide us with evidence to inform our considerations. This leads to the conclusion that we should want an impartial/unbiased archaeologist with their means of identifying articles of heritage and, with this, their means to validate/falsify ownership claims, and that virtuous people would allow such an individual access to any article of heritage for such purposes.

This touches upon the other relationship that must be considered when it comes to the ethics of archaeology and property: what rights archaeologists and owners should have, and how these rights relate to one another for someone committed to valuing human wellbeing.

It should first be repeated that, as scientific knowledge of the human past is a *eudaimonic* good, choosing to obstruct the pursuit of this good is ethically controversial for those committed to

valuing human wellbeing (Harris and Smith, 2001, p15). It is controversial, not necessarily vicious to do so, for one may have a *eudaimonic* reason for endeavouring to obstruct archaeological research. However, as ownership claims are understood as moral so long as they are *eudaimonic*, denying archaeological research on something one owns purely because one owns it is not an ethically tenable position to the virtue ethicist: it is to choose to obstruct *eudaimonia* because one can, a vicious application of the mechanism of property.

Of course, one might not object to the research but what the research entails. Perhaps the means to test the age of something might require digging into a wall or taking some paint scapings. Equally, it might just entail the archaeologists being there: not challenging one's title as an owner by damaging their property but purely by being there, denying them the right to assert who may come and go on/with their property. However, drawing from the previous point, they cannot deny these *eudaimonic* efforts purely because they can and still call themselves virtuous. And, building upon my point regarding competing claims at Chichén Itzá, there is virtue to be found only in those who, when presenting competing ownership claims, do so with a joint commitment to valuing human wellbeing and endeavouring to find the most *eudaimonic* end. This goes for the archaeologist as much as it goes to the global lay-community, for it is not that we should want there to be an archaeologist entitled to go where they please, to borrow from Breglia, "[walking] around like they own the place", but to work with humanity in promoting this *eudaimonic* good in a world of *eudaimonic* goods. We should want an archaeologist we can trust with access to humanity's heritage as a research tool, appreciative of: how each article manifests as different people's heritage, the function it plays in their *eudaimonia,* and committed to best balancing virtuous ownership claims with the endeavour to promote the *eudaimonic* good of scientific knowledge of the human past.

Finally, there is the question of what powers archaeologists should have, if any, to reduce or deny individuals of their property rights in the name of *eudaimonia* via archaeology. In the *Planning (Listed Buildings and Conservation Areas) Act, 1990*[56], the secretary of state is granted the responsibility and power to consult with heritage bodies and make legally binding restrictions or recommendations for works on people's property of historic interest or even compulsorily acquire someone's property[57]. The premise of this law is that property rights are no excuse for allowing, through deed or neglect, the loss of heritage, and that with expert opinion, the secretary of state is empowered to prevent heritage lost as a result of owners.

The important point here, for the purposes of archaeological ethics is the role of expert opinion. Accepting that heritage is a *eudaimonic* good that can be, but need not be, compromised by human activity, it is *eudaimonic* for there to be someone capable of identifying something as valuable as heritage, what needs to be valued about said item, and how best to safeguard its valuable qualities. This requires someone with a good working knowledge of remnants of the past, namely someone who knows the relative uniqueness of a particular phenomenon or aspects of the phenomenon, its relevance to the human narrative, and how best to preserve these aspects.

There is virtue in the individual who welcomes such insights, and vice in those that do not. Firstly, because the limitations the archaeologist would prescribe would not be relevant to those who value human wellbeing. Only those who view their individual wellbeing as more valuable than human wellbeing generally would be concerned that a commitment to human wellbeing might mean they have to exercise restraint in their own pursuits or even question if their pursuits are consistent with being a good person. Again, though, this position depends upon logical contradiction to sustain itself: that their *human* wellbeing is not comparable, categorically, to *human* wellbeing. Secondly, the virtuous would not want to, by accident or intent, compromise *eudaimonia*, and so would value

[56] https://www.legislation.gov.uk/ukpga/1990/9/section/1
[57] https://www.legislation.gov.uk/ukpga/1990/9/part/I/chapter/V/crossheading/compulsory-acquisition-of-listed-building-in-need-of-repair

knowledge on how to avoid being an un-*eudaimonic* force, and how *eudaimonic* phenomena they have influence over (for example, by owning them) can be best preserved and promoted as a *eudaimonic* phenomenon.

What is important, however, is that the archaeologist appreciates a phenomenon's full relevance to *eudaimonia* and not just its archaeological relevance to *eudaimonia*. If everything of cultural and historic import in any sense and to any extent was to be preserved as best possible, nothing could be used or lived in. And, in appreciating the intangible aspects of heritage, such a move would come at the cost of the *eudaimonic* good of living history. I wrote the majority of this thesis in Durham Castle, in my college, a UNESCO world heritage site. The best way to preserve the bricks and mortar of this site would be to deny it of its contemporary function, and protect the site from the ravages of time and use. And yet, such a move would be done to preserve it as a museum piece that celebrates its educational heritage by, paradoxically, denying this heritage. This *eudaimonic* good endures because of its continued use.

And a commitment to valuing human wellbeing, in light of heritage's *eudaimonic* value and its threat from poor management, by ignorance, neglect, or intent, leads to the conclusion that one should want there to be an individual entrusted with the power to prevent such needless loss. We should want there to be someone committed to the good, and armed with knowledge both of the past and how to protect and promote it as a *eudaimonic* good, entrusted with the power to obstruct those who do not share the same conviction of valuing human wellbeing and phenomena relevant to human wellbeing.

This does not give the layperson a passive role. An individual committed to being a good person, to valuing human wellbeing, should be prepared to defend living heritage from becoming only archaeologically significant, but still appreciate something as morally relevant because of its

archaeological significance. The archaeologist's moral authority is therefore limited to obstructing a vicious regard to one's property, fostering an appreciation that with *eudaimonic* rights comes *eudaimonic* responsibility.

And we should want them to have such a role on a pan-human level, for heritage, no matter where it is found, is threatened by un-*eudaimonic* prospects that come with ownership. In 2001, Afghanistan's ruling Taliban elected to destroy, amongst other non-Islamic relics, a colossal Buddha, one of the now infamous Buddhas of Bamiyan. Their right to do so was grounded in the fact that it fell within their territory: it was their property. And it was largely accepted that this was done by the Taliban to demonstrate their sovereignty as intact regardless of what the international community professed. This approach to property should be recognised as incompatible with a commitment to human wellbeing, *eudaimonic* goods wasted because someone felt they had an entitlement to waste them. We should want there to be an authority to prevent such needless tragedies borne of vicious entitlement, regardless of their geographic location. We should want there to be archaeologists capable of protecting and promoting the *eudaimonic* good of the past from needless threats.

In chapter V, I argued that there is a need for the archaeologist to be humble to the fact that their profession pursues a *eudaimonic* good, but it is *a* not *the eudaimonic* good. However, they should still be staunch defenders of their *eudaimonic* good and we should want to entrust them the power to obstruct *eudaimonically* disastrous consequences of vicious senses of entitlement. We should want there to be a professional archaeologist regulated and empowered to prevent the needless loss of heritage out a commitment to valuing human wellbeing.

Conclusion

In this chapter, I have argued that ownership claims depend upon the idea that human activity, or human agency, is morally valuable, and that this can be used to understand how to be virtuous with property generally, but also when one's property is relevant to human agency by virtue of being an example of human heritage.

I began by arguing that ownership claims depend upon using examples of human agency to validate specific entitlements, and therefore prescribe the idea that human agency is morally valuable. This, I argued, complements our understandings of people's entitlement to heritage via inheritance (the labours of others) or via purchase (their own labours). I also argued that this complements virtue frameworks, like Foot's. which put human decision making, human agency or labours, call it what you will, at the heart of their moral ideals.

I then went on to argue that, much as property rights are a logical conclusion from valuing human agency, so too are property responsibilities: that they should be subject to their relevance to a commitment to valuing human agency. In appreciating heritage as a *eudaimonic* good, I then argued that a right to own heritage should be understood as conditional to being able to protect and promote its *eudaimonic* good as heritage, and that this should be reflected in discussions related to entitlement to any articles of human heritage: about how the relevant parties intend to justify and actualise their claims in a manner consistent with valuing human wellbeing.

Next, I argued that a commitment to valuing human wellbeing comes with a sense of pan-human responsibility to heritage, and, with this, an appreciation that those most able to protect a threatened *eudaimonic* good, like heritage, should bear the greater burden. I argued this on categorical lines, arguing that different people face different pressures to their wellbeing but their wellbeing and flourishing are of equal worth, and that heritage is categorically a *eudaimonic* good.

This led me to the conclusion that a commitment to valuing human wellbeing, to being moral, requires this pan-human sense of responsibility where those who are more able to safeguard *eudaimonic* goods and their own wellbeing assume the greater responsibility.

Finally, I focused on the role we should want an archaeologist to fulfil when it comes to the relationship between property and heritage, arguing that we should want someone we can entrust with the role of *eudaimonic* arbiter on such matters, with the globe as their jurisdiction. Heritage, I argued, faces the same threats from intentionally, unintentionally, and neglectfully vicious owners wherever it is found. I also argued that a commitment to valuing human wellbeing means that we should value expertise in identifying and protecting heritage, and want there to be a mechanism that employs this expertise virtuously. I also cautioned that such a force must appreciate the various ways something is *eudaimonically* relevant, and not give unjust regard to an aspect of something's value to human wellbeing at the unjust cost of another aspect: that, often, articles of human heritage are relevant to people's wellbeing in more than one way. And in abiding by this, I argued, we would have an archaeologist it would be virtuous to entrust with the task of determining when property rights trump heritage concerns and vice versa, and, more to the point, an archaeologist it would be vicious not to entrust with said role.

The pursuit of scientific knowledge of the human past, however, does not just require archaeologists interacting with objects, but also with human remains. In such circumstances, much of the same concerns arise as we have seen in this chapter, concerns over entitlement and the pursuit of the archaeological good versus other goods. As I have discussed in this chapter, in understanding what it means to value human agency one can arrive at an understanding of how we should balance valuing property rights with the *eudaimonic* good of archaeology. With the dead, however, we have posthumous wishes, an expression of human agency, with which to concern ourselves. This begs the question of how archaeologists can justify their conduct as consistent with valuing human agency whilst conducting themselves in a profession that routinely invalidates human agency. This will be the topic of the following chapter.

Chapter VII

Being Virtuous After Death & Being Virtuous With the Dead

Introduction

Archaeology gives us cause to think about one demographic that is often left out of discussions in moral philosophy: the dead. It gives us this cause because the dead are often encountered in the professional archaeologist's work. Archaeology is not unique in being a profession that interacts with the dead. For example, it is largely accepted that the dead's wishes can be justifiably compromised by police forensics and medical practitioners for the benefit of the living, be it by helping to find a killer or to determine if someone possessed a disease: morally controversial actions committed in the name of safeguarding life. However, archaeologists are rarely able to claim such a justification for their interference with the dead. Theirs is a profession about acquiring academic knowledge and they rarely, if ever, seek something that will help protect lives, making it all the more controversial when archaeologists dig someone up and proceed to prod, swab and scan them.

Much of the literature on the ethics of archaeology regarding the dead typically focuses on the rights of living third parties connected to and interested in said dead person. However, in this chapter I will focus on the dead themselves, their rights and their wrongs, and our relationship with them.

My rationale for this focus is twofold. Firstly, because the dead are the more morally relevant party in this discussion than third parties as it is their posthumous wishes under threat. Secondly, because it is widely accepted that someone's rights to an interest and stake over a dead person's wishes are conditional to the dead individual bequeathing them those rights and responsibilities (Chan, 2004). As a point of clarification, my rights over my father's mortal remains result from him bequeathing me that responsibility: it is this expression of his agency that informs my rights. Had he requested someone else take this role and I still sought to stake a claim, or if I went against his wishes unnecessarily, my decisions to do so would be considered morally controversial for it entails dismissing my father's wishes: his rights as an agent.

And this is logically consistent with anyone who claims they have rights over the future of specific dead people. The challenge often mounted against archaeologists from third parties is that the archaeologist's work would unjustly compromise the wishes of the dead and they, the living, seek to prevent that interference, assuming a stewardship role over these particular dead persons. In doing so, they therefore prescribe value to the dead's wishes and assert that they are there to defend it: their moral authority comes from the dead. They therefore depend upon the wishes of the dead to justify their relationship with and authority over them, and it is because of this I will focus on the dead and their wishes when it comes to our moral relationship with them and their posthumous wishes.

In this chapter, therefore, rather than engaging with the question of what right archaeologists have to invalidate our posthumous wishes, I will instead engage with the question of what the nature of moral and immoral posthumous wishes are, and therefore what rights we have to obstruct the *eudaimonic* good of knowledge of the past. I will therefore be pursuing an account of virtuous and vicious posthumous wishes, one grounded in valuing virtuous expressions of agency, which I will argue provides and adequate and appropriate perspective for archaeologists concerned with the morality of their dealings with the dead.

I will start by engaging with Geoffrey Scarre's works *Death* and "Can Archaeology Harm the Dead?" (2006), outlining his argument for focusing on the living person who was as opposed to the mortal remains that are. I will also discuss the distinction between wronging someone and harming someone, as well as the distinction between suffering a loss and suffering a wrong, in order to argue that whilst the dead cannot be harmed they can be wronged: we can wrong the person who was (Pitcher, 1984).

I will then frame Scarre's ideas as discussions about valuing agency, making the argument more directly compatible with Foot's virtue framework (Scarre, 2007; Partridge, 1981). On this point, I will outline Foot's discussion on the viciousness of those who deceive knowing that their victim will never know of their deception, arguing vice is found in those who commit this wrong even if they do not cause a harm. This will lead me to the notion of virtuous and vicious expressions of agency, which I will then apply to one's decisions when it comes to their posthumous wishes: prescribing the same standard for life as in death.

This, of course, raises the question of our right to impose a contemporary moral ideal on to past generations. These are individuals who could not have known of the world as we know it now, and, more importantly on the topic of valuing agency, cannot, or might not, have consented to the

intentions of the archaeologist. In response to these concerns, I will argue that Foot's emphasis on us as *humans* complements how we identify remains as those deserving special consideration: them being *human* remains, and that what we value is their *human* agency, hence worrying about their posthumous wishes. This, I will argue, justifies using humanity as the gauge for morality not just across the living members of the species, but the species a-temporally. And, to further this point, I will question the moral character of an individual who would allow for vice for the sake of not invalidating the vicious wishes of another, for virtue requires acting as one knows is *eudaimonic*, and not compromising *eudaimonia* for the sake of another's ignorance, living or dead.

I will then turn to the question of the archaeologist's conduct with the dead. Drawing from previous chapters, I will argue that it is vicious to obstruct a *eudaimonic* good unnecessarily, with one example being to expect posthumous wishes to be respected irrespective of the implications doing so will have on human wellbeing. With this, I will argue that the archaeologist, given they are pursuing a *eudaimonic* good, does have a right to challenge posthumous wishes that obstruct the *eudaimonic* good of archaeology, but they do not have a *carte blanche* when it comes to if and how they invalidate posthumous wishes.

Harming & Wronging

For the purposes of this chapter, I will be assuming that death is the end of the agent: that there is not enduring consciousness or soul that survives bodily death (Epicurus, 1966). I will be making this assumption so that I can argue that one can wrong the dead or, more specifically, the antemortem person who was, regardless of one's belief in a posthumous soul, meaning that one should consider the dead as morally relevant regardless of spiritual leanings.

I will do this by using the concept of retrospective significance, the idea that future events can have implications on past events or, equally, that past events are significant in one's moral thinking.

It will be my argument that one can invalidate people's prior expressions of agency, which, I will argue, should be appreciated as a controversial decision for anyone who values agency enough that they act: valuing their agency enough to undermine another's agency (Scarre, 2007, pp118). I will also argue that whilst one can "get away with' invalidating the wishes, and therefore agency, of past people, such a defence betrays a character that is inconsistent with valuing human agency: a vicious character. This will lead me to the conclusion that the dead can be wronged and that the decision to wrong the dead should not be taken lightly.

Before I start there is the need to distinguish between the concept of harming and wronging someone. To wrong someone is to commit an injustice against them. In Foot's terms, one would wrong someone by acting in a way that does not entail treating others as deserving their equal status as an agent (Foot, 2010, p48). This would be something that denotes a vicious character for it does not embody a commitment to valuing human wellbeing.

To harm someone, meanwhile, is to compromise their capacities to pursue their wellbeing, it is to bring them into an immediate or future loss, or unnecessarily expose them to the potentiality of immediate or future loss (see Levenbrook 1984, 2013). Now, this can be done justly. For example, denying someone their desire to murder another, would, from their perspective, harm them, but it would not wrong them as their desires are not morally defendable. Equally, think back to my chapter on trust, where circumstances changed giving the individual cause to recast the terms of the trusting relationship. One's decision to change the trusting relationship would, indeed, harm the third party who entered in good faith and is now coming into a loss they did not expect. However, if one has a *eudaimonic* rationale for doing so, to the point that it would be vicious for their trustee to expect otherwise, the trustor would be able to justify changing the relationship's terms as a virtuous harming. Equally, however, one can harm someone unjustly: to deny them their right to pursue a flourishing life without a *eudaimonic* rationale. In such a case, one would both

harm and wrong this individual by not treating them as deserving their right to pursue their wellbeing, and therefore demonstrating a character that is not consistent with valuing human wellbeing.

In *Natural Goodness,* Foot clarifies her position on wronging/harming individuals by citing the following example of the anthropologist Mikluko-Maklay's dealings with a local from the Malayan archipelago:

> ""[H]e had with him a native who had entered into his service on the express condition of never being photographed. The natives, as everyone knows, consider that something is taken out of them when their likeness is taken by photography. One day when the native was fast asleep Maklay, who was collecting anthropological materials, confessed he that he was awfully tempted to photograph this native, the more so as he was a typical representative of his tribe and would never have known that he had been photographed. But he remembered his agreement and refrained."
>
> This example allows us to confront the problem of the wrongness of breaking a particular promise, cut off from the thoughts about the harm that might on a particular occasion result from breaking it." [58]
>
> (Foot, 2001, p47)

If Maklay had decided instead to take the photograph of the local, the local would have been wronged, but not harmed unless he found out about the deception. However, regardless of whether the local ever discovered that he had been a victim of deception, they would be wronged

[58] Kropotkin, 1971, p229

for they still would have been denied their rights as an individual. And on the photographer's part, vice would be demonstrable, not only because they have abused the human tool of trust and promise keeping, a necessary *eudaimonic* tool for this social animal to flourish, but also because it betrays a character who is not ultimately committed to valuing human agency, given they are prone to abusing it to achieve their ends.

The same can said of the dead: that they cannot be harmed but they can be wronged, and we may not be able to harm them but we can wrong them and, in doing so, betray a vicious character when it comes to our disposition towards valuing human agency (Scarre, 2006, pp184-186; Luper, 2005). This addresses the idea that with death is the end of the individual whom we have moral responsibilities towards. We are not talking about the dead human remains as are, but the antemortem person who was, who expressed their agency in certain ways, leaving evidence of these expressions, and that we can decide whether or not to preserve, respect, or knowingly invalidate, knowing that the latter undoes and therefore challenges the individual's agency (Partridge, 1981, p264).

Discussions on "retrospective significance" allow us to better perceive the notion that we should concern ourselves with phenomena that are products of human agency, including those produced by past people's expressions of agency. Retrospective significance is the idea that events in the past can shape the morality of events in the present/future. Alternatively, it is the view that the morality of one's options are determined by past events (Scott, 200; Scarre, 2007, pp118-119). For example, imagine two different people have in each of their possessions a small fortune. The first happened upon their fortune by accident, whilst the other expended great efforts working and saving, forgoing luxuries to amass theirs, all with the view that they would eventually be able to buy a house. Ignoring the past, what we have is two individuals with X amount of money. Now suppose that both were a victim of theft. Assuming, for now, that both are considered morally

entitled to their fortunes, this act of theft is an act that both wrongs and harms the two parties. However, there is the intuitive notion that the individual who earned their fortune is a victim of greater injustice because this act of theft invalidated all their previous efforts, or their previous expressions of agency that led them to possessing this small fortune.

Equally, think of how the knowledge the thief has of how the individual came to acquire their property shapes the immorality of their decision to steal from their victim. In the previous chapter, I argued that exclusive property rights are a logical conclusion of valuing human agency: if I work on a thing, this expression of my agency gives me some sense of entitlement to it. As a result of this premise, I argued that vice is shown in theft without *eudaimonic* rationale for it entails dismissing the value of human agency. Now imagine two possible worlds where the individual who worked for their fortune is a victim of theft. In the first world, the thief knows nothing of the labours of their victim, whilst in the second world they know they are taking property that resulted from a lifetime of hard work. The latter individual's decision to steal is a greater betrayal of a commitment to valuing human agency, for they know the extent to which they are invalidating their victim's expressions of agency and, with this, their moral status as an agent. The ignorance of the other thief does not absolve them of the wrongness of their action, but the knowledge of the latter thief makes their actions manifestly more vicious: their decision to *knowingly* invalidate and therefore dismiss the value of their victim's agency.

Past actions can have deep implications on the morality of contemporary and future decisions for those who are committed to valuing human agency. One can elect to undermine past expressions of people's agency and, therefore, undermine someone's status as an agent, and this goes for the dead as well as the living whose agency we can choose to validate or invalidate. Though the dead cannot be harmed, they can therefore be wronged by those who, without *eudaimonic* justification, elect to dismiss the value of the antemortem person's agency. Even if one takes the position that

the death of the agent is the death of them as an entity that can be harmed or wronged[59], one should be critical of the character of someone who will knowingly dismisses the value of the antemortem person's agency on the logic that they can know "get away with it". This is because they do not act in accordance to a commitment to valuing human agency but merely human agency of those they value.

The existence of a soul would bring with it the potentiality for the individual to be harmed after death. But the existence or non-existence of a soul is an irrelevance in terms of whether someone can be wronged after death. Equally, whilst the existence or non-existence of a soul would have implications on the character of someone who would wilfully challenge the legacy of the dead, the non-existence of a soul does not change the fact that one would be deciding whether or not to invalidate the efforts of the antemortem person, colouring their character when it comes to their commitment to valuing human agency.

The Rationality of Posthumous Interests

The notion that one can be wronged after death requires a belief that one is entitled to have wishes at a date beyond their mortal demise, wishes that it would be immoral for someone to flout. We can rationalise having interests for third parties when we are gone, for this is about *their* wellbeing. For example, someone leaving provisions for their loved ones is about the third parties' wellbeings, not their own. But, what about wishes concerning the self? Epicurus (1966) advocated that apathy towards one's posthumous fortunes was the only rational stance to take, that death is the end of time that can impact you, and so the end of when you should be interested in when it comes to your own fortunes.

[59] Though, I hope that I have successfully argued against this position.

In this section, however, I will argue that interests in one's posthumous fortunes should be appreciated as consistent with valuing one's agency. I will, however, then argue that this brings with it a gauge for evaluating the morality of people's posthumous wishes: their consistency with valuing human agency.

Choosing to do anything requires actualising one's identity as an agent, to prescribe value, not only to one's capacity to choose but also the implications of one's choices, this is because these implications are the ones you chose to pursue and are therefore, effectively, *one's choice* incarnate (Scarre, 2007, p120). Me electing to build a house is manifest in the house I have elected to build, it is not just its bricks and mortar but my choice incarnate/realised. A storm that destroys my house not only damages my property but invalidates my consistent choices to build it: it would undo my agency. If, upon starting to build the house, I expressed the position that I do not care if the house got burnt down, this apathy would denote cognitive dissonance. I am not being a pure nihilist, for the nihilist would not see value in choosing to build the house in the first place. Instead I value my agency to build a house but do not value the house as a result of me choosing to build it as an expression of my agency. I would therefore commit myself to the positions of both valuing and not valuing my agency: a *reductio ad absurdum*.

Future events can undo an individual's expression of agency well after they are dead. The storm that destroys my house undoes my agency whether it happens before or after I am no more. And, whilst I am not harmed by such an act if it happens after I have died, so, as I have argued, it is right to view it as a loss, the destruction of what remained of my status as an agent. Equally, the decision then to undo the efforts of another by undoing the results of their efforts should therefore be considered controversial, for it is to *choose* to invalidate the *choices* of another.

The moral standing, however, of undoing someone else's expression of agency is dependent on one's justification for doing so. *Eudaimonia* is not achieved by tolerating all expressions of agency, but expressions of agency consistent with valuing human agency. Accommodating vice is to choose to facilitate vice (Popper, 1954). *Eudaimonia* depends upon individuals to challenge injustices to ensure justness, and therefore requires individuals ready to obstruct and invalidate vicious expressions of agency. Destroying the comic book supervillain's giant death-ray does entail choosing to invalidate their decision to build it, however, it is done with *eudaimonic* intentions and therefore justification.

And much as one should want their agency to be valued, vice is evident in those who do not see the connection between valuing their agency and valuing human agency: that one should limit their expectations to respect being paid to their virtuous and *eudaimonic* intentions, not just any of their intentions. Suppose I was midway through building my house and was then ordered to stop. The moral standing of this order to stop depends upon the intended implications of the obstructer. If they were doing so just because they can, this denotes a vicious character on their part: endeavouring to limit my agency and invalidate my prior expressions of agency for the sake of it. If, however, midway through building my house it was discovered that I was building on a floodplain and doing so would also cause others' houses to flood, whilst I might mourn my wasted efforts their decision to obstruct my efforts and knock down my house would be virtuous and I should appreciate it as so. In this case, whilst I have come into a loss, it is unfair to assert that I have been wronged, for it would have been vicious of me to have continued with the project.

This would apply regardless of my place relative to the grave. Knocking down my house would remain an act of invalidating my agency, for one is invalidating my decision to *choose* to build the house. Now, suppose after I died it was found that I had built on a floodplain, that building the house had caused water channels to shift, and this was now causing flooding issues in a local town.

The decision not to invalidate my agency by knocking down my house comes with the decision to have people impacted by flooding and their wellbeing compromised, costs to come into play that could have otherwise been devoted to furthering some *eudaimonic* venture. It is a decision to put my status as an agent as of greater import than those negatively impacted by agency, an act inconsistent with valuing human wellbeing, for me wanting my status as an agent respected to such an extent betrays vice.

Equally, it would be a vicious demand on my part if I should want my agency respected to the point of negatively impacting the wellbeing of others. Again, should I have started building my house only to be informed of the flooding implications the work is having on others, it would be vicious for me to not cease and desist, for that would be to act inconsistently with valuing human wellbeing: an act where I treat my wellbeing as objectively more important than the wellbeing of others. Whilst the decision to stop means I come into a loss and my previous efforts are now retrospectively wasted efforts, the decision to not waste them, given the circumstances, would be vicious: it would be to treat my agency as of objectively greater import than the wellbeing of others.

And this applies, again, regardless of which side of the grave I am on. It would be vicious to treat my agency as of objectively greater moral import than others, regardless of whether I am around to feel the harm or not. The question is about what valuing human agency entails, which expressions of agency are consistent with valuing human agency, and which options available are most consistent with valuing human agency. There is the appreciation that if someone can feel a harm this would be morally significant, but also the appreciation that this is not the defining consideration when one is endeavouring to act in a manner consistent with valuing human wellbeing. One cannot justify the stance that it is ok to invalidate the dead's efforts because "one can get away with it" as virtuous, for this is inconsistent with valuing human agency. There is the

expectation of being able to answer why it is *eudaimonic* to challenge someone's agency, why this would be an act more consistent with valuing human agency than not challenging their agency.

By basing her moralities on valuing our nature as choice makers, of valuing human agency, Foot provides a framework that accommodates the implications of retrospective significance that validates the idea that it is rational to have posthumous wishes and that there is moral controversy in invalidating the efforts of the dead. The next question I want to engage with is the nature of vicious and virtuous posthumous wishes to determine when it would be virtuous or vicious for us to expect an archaeologist to accommodate our posthumous wishes.

Being Virtuous with One's Death

There are obvious examples of what could be deemed vicious posthumous wishes. These would be posthumous wishes which are inconsistent with valuing human wellbeing and of one's object equality with others. The expectation that non-consenting third parties should be buried with you would be an extreme example. Taking the assumption that everyone appreciates the mechanics of biological death, there is also the expectation of shaping one's posthumous wishes around the biological facts. For example, a decaying body is a health risk, and so one should appreciate the viciousness of a posthumous wish that does not take this risk into consideration, for example, requesting one be left in the town square (Scarre, 2007, p135). These are examples of posthumous wishes it would be virtuous to override and, more to the point, vicious to abide by. But, what is the nature of the alternative, or, of posthumous wishes it would be vicious to override?

In Chapter II, I argued that Foot's commitment to the scientific method for understanding human wellbeing makes it a pluralistic framework that values human wellbeing as it is, including its variations in beliefs and tastes, this would include our posthumous beliefs and tastes. It prescribes a framework that values how people view the world, the world as it appears, but is ultimately

committed to the world "as is", where the latter is recognised as the product of the majority's account of the world as it has appears: the most valid account. This metric, I argued is justifiable because it is grounded in valuing human agency, requiring any potential opposition to come from a self-defeating position of valuing *one's* human agency but not valuing human agency.

The implications this has on people's posthumous wishes is that it limits them to ones consistent with valuing human agency and what is consistent with valuing human agency according to our most valid account of the world as is. An individual may believe that their corpse is unique in that it will not decay, but, as all evidence points to the contrary, it would not be vicious to deny them of their wish to be left in the town square, and, indeed, vicious of the towns people to abide by their posthumous wishes.

But, what of posthumous wishes without a rational basis? For example, an individual who does not want to be cremated but buried because they believe that bodily integrity is crucial to their afterlife. There is reason in this request; if one believes/assumes there is an afterlife where one's bodily integrity is important, it would be rational to make what efforts one can to insure their body's integrity is protected when they are no longer able to protect it. However, such a belief is not rationally based, the argument's validity hinges on the first belief/assumption/premise being accepted as true.

However, one should question the character of someone who would dismiss the moral significance of the wishes of another without justification. In chapter II, I argued that as tastes, meanings, values, and beliefs are integral to human wellbeing as is, a commitment to human wellbeing is a commitment that takes these factors into account. Much as I might have an arbitrary preference to red, one might have a preference towards a Hindu funeral. Our life experiences have led us to

an affinity towards certain phenomena which, if someone denied without justification we could claim said individual has wronged us.

Now, when it comes to our posthumous wishes, there are only three phenomena we can concern ourselves with: our mortal remains, our property, and our legacy. I will now address the nature of being virtuous with each of these concerns.

On our mortal remains

The moral limits of my use of my body in life, to Foot, are using it to pursue my own flourishing in a manner that does not unjustly compromise the *eudaimonic* pursuits of others. Moral exemplarism is demonstrable by the individual who uses this gift to the best of their abilities to become a sound decision maker, for this actualises a commitment to valuing human agency. This is how one is good with their body on Foot's terms. And this is the case with how we intend its use on either side of the grave.

Now, none but the hardest utilitarians would advocate the idea that any individual has any claim over the body of another living person or parts of another living person. Compromising the biological function of another's body restricts their capacities to pursue certain ends, it therefore compromises their standing and potential as a choice maker, compromising their capacities to achieve human *eudaimonia* (Fabre, 2008). In death, however, the debate wages on whether the individual is entitled to bodily integrity. No longer is their body a means to achieve their flourishing, but, through organ donation, their body can become a means to aid someone else in flourishing (Scarre, 2007, pp 184-185).

However, within Foot's framework, a doctor's decision to ignore someone's wishes when it comes to their human remains is not without controversy. There is a need for them to be able to justify their decision to invalidate the posthumous wishes of the antemortem person as *eudaimonic*.

Consider an individual who needs a heart transplant, and two viable candidates come in. One of the candidates was a Catholic who believed that bodily integrity is essential for resurrection, whilst the other was an atheist who had not consented to organ transplant (Boddington, 1998, p.79). Assume, for now, that both hearts are viable for transplant and of equivalent health. The virtuous physician, on Foot's terms, would be able to make the case that removing the heart of the atheist is the most *eudaimonically* consistent act: minimally invalidating people's agency whilst optimally promoting human agency, namely of the organ recipient. If, somehow, the unwilling donor was able to converse with the doctor after the procedure, the doctor would be able to defend their conduct as that which was most consistent with valuing human agency. Equally, the doctor could enquire how they can be viewed as failing morally when their act was the least inconsistent with valuing human agency. This hypothetical opponent would have to show the doctor that respecting their agency does not require a commitment to valuing human agency or else accept that the doctor did the act most consistent with valuing human agency.

Imagine now that the Catholic's heart is of vastly superior health than the atheist's, or that the Catholic's heart was the only one viable for transplant. Again, the doctor imagines the idea of having to explain their conduct to the deceased afterwards, and, again, defends it as the most *eudaimonic* given the options available. They can make the case that if there had been viable alternatives, they would have taken them, but in this instance the choice was to respect the posthumous agency of the antemortem individual or conserve a human agent: they did what was in their power to best exhibit a commitment to valuing human agency (Robson et al, 2010, p276).

Because posthumous wishes concerning our mortal remains are an expression of our agency, they acquire moral significance to those who are committed to valuing human agency. One does not need to be a Catholic to be obliged to consider Catholic funerary rites as morally significant. But one should put posthumous wishes in their place in Foot's framework, as something of moral significance within a grander moral world and therefore subject to grander moral standards (Robson et al, 2010, p276). In this instance, we have someone we can identify as morally relevant, not because they are a Catholic, but because they are a person, someone demanding their agency be respected in this "Catholic" fashion, allowing the physician to respond that they will do so so long as their demands are consistent with valuing agency generally.

The same applies for the archaeologist. Though they pursue a more academic good than a life-saving organ, it is still a *eudaimonic* good, and like the organ, retrieving the archaeological good from a body is only made controversial because the antemortem person's protestation. If someone stipulated in their will that they were fine with being dug up for archaeological research, there would be little controversy in doing so, much as there is little controversy in someone's body being used for medical research if they consented. Again though, for the antemortem person's wishes to be recognised as morally relevant requires a commitment to valuing people's agency, and with this we have a lens to critique the antemortem person's wishes morally: via their relevance to a commitment to valuing human agency. In the case of the antemortem person protesting to future archaeological interference, this denotes vice for they are expecting humanity to be poorer for the sake of their wishes: wanting their agency respected at the cost of human agency. Equally, if the archaeologist can justify the position that a commitment to *eudaimonia* obliges them to disturb the dead in their intended manner, and that any other option would be less or anti-*eudaimonic*, we cannot charge them with vice for their decision.

Equally, in appreciating that irreparable damage can be done by amateur exhumation, we see the need, *eudaimonically*, for an archaeological academy having the exclusive right to disturb the dead for archaeological research. Accepting that a *eudaimonic* good can be acquired from such interferences, but that they should be appreciated as interferences, we should want there to be a profession trained in optimally achieving the *eudaimonic* good in the least controversial manner.

As an antemortem person, one who expects my agency to be considered as morally valuable, I cannot expect my posthumous wishes to be abided by if they are inconsistent with valuing human agency. This is not just because I would be committing a contradiction of valuing my human agency but not *human agency*, but because I would be expecting an individual to embrace this logical inconsistency and, on Foot's terms, commit an immoral act in the name of morality. There is therefore an expectation of an excuse for ignoring my posthumous wishes concerning my own body, but with the acceptance that such an excuse can manifest.

<u>On our property</u>,

As I have argued before, both here in and in Chapter VI, vice is demonstrable by someone who does not respect someone's entitlement to the products of their agency, namely by those who would infringe upon our just property rights without a *eudaimonic* justification. This can be done by denying the individual access to their own property or by limiting them, unjustly, with what they are can do with it, including their decision to gift it. On the latter, this would include one's decision to gift their property at a later date and put mechanisms in place to do just that, which is effectively what we do when writing a will. However, in Chapter VI I also argued that, as with all phenomena, the morality of one's property rights and how they intend to use the mechanisms of property are conditional on these being *eudaimonic*. Recall the reservoir-owning-community I discussed in the previous chapter, and how circumstances, in this case the relative scarcity of water, shaped the moral nature of their demands: that vice would be evident during times of drought if

one focused on profits not people. In Chapter VI, I essentially argued that one's property rights are always contingent on their relation to a commitment to human wellbeing. Here, I will argue that goes for both our antemortem and posthumous wishes.

In many jurisdictions there is the concept of inheritance and/or estate taxes. These taxes effectively apply the idea that, whilst one has the right to gift chattels and capital via a will, an amount will also be taken by the state. For example, in the UK 40% is levied against taxable estates[60].

A *eudaimonic* defence for such a levy would be that one can greater promote human capabilities, and therefore agency and wellbeing, via this money going to fund *eudaimonic* ventures like hospitals and other public services than merely allowing great wealth retention by a few. In this instance, the benefactor would be vicious in expecting a right to the property that is clearly inconsistent with valuing human wellbeing. In states where one owes their wealth, in part, to there being a political system that allowed them to acquire such wealth, there is the further virtue-based justification of giving back to that to which you owe your wealth: namely the political system you depended upon.

There is also, typically, a threshold the estate should reach before it is taxed, demonstrating the attempt to balance both the deceased's rights to their property but also the idea that this right should be appreciated as within a grander commitment to human wellbeing. For example, in the UK estates worth less than £325,000 are tax exempt[61], suggesting that the British are of the opinion that denying the right to gift one's property is vicious, even in the name of societal goods until this threshold is reached. After this amount, meanwhile, the expectation of an absolute right to one's property when it could be used to fund *eudaimonic* goods would be considered vicious.

[60] https://www.gov.uk/inheritance-tax
[61] *Ibid.*

What such cases demonstrate is there is a precedent for accepting there is a limit, in many jurisdictions, when it comes to one's rights to bequest their property. However, what they also demonstrate is the acceptance that, whilst one can justify interfering with the wishes of the dead when it comes to their property, there is the need to justify such interference via *eudaimonic* intentions or, alternatively, via vicious or non-*eudaimonic* expectations on the part of the deceased. This is consistent with Foot's commitment to valuing human wellbeing, that one can only obstruct wishes that it would be vicious for an individual to have and actualise.

And this would apply regardless of what the wishes of the dead are relating when it comes to their property, including their desire to destroy it. Take the case of the writer Franz Kafka as an example. Kafka was infamous for burning his own papers and manuscripts, anything he saw as unworthy of publication. In his will, he entrusted a close friend, Max Brod, with the responsibility of being an executor of his estate with the explicit instruction that all his writings were to be burned unread. Kafka informed Brod of this executorial responsibility prior to his death, and Brod made it clear that he would defy such an order, and, indeed, he did defy it, and even got the works published. Brod justified his decision as a product of deep and painful deliberations, as of a choice between denying his friend's wishes or denying him his legacy and the world his works (Sax, 1999, p46).

The question before us is the *eudaimonic* nature of Kafka's request and Brod's act of defiance. Intuitively there is the idea that Brod abused his position of authority due to the convenience of Kafka death preventing him from offering opposition. However, whilst Kafka's death made Brod's task of defying Kafka easier, it is not relevant to the moral standing of either Brod's intentions nor Kafka's demand. A commitment to valuing human wellbeing brings with it a commitment to valuing phenomena via their relevance to *eudaimonia*. To Brod, Kafka's works stood as a *eudaimonic* good, and Kafka's desire to destroy them as a vicious desire, of a non-*eudaimonic* use of the mechanisms of property.

If we were discussing a less abstract *eudaimonic* good, the controversy of Brod's decision would not seem as controversial as it does with Kafka's property. Think back to the example I used of the reservoir-building-community in Chapter VI. Their reservoir serves a *eudaimonic* good in that it provides something good for human life: water. Suppose the community were infertile, and knew that they were infertile. Aware of this, they establish a tontine over the future of the reservoir, with the understanding that the last one standing has the responsibility to destroy the reservoir. This plan can be labelled as vicious for it is inconsistent with valuing human agency: it is someone requesting their agency be respected to the extent that human agency be compromised. Virtue would be found in the individual that would save the reservoir, the *eudaimonic* good, from the non-virtuous intentions of the owner. If Brod is right, that Kafka's works are a *eudaimonic* good, then vice is found in Kafka's desire to have his works destroyed, in his desire to deny humanity a good because he felt entitled to do so, and virtue would be found in Brod's act of defiance.

When archaeologists broke into each of the tombs of the valley of the kings and removed each of the artefacts found within, they committed an act that overrode the antemortem pharaoh's property rights. Firstly, by trespassing into their property, the tomb the pharaohs had commissioned to be built and then sealed after their body was entombed in it, and when they took the artefacts from the tomb, turning these artefacts from items the pharaohs had rights over in their lives and had requested to be buried with, into artefacts of archaeological intrigue.

As is the case with Brod's decision to challenge Kafka's posthumous wishes concerning property, we should explore the archaeologist's decision to deny past people's absolute sovereignty over their property and critique the morality of the antemortem person's requests with their property.

In the previous chapter, I argued that property rights are a logical conclusion of respecting human agency, and therefore come with the moral limitation of having to manifest and be applied in manners consistent with valuing human agency. Here, I have argued that this standard applies to one's relationship with their property in life and in death; that what would be moral for one to *choose* to do with their property is dependent on the option's relationship with a commitment to valuing human agency.

On Our Legacy

The Kafka case blends the discussion regarding our posthumous rights when it comes to our property with the discussion on our posthumous rights when it comes to our legacy, raising the question of what legacy we are entitled to. Eulogies are often a challenging exercise in giving both a diplomatic but honest review of someone's life. There is the idea that one should err on the side of painting a rose tinted view of the deceased given that they are not around to defend themselves from criticism.

This raises the questions of what legacy we are entitled to and if legacy should be forced upon us, for there are some who would want aspects of their life omitted in the final retelling, perhaps to the extent that they would like all of their life obliterated from the record.

The desire to want a legacy is a logical conclusion of valuing one's agency. A legacy is the survival of the significance of one's existence as an agent and therefore of their agency: a record of what one was and what one did (Nozick, 1981, p582). The act of attempting to eradicate part or all of one's legacy must be viewed as a logically inconsistent act, for it is an expression of one's agency about undermining an expression of one's agency, an act of valuing what one is by eradicating what one was. This is not to say that there is no logic in making efforts to ensure a specific act does not define one's existence. An individual who was caught for an uncharacteristic act of petty

theft in their otherwise morally exemplary life would have reason to not want that fluke act to define them. Equally, if one is in a scenario where there are vicious individuals with vicious values who would use the information to vicious ends, one can defend their act of concealment as a virtuous act. For example, an individual who has converted to Christianity from Islam who finds themselves in the company of individuals who execute defectors from Islam would not be considered vicious for concealing their change in religious persuasion.

However, one must view the act of concealment as an act of deception: one is denying the imagined other knowledge of one's life that they may have been able to operate on in the interest of pursuing their own flourishing (Foot, 2001, p51). The question of "how did they get there?" comes to mind whenever one is exposed to someone they hold in awe, and one must question the character of someone who would not inform the imagined other how they too could succeed like them. This would be an act of denying someone the tools to flourish purely because one can, an act in contradiction to valuing human wellbeing (Lowenthal, 2015, p86).

But what of the notion of "too much information", the right to privacy, and the right to be forgotten? Here we should reframe the question of whether the information one is seeking from the imagined other is information that one could act upon in the pursuit of their own flourishing. For example, an individual who is embarrassed by how the aging process has greyed their hair and so dyes it. Assuming one is already aware of the aging processes, that one can, but need not, dye their hair to conceal that particular aspect of aging, one can gain nothing they can act upon by pressing an individual on the question of whether they dye their hair, so the question is of *eudaimonic* irrelevance. Furthermore, in this scenario, if one has reason to suspect that aging is a sensitive matter for the third party, one would be challenging the individual's wellbeing without *eudaimonic* justification: a vicious act. This leads to the conclusion that the right to information stops at the

point where one might undermine someone's wellbeing but without *eudaimonic* justification (Tarlow, 2006, p210).

Whilst the embarrassment of the individual is a relevant consideration, it cannot be the determining factor of what is moral to expect someone to reveal. In my discussions on *akrasia* and trust[62], I argued that an individual's relationship with their emotions can be vicious and, therefore, can only shape not define the morality of one's options with them. Imagine a physician finds themselves with a patient exhibiting the symptoms of the Human Immunodeficiency Virus (HIV). Due to the highly infectious nature of the virus and our current inability to cure it, the physician asks to take a blood test of the patient before treating them so that if positive, they know to take extra precautions if the patient is infected, when handling the patient to minimise their exposure. Because the patient is married, and because of the virus' association with sexual activity, they fear both the implications of a positive result and are embarrassed by the idea of the doctor, or anyone, knowing, and so refuse the test. This sense of embarrassment and worry stands in the way of the individual doing the *eudaimonic* thing for both themselves, the physician, their wife, and other third parties. They deny themselves the knowledge of whether they are infected, and therefore what precautions they should take to live as flourishing a life as possible, and if they should temper their conduct so as to minimise third parties' risk of infection. They deny the physician the means to best safeguard their health and therefore wellbeing. They do all this because of a sense of embarrassment, and so we can label this embarrassment as a result of *akrasia* leading to vice, and therefore not a morally justifiable reason to deny others knowledge of the self.

We see here the same tug-o-war we had in trust. If one has reason to believe that more good can be gained by one entrusting something, in this case personal details, to another than if they do not,

[62] See Chapter III

and if they believe the other will accept this responsibility and will likely use it virtuously, it would be vicious not to trust them.

The same must be in death as it is in life. The desire for a legacy one did not have or to deny people knowledge of the legacy one did have is a desire to deny people the *eudaimonic* good of knowledge of the human past (Tarlow, 2006, p213). At the same time, on behalf of the inquirer, the question should be raised of what information might be of *eudaimonic* relevance.

Now, in cases where the individual's identity is of no importance to the story, and therefore its capacity as a *eudaimonic* good, anonymity is perhaps the most virtuous way to proceed: actualising the *eudaimonic* good of the knowledge whilst minimising the objections of the potential antagonist. This is what happens in the cases of medical experimentation or epidemics with "John/Jane Doe" or "Patient 0": granting us all the *eudaimonically* relevant information whilst best respecting the agent's wish for anonymity. The question can be raised against someone who would still demand this information as to what they stand to gain from acquiring this knowledge, and why it is relevant to their pursuit to flourish. And this may be possible. The woman worried about whether their husband is Patient 0 and therefore a threat to their wellbeing via infection would have just recourse to such information. Equally, assuming their husband is Patient 0, vice would be evident in the physician and the husband if either unnecessarily left her exposed to such a risk even to worry about it. However, assuming their husband is not Patient 0, vice would not be evident in the physician who does not say more than "it is not your husband, but someone else", for they have granted her the relevant information for her to pursue her wellbeing. Assuming Patient 0 would not want to be named, denying them the privacy that they covet, if she still demanded to know their name she would be embodying the notion that her curiosity about something irrelevant to her pursuit to flourish, trumps the wellbeing of another, displaying a character inconsistent with a commitment to valuing human wellbeing.

What is consistent throughout these cases is the notion that one is entitled to the legacy one has. Furthermore, what is also consistent throughout is a recognition of the value of each individual human life as human heritage: the *eudaimonic* good others can act upon in their own pursuit towards their own *eudaimonia*. Inaccurate or omitted legacies deny others the opportunity to further their own flourishing based upon knowledge of real human lives, and so one should question the character of someone wanting anonymity, historical oblivion, or inaccurate accounts of their past, for they demand such knowing that it denies humanity this *eudaimonic* good. This does not dismiss the notion of a right to privacy, but instead focusing on the individual's need, both as informant or an inquirer, to justify their desire to retain information or acquire information as an endeavour that is consistent with valuing human wellbeing.

Non-Consenting Participants

Vice is demonstrable by those who expect their agency to be respected even in manners inconsistent with valuing human agency: a self-defeating demand. This is the position I have been arguing for, and that it applies to an individual's expectations regarding their posthumous wishes and when it comes to our dealings with someone's posthumous wishes. Both the antemortem person's posthumous wishes and how the living engage with them, I have argued, should be subject to a commitment to valuing human agency. The problem we have with the dead, however, is that we cannot engage with them in this argument, and that we are prescribing values on to a person who could not have known of our values, ideals, and the knowledge that informed them, and would likely have not consented to our conclusions nor the values that informed them as something they should be subject to (Tarlow, 2006, p210).

Prima facie, the question here is "what is our right to impose modern values on to past peoples?". However, this is erroneous. The question we should engage with is "should one do something

they know is bad for human wellbeing because it is what past peoples would have wanted?", to which I will be arguing, no, we should not.

In "Two Sorts of Naturalism", McDowell notes that many of Foot's deviations from Aristotle can be attributed to her greater knowledge on the subject: an extra 2,000 years of biological and anthropological data on the human animal (McDowell, 1998). MacIntyre makes a similar comment on contemporary neo-Aristotelians having a wealth of histories to compare and contrast that they can and have used to reach more informed understandings of human wellbeing than would have been possible in Classical Athens (MacIntyre, 2017, pp172-174. The long and short of it is that Foot was able to reach a more informed conclusion on the nature of human wellbeing and virtue than Aristotle would ever have been able to arrive at because of when she was born.

In chapter I, I argued that we turn to ethics to reach more informed conclusions about what we should and should not do. Based upon McDowell and MacIntyre's observations, it is fair to say that Foot provides us with a more informed approach to understanding human wellbeing and virtue than Aristotle's, and so there is wisdom in appreciating Foot's writings as more informed than Aristotle's. This is not to say that the more modern a philosophy the better, but the more informed, validated, and verified it is, the more authority it should be granted.

And this is the case with moral philosophy generally: a position that has been shown as more valid and verifiable gives one more cause to accept it than one that has been shown as invalid or merely just less validated and verified.

When it comes to our engagements with the dead, archaeologists have a choice, and the choice is between abiding by their values or critiquing if and how their values should be accommodated into our commitment to being moral agents.

Virtue is found in the individual who accepts that they are not omniscient, and that they may have to revise their moral ideals if new information invalidates them. This also leads to the notion that they should accept that new information might change the moral character of their moral conclusions.

For example, consider the individual who desires to be buried by a river that serves as a major water source. Let us imagine that they lived at a time prior to there being knowledge of bacteria. In Foot's framework, we would not ascribe vice to such an individual with such funerary wishes because they could not have known of the negative implications their posthumous wishes will likely have on people's wellbeing. However, vice is demonstrable in the contemporary individual, with their knowledge of bacteria, who makes a similar request, because they do so knowing the likely negative implications this would have on people's wellbeing. Equally, vice is demonstrable by an individual who abides by either parties' posthumous wishes, either by making no efforts for the body to be removed or by abiding by the modern individual's wishes, for they do so knowing the negative implications this will have on human wellbeing.

This brings the dead in the same moral sphere under the same moral parameters of the living, using the perspective of the individual questioning if they should tolerate them, to how far, and why, if they are to be able to characterise themselves as a good person VIA the moral gauge. In his discussion on the *paradox of tolerance*[63], Karl Popper argues for the tolerant person's right to not tolerate the intolerant so as to safeguard a tolerant society (Popper, 1954). This echoes the sentiment that virtue is demonstrable in the individual who opposes vice, who obstructs expressions of agency inconsistent with valuing human agency: someone who prioritises being a

[63] This is the question concerning whether a tolerant person should tolerate intolerance and, if not, whether this leads to a contradiction: intolerance of the intolerant in the name of tolerance.

eudaimonic force above all else and appreciates that some expressions of agency are vicious and worth obstruction.

Imagine if we could rouse the pharaohs and explain how their legacy has been lost to historical oblivion. We also inform them that the only way we can undo this loss of their legacy is by opening their tombs and sarcophagi, removing and scanning their mortal remains, and then researching the artefacts buried with them. It is unlikely that the pharaoh will consent to the interference, seeing it as a threat to his posthumous wellbeing in terms of the afterlife. If the individual conceded to the pharaoh's demand they would do so knowing that they are denying humanity the *eudaimonic* good that is knowledge of this aspect of humanity's heritage. This would also be a logically self-contradictory act, because it prioritises the pharaoh's status as an agent by committing an act inconsistent with valuing human agency.

From the pharaoh's perspective, the interfering archaeologist could be labelled as vicious according to Foot's own framework. This is because of their religious beliefs regarding a soul, the implications of the interference would have on their afterlife, and the idea that the interferer's willingness to compromise these things for the sake of a collective good denotes a vicious disregard to their wellbeing. It is worth recalling that to Aristotelians a collective enterprise is only as moral as it is *eudaimonic*: one that entails oppression or supererogatory selflessness of an individual is one that is inconsistent with valuing human wellbeing, as it prioritises some people's wellbeing over others' (Aristotle, 2009). It is therefore not a collective enterprise the virtuous would be obliged to subscribe to. If anything, virtue is found in opposing such a system. In this case, the pharaoh would argue that the interferer demonstrates unjust and therefore vicious disregard towards their wellbeing for the sake of the collective's.

The interfering archaeologist, meanwhile, would argue that valuing the kind of thing the pharaoh's agency and wellbeing are, namely human wellbeing and human agency, entails pursuing *eudaimonic* courses of action and this, at times, entails challenging individuals who express non-*eudaimonic* desires, and they would consider the pharaoh's request as being an example of a non-*eudaimonic* desire. In this case, they would argue that the pharaoh's demand to deny humanity knowledge via their opposition to archaeological research, would be a vicious expectation: one where they expect their wellbeing to trump a commitment to valuing human wellbeing. Furthermore, they fear, as a morally concerned individual, that by abiding by the pharaoh's request, they demonstrate a vicious character: one who privileges specific expressions of human agency at the cost of valuing human agency.

How do vice and virtue manifest then, when the individual knowingly undermines the wishes of the dead in the pursuit of the *eudaimonic* good that is knowledge of the human past? Earlier in this chapter, I argued about the controversy of undermining someone's agency, regardless of which side of the grave they are on. However, I was sure to refer to it as a controversy, not necessarily a wrong. This is because, I argued, that valuing an expression of human agency comes with a commitment to valuing human agency generally, and so the morality of preserving an expression of human agency is ever conditional on whether doing so is consistent with valuing human agency generally.

And this commitment also brings with it the notion that even if one has virtuous recourse for undermining someone's agency, they are limited to doing so in virtuous manners. Archaeology has been revolutionised by the invention of the MRI. We can now leave a body within its sarcophagus, bound and structurally sound as the pharaoh would have wanted, but still learn of the individual who was. Vice is demonstrable in the archaeologist who would still unwrap the body, invalidating the pharaoh's posthumous wishes for no *eudaimonic* gain, for they undermine this expression of

human agency unnecessarily. Virtue, meanwhile, is demonstrable in the archaeologist who appreciated the controversy of their involvement with the dead, but also the human good they can gain from researching them, and so optimally tries to accommodate the pharaoh's agency within their general commitment to valuing human agency.

Archaeologists: Stewards of the Dead

It must be restated, digging up the dead and invalidating their posthumous wishes is morally controversial for anyone who values human agency and humans as agents. However, in the interest of putting human agency as the foundational concern in ethics, one cannot ignore the fact that knowledge of past peoples gives individuals, and humanity as a whole, greater knowledge to work on in its pursuit of *eudaimonia*: it is a good for human agency and humans as agents. It also cannot be ignored that the dead are often incomparably good sources of knowledge of past peoples, what with being past peoples, and so a balancing act is inevitable. This, I have argued, leads us to the conclusion that posthumous wishes must be gauged via their relevance with a commitment to human agency, that one cannot be a good person if they compromise *eudaimonia* because of a person's posthumous wishes.

Now, appreciating that there will always be an element of moral controversy in defying an individual's posthumous wishes, as there is in denying anyone their wishes, living or dead, virtue demands one seeks out the minimally controversial option that best actualises the *eudaimonic* good, so that one can justify their conduct as the most consistent with virtue. And this raises the question of what role we should entrust the archaeologist with when it comes to the dead, how they should understand their relationship with the dead, what rights and responsibilities it would be virtuous to entrust them with, and how they should employ them in the interest of being a *eudaimonic* force.

Let us first emphasise why we should want experts uniquely entitled to the right to exhume the dead. Recall in Chapter IV, the painting of Christ in the church of Zaragoza, of one woman's well-meaning but foolhardy endeavour to restore the artefact. I labelled her decision vicious, in the virtue ethical sense, because her decision to act in this manner did irreparable damage to a piece of human heritage, a *eudaimonic* good. The same goes for the dead. Unrefined exhumation, analysis, and storage can risk undermining what data could ever be gleamed about the dead person's life from the body. In the interest of best saving the agent, the antemortem person who was, from epistemic oblivion as best possible, we should want them protected from amateurism.

Equally, appreciating that a harm without *eudaimonic* justification betrays vice, we should want someone who, when it comes to unearthing the dead, best knows how to minimise the controversy of digging up the dead. One of the consequences of the introduction of MRIs to the practice of archaeology was that it became possible to examine the pharaohs without removing them from their sarcophagi: least invalidating their posthumous wishes. We see here the marriage of cultural and scientific knowledge employed to optimally achieve the good of archaeology and minimise the controversy of digging up the dead and invalidating their posthumous wishes.

For the individual concerned with being a *eudaimonic* force/virtuous, and who values *eudaimonic* phenomena, including *eudaimonic* social arrangements, they should want there to be a professional primarily entrusted with the responsibility to research the dead. Compounded in this is the notion that it is virtuous to want to mitigate the aforementioned threat to *eudaimonia* that is unqualified exhumation and investigation of the dead, and that it is virtuous to entrust the right to exhume and investigate the dead to those best able to promote the *eudaimonic* good of knowledge of past peoples (*the condition of competency*) and most able and committed to doing so virtuously (*the condition of moral character*)[64].

[64] See chapters III, IV, and V

Equally, as I discussed in the section on our legacy, appreciating that our life's story can serve as a *eudaimonic* force, given it is an example of the *eudaimonic* good that is knowledge of the human past, we should appreciate there is virtue in wanting as true and comprehensive an account of our lives knowable to others of the species. Vice is demonstrable in the individual that would deny humanity of the *eudaimonic* good of knowledge of their life either by endeavouring to obliviate their life from the record or ensuring inaccuracies in the record. And so, virtue is found in someone who wants there to be a profession whose members are uniquely entitled to exhume the dead and research the lives of past peoples, and who are committed to finding and publishing the most valid testimonials of past peoples.

For the archaeologist to be the *eudaimonic* instrument we *should* trust with the power to exhume and research the dead, they therefore need to embrace these considerations. Firstly, that they acquire this sense of entitlement because of their expertise in researching the dead and least invalidating the wishes of the dead in this pursuit. Secondly, that we entrust them with the reputation of the archaeological academy as a source of objective, or most validated interpretations, and so should be committed to being exemplary scientists.

In satisfying these conditions, we arrive at an archaeologist who would ever be able to defend their conduct with the dead as the most *eudaimonic*, one that embraces a commitment to valuing human agency, even as they invalidate the agency of past peoples. A profession that exists to protect the dead from less *eudaimonic* or, rather, anti-*eudaimonic* interference, of that of amateurs, when it could, and, as I have argued, should be reserved to those who can and likely will make the best choices when it comes to researching the dead.

Conclusion

Foot's commitment to valuing human agency does not lead us to a framework that removes the controversy of digging up the dead, but instead embraces the fact that whilst it is controversial there is a way to approach such controversies that can reconcile valuing human agency and invalidating specific examples of human agency. Equally, I have argued that it is a framework that appreciates that one can make immoral posthumous wishes, which I have shown are wishes inconsistent with valuing human wellbeing. One such example would be a wish to deny humanity of scientific knowledge of its past. And, from these considerations, I have argued that there is a *eudaimonic* role for the professional archaeologist when it comes to the dead, namely to respectfully invalidate vicious posthumous wishes for the sake of providing humanity the *eudaimonic* good that knowledge of the past.

I started by demarcating the nature of harming someone from the nature of wronging someone to make the case that, regardless of one's belief of an immaterial conscious surviving bodily death or not, one should accept the principle that one can wrong the dead or, rather, the antemortem person who was. I then argued that, even if one believes that their bodily death is the death of them as an agent, posthumous wishes should be considered rational if one accepts the premise that agency is morally valuable. This led me to the conclusion that in our discussions on the dead we should treat past peoples as the antemortem person who was, and critique their posthumous wishes via their relevance to a commitment to valuing human agency.

I then looked at the three phenomena one can have posthumous rights over: their body, their property, and their legacy. In each case, I argued that the antemortem person's wishes should be critiqued via their relationship to a commitment to valuing human wellbeing, and, therefore, whether it would be virtuous or vicious to abide by their posthumous wishes over such phenomena.

When it came to prescribing contemporary standards on to past people who cannot and likely would not consent to interference, I argued that there is virtue in using the most validated and qualified understanding of what being moral entails. Conversely, I argued that vice is evident when someone knowingly undermines *eudaimonia* for the sake of abiding by another's wishes, dead or alive. Together, these points reveal that part of being good is not to compromise your commitment to the good.

Finally, to justify there being a role we should entrust to the archaeologist when it comes to the dead, I acknowledged the damage that can be done by amateur exhumation, and how technological and cultural training allows us to have a profession that can minimise the controversy of gaining knowledge from the remains of past peoples. And with this, I argued that there is a role we should entrust to the archaeologist when it comes to human remains, namely as stewards of the dead, entrusted to respectfully gain scientific knowledge from past people's mortal remains.

In the year 3,000, there is a chance that knowledge of this era of humanity is lost. My grave is found, and provides those humans with a chance to learn of this era, to acquire the *eudaimonic* good that is knowledge of humanity. It should be accepted that if I had prescribed a posthumous wish that regardless of circumstance I want my grave left intact, this wish should be appreciated as a vicious wish, for I am prescribing moral significance to my agency whilst denying other agents something good for their agency. Equally, from the perspective of the potential interferer, to abide by my wishes at the cost of humanity betrays the same contradiction, the same vice. This is not to say they have the right to be blasé about my posthumous wishes, but to appreciate them as valuable within a grander commitment to valuing human agency and humans as agents. And in appreciating this, I should want to ensure that the interferer is the one best placed to promote the *eudaimonic* good that comes from knowledge of my life. This brings me to the conclusion that I should want

there to be archaeologists and an archaeological academy uniquely entrusted with the responsibility to exhume and research the dead, and profess their findings, in a commitment to objectivity and *eudaimonia*. Such a figure, I would not be able to deny, would be optimally placed to promote the most *eudaimonic* end that can be reached from researching the dead, one I cannot prescribe viciousness to. More to the point, this is an archaeologist it would be vicious for me to object to, the archaeologist we should entrust with the dead.

Chapter VIII

Being Good with a Bad Past

Introduction

So far throughout this thesis, emotions have largely been given an antagonistic role: something we must contend with in our efforts to be good moral decision makers. However, as humans possess emotions, we must engage with the question of their place in human flourishing and *eudaimonia*, and, therefore, the significance we should grant them in our moral decisions. This becomes an overtly necessary consideration for the field of archaeological ethics when it comes to so called "negative heritages": heritages that will likely induce negative emotional responses (Meskell, 2002).

Now, whilst the archaeologist can and should argue that they seek to promote a *eudaimonic* good, namely, scientific knowledge of the human past, the capacity to label one's actions as types of *eudaimonic* action is insufficient for the demands of those endeavouring to be virtuous. True virtue is shown by those who endeavour to be an optimal *eudaimonic* force[65], those who make efforts to

[65] By optimal, I mean as is optimally consistent with being a *eudaimonic* force, where being optimally and sufficiently moral are one and the same. This is because one must appreciate their flourishing as of objectively equal moral significance as the flourishing of another. This borrows from Susan Wolf's understanding of what virtue ethics demands: not to be a moral saint who treats their wellbeing as of lesser importance than the

ensure their actions were the most *eudaimonic* in their entirety. In the case of negative heritages, virtue is therefore reserved for the archaeologist who can articulate why their decision might not necessarily make people happy, but was nevertheless the virtuous thing to do. The archaeologist must therefore consider the affective implications of their work if they are to ensure their role can be described as optimally *eudaimonic* and one we should entrust them with.

In this chapter, I will argue that the affective implications archaeological research can have justifies the idea that archaeologists should be entrusted with the responsibility to determine if and how they should pursue their research and if and how their findings should be made public. It will also be my argument that Foot's "human lifecycle" approach to virtue provides the archaeologist and layperson alike an adequate and appropriate way to critique both their emotional relationship with aspects of the human past and the extent and manner to which one should expect their emotions to factor into the moral considerations of the other.

To do this, I will first outline and defend Foot's approach to how we should factor our emotions and the emotions of others into our moral considerations, looking at the role of compassion in the human lifecycle and, therefore, how to be virtuous with this faculty. I will then outline the implications this account of compassion has when it comes to pursuing the *eudaimonic* good that is scientific knowledge of the human past.

I will then outline how layperson and archaeologist alike should approach discussions around negative heritage. Here, my argument will be that both parties should be prudent of how their affective attitudes can err them into vice, and should endeavour to ensure that they are not expecting *eudaimonia* to be compromised for the sake of their happiness nor happiness to be unnecessarily compromised, where necessity is understood as "for the sake of *eudaimonia*".

wellbeing of another, for this contradicts the categorical understanding of valuing humans' wellbeings, but, instead to value your flourishing as equally worthy to that of another's, justifying the idea that being "optimally *eudaimonic"* equates to being "sufficiently moral" (Wolf, 1982).

Next, I will engage with the question of what this means for the role we should prescribe to the professional archaeologist.

To do this, I will divide negative heritage into two types, active and passive negative heritages, and engage with them separately when it comes to the topic of what the archaeologist's rights, responsibilities, and therefore role should be when it comes to these types of heritages. The former will focus on cases where archaeological research directly threatens people's wellbeing, for example, by reminding them of dark periods of human history like the Holocaust or data that might challenge their sense of identity, as was the concern of some Hopi[66]. Using these examples, I will argue that whilst studying aspects of the past can induce negative emotions and that this should factor into someone's moral considerations, there is nonetheless virtue in preserving these histories: that the actual question for the virtue ethicist is *how* they should preserve them. Meanwhile, the latter focuses on how archaeological research might be abused by vicious individuals for vicious ends, looking at how this should factor into both the archaeologist's considerations and the question of what role with what powers we should entrust to archaeologists.

It will be my argument for the archaeologist and archaeological academy to be optimally *eudaimonic* there is the need for the academy to be entrusted with a greater social responsibility with an active concern over the *likely* affective implications of their work. In extreme cases, I will argue that this empowers the archaeologist to make a judgement call over whether or not they should even publish their findings given the likely implications. However, I will argue that we should entrust them with this power and responsibility, recognising that our curiosity is not a sufficient justification for us to expect an archaeologist to knowingly compromise *eudaimonia*.

[66] (Kuwanwisiwma, 2008, pp151-153)

Happiness & Compassion in Virtue Ethics

For the purpose of this discussion, I will categorise emotions into two camps, ones that I appreciate are oversimplified and broad, but sufficient for the purposes of the point I want to make. These camps are "positive emotions" and "negative emotions". The former contains emotional experiences like happiness, contentment, and euphoria whilst the latter contains emotional experiences like grief, sorrow, and anger. Positive emotions are ones we typically aim towards for their own sake whilst negative are ones we typically attempt to avoid.

Now, virtue can come from experiencing negative emotions (Aristotle, 2009, pp. 39-43). Equally, certain scenarios might be ones where the virtuous would feel negative emotions. For example, when faced with an injustice one can effectively respond to, the virtuous would feel anger at it and be motivated to react proportionally: perhaps motivated to aid the victims and make efforts to prevent such injustices repeating themselves. Meanwhile, the apathetic would not be motivated as such. In this case, their apathy could be labelled an example of *akrasia*: a relationship with their emotions that prevented them from being a *eudaimonic* force[67]. However, whilst good can come from these negative emotions and can denote virtue, they remain "negative": emotions one does not enjoy feeling.

Even when people choose to pursue these emotions, when they commit the so called *paradox of tragedy* where one pursues experiencing negative emotions by, for example, seeing a drama or tragedy, they must still see some value, some good, in exposing themselves to such discontent, hence them *electing* to do so (Smuts, 2007, p59). The idea of going to see a tragedy only makes sense if one can empathise with the downfall of the character(s) and appreciate their downfall as a negative (Smuts, 2007, pp. 59-61). And, it is only logical that one would expose themselves to something displeasing if they appreciate it as something they should and must endure for some

[67] Aristotle refers to this as the vice of unirascibility (Aristotle 2009, p. 33)

good. Even the sadist pursues negative experiences because they get some feeling of satisfaction from it. The point at which we label someone as not entirely *compos mentis* is when they pursue negative experiences without a perceivable explanation, for example, the self-harmer. But, the pursuit of negative emotions does not denote a moral or cognitive failing for they can be part of a flourishing life. To echo Aristotle, we are decision making animals, we elect to do something because we see some value in it, and this applies to when we elect to expose ourselves to the threat of negative emotions (Aristotle, 2009, p.3).

Negative emotions can therefore spur on positive, *eudaimonic* ends, and can be pursued as part of the aim of a positive, *eudaimonic* good, but they are still, in and of themselves, negative: something we experience as unwanted, and would not want for their own sake.

In contrast, positive emotions are ones it would be rational for one to pursue for their own sake: it is logical to pursue happiness (Aristotle, 2009, p. 5). This is not so say that virtue is found in the pursuit of happiness, as one can have a *eudaimonic* reason for not pursing it. For example, a diabetic might forgo a cake they know they would enjoy for the sake of the *eudaimonic* good that is their health. However, there is no logic or virtue in forgoing happiness without *eudaimonic* justification, as far as the virtue ethicist is concerned, for one is opting for there to be less flourishing for its own sake, which is inconsistent with a commitment to human wellbeing, even though it is your wellbeing under consideration. One has an obligation to human flourishing according to the virtue ethicist, including to one's own, whatever that might entail.

What does this mean when it comes to other people's happiness? Earlier in this thesis[68], I outlined the Aristotelian, Categorical[69] argument that to value one's agency commits one to value phenomena like one's agency, namely the agency of others as of categorical, equal moral worth

[68] (see chapter II)
[69] (Foot, 2001, p. 29)

(Foot, 2001, p29). The same goes for valuing one's emotional dispositions. To claim that one's happiness is a thing with moral value is to commit oneself to value other things like one's happiness, namely the happiness of others, as of equal moral significance. This does not mean that one cannot prioritise their own happiness, only that one cannot unjustly cost someone else their happiness for the sake of their own, where "unjustly" is understood as in a manner that does not recognise both happinesses as objectively equal.

This raises the question of how one is meant to be virtuous in regards to other people's happiness. This question is complicated by the fact that different things make different people happy to different extents, and because the pursuit and attainment of one person's happiness can be incompatible with or have grave implications on the pursuits and happinesses of others. For the virtue ethicist in such circumstances, they must engage with the questions of which person's endeavours it would be virtuous to accommodate, to what extent, and why, and whose happinesses it would be virtuous for them to obstruct because of their commitment to *eudaimonia*.

Fortunately, as previously argued[70], Foot's framework is compatible with value pluralism, and so it provides a perspective from which we can tackle such considerations: one which values the diversity of humanity but within the parameters of valuing humanity.

I will now engage with the human faculty that allows us to perceive, understand, and act upon our understanding of "the other's" happiness and unhappiness: compassion. This will be done to discern the nature of being virtuous with our compassion and what leads individuals to err into vice with it.

[70] (see Chapter II)

Compassion is our capacity to make intelligible and have concern for the suffering of others: of their positive and negative emotions. It is an essential faculty for a social and emotional species, like humanity, for it enables us to empathise with the happiness and unhappiness of others (Foot, 2001, pp 91-92). As compassion is, at least partially, affective in nature, for it is about how we understand, relate to, and empathise with the emotions of others, it provides fertile ground for the possibility of *akrasia*.

One might over-empathise and/or overemphasise with the suffering and the significance of the suffering of someone because of their own experiences with the cause of the other's suffering or because of their relationship with the person who is suffering (Aristotle, 2009, p166). For example, a parent who felt they were unjustly victimised by a teacher when they were a child might overreact upon hearing their child complain about their own teacher. Here we can characterise it as an overreaction by virtue of it pushing them into vice, for example, by wrongly calling for the teacher to be fired. This overreaction might result from them prescribing an erroneous comparison between the degree they suffered with their child's, or because they are excessively quick to respond to such sufferings because of their personal experiences with said suffering. Alternatively, it might result from them being heavily protective of their child's suffering because of their relationship with their child.

Equally, one might under-empathise and/or underemphasise with the suffering and significance of the suffering of another because of their own experiences with the cause of the suffering and/or their relationship with the person who is suffering. For example, if one suffered greatly from an injustice and their coping mechanism was to endeavour to approach it with cold rationality so as to best deny it its emotional sting, this might push them into being excessively cold towards others who are unwilling or unable to attend to it in the same manner. Alternatively, if someone who one holds in contempt and someone one is friendly towards suffered the same injustice and felt it as

an injustice to the same extent, one may err into prescribing a greater sense of suffering to their friend than to their adversary because of their relationship to each. This variation is not justifiable. This lack of compassion, what I will be calling callousness, betrays a vice for one is insufficiently moved by the suffering of others. And we can label it as insufficiently compassionate for it betrays a disposition of someone who will not act sufficiently on the suffering of others in a *eudaimonic* manner.

The virtue of compassion entails giving due regard to the happiness and unhappiness of others, with the relative vices being to give insufficient or excessive regard to the happiness and unhappiness of the relevant parties. Those endeavouring to be virtuous with this human faculty, namely those committed to being a *eudaimonic* force, must therefore endeavour to be critical of their relationship with the suffering of others, their relationship with the other, and the cause of the suffering of others, to ensure they do not err into vice because of any of these factors.

Equally, those of us calling for compassion from others must critique the moral standing of our own expectations, happiness, and what gives us happiness before we charge the other of excessive or defective compassion. Much as it is logically inconsistent to morally oblige someone to be immoral, one cannot have an expectation for the other to forgo being moral for the moral sake of making you happy. For example, expecting someone to steal something for you because you would be unhappy without it should give you cause to reflect on the morality of your desires, and if you are being vicious in this expectation, rather than critique your friend's levels of compassion. Should your friend refuse on the grounds that stealing in this instance is inconsistent with a commitment to valuing human wellbeing, you cannot accuse them of failing morally purely because they did not prioritise your happiness above their commitment to being morally good.

And this shapes the limits of what it is virtuous to expect others to do when it comes to people's emotions when it concerns a *eudaimonic* good. With a *eudaimonic* good, one cannot expect someone to compromise its good (and therefore *eudaimonia*) purely for the sake of making you happy (Aristotle, 2009, p168). In such instances, one is expecting immorality for the sake of their happiness. Such an individual should instead critique their own affective attitudes, and accept that the other does not demonstrate a lack of compassion purely because they will not be immoral for the sake of you being happy. In my chapter on trust, I argued that one should not entrust another with a non-*eudaimonic* task, because this entails saying that the other morally ought to be immoral, which is logically incoherent. Here I am saying the same applies to happiness as it did trust, arguing that one cannot charge someone with vice because they will not compromise a *eudaimonic* good purely for the sake of your happiness.

Virtue is reserved for the individual who endeavours to ensure that their intended conduct will least undermine happiness unnecessarily, where necessity is understood as from the perspective of someone ultimately committed to being a *eudaimonic* force. Recall the example of archaeologists working with the Hopi, reaching the decision to publish two accounts of their findings: the scientific account and the traditional account (Kuwanwisiwma, 2008). Here we have archaeologists engaging with the question of how they can achieve their *eudaimonic* good in a manner that least upsets people. *Eudaimonia* is still sovereign in this decision, they still pursued the *eudaimonic* good they were entrusted to pursue, but tailored their method to a manner that least unnecessarily undermines the wellbeing of individuals, demonstrating compassion. Had the Hopi rejected this option, their demand would have been that the archaeologist undermine *eudaimonia* for their sake, and the archaeologist would have had a *eudaimonic* justification for denying the Hopi this satisfaction.

Compassion serves a necessary function in the human lifecycle. For those endeavouring to be virtuous, there is need for them to factor in the affective attitudes of others into their moral considerations, in their aim to be as *eudaimonic* as possible. The ultimate aim, however, remains being a *eudaimonic* force, shaping when it is virtuous and vicious to accommodate the wishes of the other. And, there is a need for us to critique our own emotive dispositions and ensure we are only expecting others give our happiness *due* regard, not expect them to err into vice for the sake of our happiness. We appreciate our happiness should be recognised as morally significant but should not be the authority of morality. There is a responsibility on all of us to be critical of the significance we are prescribing the happiness and unhappiness of ourselves and of others, and the extent and manner to which we should expect others to factor our affectivity into their own moral deliberations, all in a common commitment to being *eudaimonic*.

Negative Heritage

What does this all mean when it comes to the *eudaimonic* good that is scientific knowledge of the human past, given people's direct and indirect affective and rational relationship with it, and that there are times when knowledge of the human past is or can be made to be antagonistic to people's happiness?

I say direct and indirect, for one does not need to value knowledge of the past for it to be significant to their wellbeing and therefore for it to be rational for them to have a vested interest in: it, if and how it should be researched, and if and how it should be publicised (Meskell, 2002, p567). For example, one need not have an interest in the Third Reich to have an interest in people being educated about it and understanding it in its historical context (Bernbeck, 2018). This interest might originate from a concern to best ensure history does not repeat itself, or out of a concern to prevent contemporaries from being victims of xenophobia (Foot, 2001, pp 95-96). History provides fertile grounds for passions to be inflamed and, therefore, vice to be committed, and it is rational for one to have an interest in ensuring these parts of history are handled with particular

care for the sake of safeguarding *eudaimonia*. In these cases, the knowledge of the past is indirectly relevant to the individual's wellbeing, their interest in its pursuit is vicarious, but it remains rational for them to have an interest in its pursuit.

However, many people do have a passion for history, or at least parts of history, and therefore have the chance to fall into vice when it comes to their relationship with it: this is *directly* negative heritages (Lowenthal, 2015, p89). In these instances, I am not referring to instances where the heritage will cause something, such as xenophobia, that may threaten people's happiness and wellbeing, but, instead, where the heritage itself may threaten people's happiness and wellbeing. This is especially, and often overtly, the case when it comes to particularly controversial or affectively important parts of history, parts that certain people have a strong emotional relationship with: histories that have the capacity to elicit negative emotions by themselves. For example, we can categorise archaeological work on the Hopi as an example of directly negative heritage from the perspective of some Hopi, for this work induced a sense of fear, in this case a fear that the past might invalidate their mythos and sense of identity (Kuwanwisiwma, 2008). Different peoples have different reasons for why they view different parts of history as significant, the consistent point from case to case being that we have people with an affinity towards history.

We should therefore all have an active interest in the acquisition and dissemination of knowledge of the human past, at least in how historical knowledge is researched and disseminated even if we do not have an interest in history for its own sake.

What then is the virtuous relationship to have with history, and how does one identify if they are stumbling into vice when it comes to their relationship with it?

It would be ridiculous to suggest the idea that the virtuous way to regard history is with utter emotional apathy: that one should have a purely scientific and objective view of the data, its manifestations, and reminders. This is not just because it prescribes an impossible standard for the emotive creature that is man, but also, at times, a vicious one (Aristotle, 2009, p33).

As previously pointed out, negative emotions can demonstrate virtue and can be directed virtuously in situations where apathy would demonstrate vice. Anger at an injustice and compassion for the victims, for example, demonstrates virtue where apathy would be vicious. Human progress towards *eudaimonia* depends upon individuals who respond to injustices by being motivated to work against them. Apathy at injustice would compromise such progress and should therefore be considered vicious: the onus is on all of us to acknowledge and respond to injustices proportionately, if we are to demonstrate virtue with in our reponse, and build, as we are able, on the successes and failures of the past.

By "proportionally" I mean in a manner that motivates them to being a *eudaimonic* force: one does not demonstrate virtue merely by being emotional at parts of the past. Imagine four tourists went to Choeung Ek (see below). This is a memorial to the victims of the Khmer Rouge, a shrine that contains over 5,000 skulls exhumed from one of the mass graves of the Khmer Rouge's infamous Killing Fields. The four tourists are told of the history of the Khmer Rouge's genocides, and each reacts differently.

Figure 4: Choeung Ek Memorial[71]

[71] https://en.wikipedia.org/wiki/Choeung_Ek

The first individual is unfazed by the information, apathetic about the story behind the site, seeing it mostly as a curio of Cambodia's history, a pretty building whose history they have to hear about in order to see it. The second, earnestly listens to the tale and endeavours to empathise with the state's decision to build the memorial to honour the victims, keeping awareness of this terrible history alive. Meanwhile, the third is extremely traumatised by the tale, and the fourth is grossly enraged by it.

The first definitively demonstrates vice. As previously argued, we are a species with a past and a capacity to identify with others, to empathise with them, and work on these snippets of information towards a more *eudaimonic* future. This means we are a species capable of comprehending and empathising with past events and factoring them into our contemporary decisions. An inability to empathise with the past betrays an inability to best use knowledge of the past virtuously, denoting a character defect or vice. Continuing with the example of Choeung Ek, one needs to understand the victims as people like them, who suffered like they could have suffered if they are to be able to comprehend the site as a memorial to a great injustice they should not wish anyone to suffer. Human societies require members who are moved by injustice, otherwise injustice endures and *eudaimonia* remains unattainable.

The second, who earnestly listens to the story and endeavours to empathise with both the victims and the state's decision to build the memorial, demonstrates a virtuous way to relate to this shrine. Here we have someone best trying to understand the injustice as an injustice and therefore as something they should respond to in their effort to be a *eudaimonic* force.

Of the latter two, the traumatised and the enraged, the extent to which they are affected and what positions and actions this pushes them towards determines the virtuousness and viciousness of their character. Again, neither despair nor rage at an injustice betrays viciousness, as it might be

the individual's despair or rage that motivates them to make efforts to protect others from such injustices: a virtuous response to learning of this past. Here, whilst encouraged by their emotional dispositions, they demonstrate reason being sovereign; channelling their emotions towards *eudaimonic* ends.

However, imagine if the traumatised individual was instead rendered paranoid by the idea, no matter how unlikely, that they may find themselves victim of a communist purge, or that their trauma motivated them to destroy the shrine to "spare others the same trauma". Appreciating the shrine as a *eudaimonic* good because it is a conduit of knowledge of the human past, we can reduce their action to one of *akrasia*[72]. Their emotions prompt them to deny humanity a *eudaimonic* good unnecessarily, and therefore to act non-*eudaimonically*, whether or not they recognise their actions as non-*eudaimonic*, because of the way their emotions have swayed them.

Alternatively, imagine that the enraged individual also wants to destroy the shrine, any remnants of the Khmer Rouge, and anyone of communist and/or socialist leanings. Here we have another example of *akrasia*, of emotion driven vice, characterisable as such because it involves an individual unnecessarily destroying a *eudaimonic* good for an emotional, not *eudaimonic*, rationale.

We would not consider it vicious for someone to obstruct either individuals' wishes, and therefore what would make these individuals happy, for the sake of protecting the *eudaimonic* good of the monument. Such an obstructer, be they a professional archaeologist or not, would have *eudaimonic* justification for their obstruction whilst the obstructee would not have *eudaimonic* justification for their demands to be met.

[72] Recall Chapter III's discussion on *akrasia,* where *akrasia* was understood as emotion causing vice.

These are, of course, extreme responses, but they reveal how one can fall into vice when they interact with the past, and the kind of considerations one should make when engaging with the past. These are, namely, to consider and critique one's emotive response and what one *should* do with their newfound knowledge if they are to be a *eudaimonic* force, aware that they can so easily fall into vice as others have.

We have the capacity to empathise with past peoples, and we should endeavour to use this faculty as best we can, ever mindful of how it can push us to vice.

Bringing the archaeologist into the discussion, two questions are raised here from these examples. The first is how the archaeologist is meant to be a *eudaimonic* force with something that will likely make people unhappy, and the second is how they are meant to be a *eudaimonic* force with something that might inspire vicious behaviour. I will engage with each of these questions separately.

Archaeology & Unhappy Histories

It bears repeating, we do not just entrust archaeologists with the *eudaimonic* good of scientific knowledge of the human past, but the *eudaimonic* good that is the archaeological academy. And this comes with the responsibility to defend the reputation of the archaeological academy, for the good of an academy is compromised if people see reason to dismiss its work. Should the academy be seen as too servile to the emotional demands of third parties, the amount people feel they can trust the academy's findings will be undermined. The question may arise of whether, because of the demands of third parties, one is getting an account they can trust as valid or one that interested third parties wanted to you to hear.

Accepting that archaeology pursues a *eudaimonic* good leads us to the conclusion that the academy's work should not be compromised purely because it would make some people unhappy. Think back to the Hopi example. Capitulating to the Hopi's demands firstly entails the archaeologist failing to promote the *eudaimonic* good they were entrusted to promote just for the sake of the Hopi's happiness: giving excessive regard to the Hopi's affectivity. Equally, this capitulation entails the archaeologist threatening the authority of the academy and therefore its capacity as a *eudaimonic* force, for it might now be viewed as biased towards the Hopi.

Think of the archaeologist's perspective in such an instance. To kowtow to such a demand is to give excessive regard to these people's happiness because they compromise being good, or being a *eudaimonic* force, for the sake of the Hopi's happiness. The archaeologist would have *eudaimonic* justification for not indulging the Hopi in this way. Equally, consider the Hopi's perspective and what this expectation says of their moral character. They are expecting their happiness to trump *eudaimonia*, and the archaeologist to be a non-*eudaimonic* force because of this quirk of their character: a vicious use of their social faculties.

As I have argued before, we should entrust archaeologists with the job of promoting the *eudaimonic* good that is knowledge of the human past, and that part of this this responsibility is protecting the necessary tool for this good that is the archaeological academy. One cannot charge an archaeologist with demonstrating a vicious lack of compassion purely for being unwilling to compromise these *eudaimonic* goods for the sake of someone's unhappiness. This is because the charge depends upon a *reductio ad absurdum*: charging them with immorality for doing what is required for them to be moral.

However, this does not mean that the archaeologist can be blasé when it comes to the implications their research will likely have on others. The virtuous do not undermine the happiness of others

when it is unnecessary to do so, and this brings with it an imperative to understand the implications of one's intended actions on the happiness of others before acting. This is because the decision to act without considering the likely implications one's actions will have on the happiness of others is to choose to unnecessarily risk the happiness of others, betraying a viciously uncompassionate character. There is therefore an obligation on the part of the archaeologist to understand the contemporary implications and the nature of the interest of interested third parties when it comes to their work before they commit to it.

Shifting to the relevant third parties, there is also the need to appreciate that the archaeologist does not necessarily betray vice purely because they do not accommodate your wishes. Your wishes, or what would make you happy, might be inconsistent with a commitment to valuing human wellbeing. Both parties should arrive with a commitment to valuing human wellbeing, and endeavour to find the least problematical way to achieve this given the nuances of their case.

Compromises can be found. To repeat an example, the Hopi permitted the "scientific account" be researched and published, so long as it was published alongside the "traditional account" of what the archaeologists found (Kuwanwisiwma, 2008). Equally, simple changes in the language used in research can have significant implications for how something is received. For example, knowing that there is an unpleasant emotional relationship between contemporary Germans and the autocratic regime of the mid-twentieth century, some archaeologists, historians, and heritage experts refer to it as "The Third Reich" or the "Nazi State" as opposed to "Nazi Germany". This is done to allow contemporary Germans a greater sense of distinction from the regime that happened at one point the geographic location they happen to come from.

Alternatively, consider how Russia, and other former USSR countries', approached monuments from and of their Soviet heritage, where statues and icons have been removed from public

prominence and put into "soviet parks" (see figure 5, below) (Harrison, 2013, pp 194-196). This was done by the various states' governments so as to ensure their citizens can access the *eudaimonic* good that is knowledge of the past, but are not constantly forced to dwell on the traumatic past.

Figure 5: Monuments in "The Fallen Monument Park" in Moscow[73]

Knowledge and awareness are not suppressed in these examples, but efforts have been made to avoid antagonising people unnecessarily, and in these cases virtue is demonstrable by everyone at the discussion table.

Virtue is demonstrated by the archaeologist who: embraces the idea that they should be wary of how their research might be sensitive for certain individuals, seeks out those likely to be affected by what they publish, endeavours to understand the nature of their agitation, and attempts to find the path that least causes unnecessary displeasure whilst still advancing the *eudaimonic* good of their work and their academy. Such an archaeologist cannot be charged with a lack compassion even when their work will make people unhappy, for they still have *eudaimonic* justification. The virtue

[73] https://en.wikipedia.org/wiki/Fallen_Monument_Park

of compassion is found in taking people's happiness into one's consideration as part of the grander commitment to valuing human wellbeing.

Vice, meanwhile, is demonstrated by the archaeologist who either gives too little or excessive regard to the wishes of others at the unnecessary cost of a *eudaimonic* good, or who acts wilfully in ignorance of the implications their research might have on the happiness of others. In the former case, this might manifest in the form of an archaeologist ignoring the Hopi's request to collaborate with them in their research and publications when a compromise is possible, or by kowtowing to them and not doing any research on Hopi heritage. Meanwhile, in the case of the latter, this might manifest in the form of an archaeologist who conducts their research and publishes their findings of the Hopi, blissfully unaware of the implications their research might likely, and unnecessarily, have on the Hopi. The former demonstrates vice for they knowingly compromised *eudaimonia,* whilst the latter demonstrates vice for they unnecessarily jeopardised *eudaimonia* by acting without due consideration.

If the archaeologist is to justify their role as *eudaimonic*, as something we should entrust them with, there is a need for them to appreciate their work's moral standing as dependent on its *eudaimonic* implications. And, if we accept that the archaeologist's work can have grave implications on people's emotional wellbeing, justifying their role via its relevance to human wellbeing entails an active concern of the emotions of others being an integral part of the archaeologist's work. And from this, we are led to the conclusion that what archaeologists need, and what we should entrust them with, is the responsibility, and therefore power, to make judgement calls over how their work should be pursued even when it will likely have negative implications on people's emotions.

By understanding compassion's role in the human lifecycle, and how we can stumble into vice because of it, I have argued that the role we should entrust archaeologists with, and the one they

should accept, is that of a researcher that takes seriously their task of understanding the implications of their work and tailors it to least unnecessarily undermine the happiness of others in their effort to promote the *eudaimonic* good that is scientific knowledge of the human past. This understanding of compassion also aids the archaeologist in framing other's expectations in terms of whether they betray an excessive or appropriate regard for their own happiness. This allows the archaeologist to identify whether a commitment to *eudaimonia* entails the archaeologist moderating their intentions or whether the archaeologist is right to believe that, instead, the third party should critique the morality of their expectations, with this framing device based upon something we all depend upon: compassion.

Disarming Data

So far I have only focused on situations where archaeologists are researching or intending to research parts of the human narrative that elicit or will likely elicit unhappiness because of how individuals feel about these parts of history. However, I will now engage with the question of the archaeologist's role with heritage that is likely to spur people on to commit vicious acts, arguing that there is a responsibility archaeologists should have and accept they should have to determine how, and sometimes whether, they should reveal their findings given the likely consequences.

In "Faking Biblical History", Silberman and Goren discuss the case of the so-called "Jehoash Inscription", an artefact rumoured to have come from the rubble of controversial construction by Muslim authorities on the Temple Mount, a holy site for Christianity, Islam, and Judaism (Silberman and Goren, 2006). The Inscription referred to fifteen lines of Hebrew-Phoenician script, and described repairs to the Temple that were overseen by Jehoash, son of King Ahaziah of Judah, and how the ancient king collected from his subjects who generously gave for the construction of the temple. A right-wing Israeli group, The Temple Mount Faithful, were quick to publish photographs of the Inscription, declaring it authentic, and proclaiming:

"…that it is a clear message from G-d of Israel Himself that time is short, the Temple should be immediately rebuilt…" (Silberman and Goren, 2006, p54)

This would require destroying the Al-Aqsa Mosque that now stands where the Temple once stood, and has stood there since the 8th century. Unsurprisingly, this suggestion was met with hostility from many in the Muslim community, including the then secretary-general of Jordan's Royal Committee for Jerusalem Affairs who claimed that Israeli extremists were using the rock to justify their absolute right to the site and garner support to destroy the Al-Aqsa Mosque, proclaiming that:

"if that happened, God forbid, a holy religious war will definitely inflame the whole region." (Silberman and Goren, 2006, p55)

The Jehoash Inscription was eventually deemed a clever forgery by the Israeli Antiquities Authority (Silberman and Goren, 2006, p56). But what if it had been declared authentic? Tales like this are reminiscent of Lahiri's concerns about archaeological finds on the India-Pakistan border, or Buddhist shrines on the Indian sub-continent and in Sri Lanka (Lahiri, 2013, p295) (Coningham & Gunawardhana, 2013, pp 281-284). What should the archaeologists have done, knowing their work would likely emboldened the extremists to tear down the mosque by justifying their sense of entitlement, likely leading to fatal conflicts?

The operative word here is *likely*. Vice is not demonstrable by someone who can profess that they took seriously their task of moral deliberation: who looked into who would have a vested interest in their decision, considered how they are likely to respond, and elected to do the most *eudaimonic* based upon their considerations. Humans must operate on imperfect and incomplete knowledge,

meaning virtue is not reserved for the omniscient but is evident in those who try to optimally mitigate their ignorance before acting, and then pursue the most *eudaimonic* course of action.

There is no character defect in the individual who unintentionally armed a vicious entity in a way they could not have predicted. For example, at some point in time, the works of Xenophon were translated into German by various classicists, works that were later abused by members of the Nazi Regime to an extent we cannot expect the classicist would have been able to predict because of the severe liberties that were taken by the members of the Nazi Regime in their interpretation of the texts (Roche, 2016, p76). For example, Nazi ideologue Hans Günther, compared Xenophon to the Führer, emphasised a supposed Graeco-German racial kinship, the alleged Nordic warrior spirit of Xenophon and those he commanded, and of the righteous loyalty they showed to Xenophon (Roche, 2016, p76). All of these liberties were taken to ground the Third Reich in something older and enduring, to justify the strength of their ideology and cultivate loyalty towards Hitler. It would be unreasonable to have expected the original translator to have been able to predict that their work would eventually be used in such a fashion to such non-*eudaimonic* ends, and therefore unfair to label them as demonstrating vicious naivety or vice at all based upon this.

Alternatively, consider someone in Francoist Spain happens upon a relic from the Kingdom of Aragon, when Spain was not unified. They find themselves in a regime with an agendum of pro-Spanish-unity propaganda, which this relic contradicts by suggesting that there are ways Spain can and has been divided before (Diaz-Andreu, 1995, p 46). In Chapter III, I argued that a layperson who happened upon this find, knowing the government's vicious agendum, would be virtuous for not entrusting it to the state regulated archaeologist because they know that this *eudaimonic* good would *likely* be used for non-*eudaimonic* ends. Here, I am arguing that the archaeologist should adopt the same mentality, and we should entrust them to do so, appreciating that their work promotes a *eudaimonic* good and is valuable as such, not valuable regardless of its implications for

eudaimonia. The virtuous archaeologist, I am arguing, appreciates that the knowledge they seek is a *eudaimonic* good that can be abused to non-*eudaimonic* ends, and that there is vice in the individual who would pursue this *eudaimonic* good regardless of its *likely* implications on *eudaimonia,* including those that will result from vicious third parties.

Now, the archaeologist could respond that they are merely publishing scientific data, reducing their action down to a single facet which casts it in a *eudaimonic* light. Knowledge is a *eudaimonic* good, what they are doing is providing people with it. Alternatively, the archaeologist could respond by questioning their right to withhold information from others, questioning why they, the archaeologist, are entitled to it, and entitled to determine who else is entitled to it.

On the first potential response, it is not enough, in virtue ethics, to be able to cast an action in a good light to determine if it is the morally appropriate thing to do, there is an obligation to consider thoroughly the implications and nature of the action in its given context (Hursthouse, 1991). Cutting someone can be cast as an immoral action until you appreciate that it is a surgeon doing so, but the nature of the surgeon's act changes when it is revealed that they performed on a non-consenting patient. When it comes to the archaeologist, it is not enough to say that they are promoting knowledge of the past and that this is a good act, it becomes a good act iff it is done knowing it will probably lead to greater *eudaimonic* ends than if it is not done, and, moreover, that they have done it in the most *eudaimonic* fashion. Virtue Ethics does not allow the individual to reduce their options to simple act-focused considerations, but, instead, obliges one to consider it thoroughly in their commitment to being a *eudaimonic* force (Grigoropoulos & Pantazatos, 2007) (Hursthouse, 1991).

On the second potential response, where the archaeologist questions their right to determine to what extent the rest of us are entitled to their findings, we should consider the question of what

we should entrust archaeologists with being and how this translates into what they should be entitled to do.

Part of the good of professionalisation is that it allows humanity to have individuals held to a certain standard, with certain expected qualifications that best place them to promote a *eudaimonic* good and minimise the potential threats to the *eudaimonic* good and *eudaimonia* generally (Oakley and Cocking, 2001, p115). The physician is granted the exclusive right to access and prescribe potentially dangerous chemicals because they are trained in knowing when and how they should be used, mitigating the ills of substance misuse/abuse as a result of ignorance and/or addiction.

With the existence of an archaeological profession, we have the opportunity to have someone trained in researching and publicising scientific data, thus mitigating the irreparable threats that come with amateurism. Much as I have argued that we ascribe the archaeologist *eudaimonic* responsibilities with how they research the human past, here I am arguing we should also ascribe them the responsibility to be optimally *eudaimonic* when it comes to publicising their findings.

With the infrastructure of professionalisation, we can have an archaeologist trained in how they perceive, interpret, and relate to evidence of the human past: namely, as evidence of the human past. This would therefore be an individual who can be trained to be consciously and unconsciously, independently and institutionally regulated to promote this *eudaimonic* good *eudaimonically*. Such an individual would therefore arrive at a scene with a vast amount of epistemic checks and balances that we cannot be assumed to be universally present in humanity. Given this, and that histories can be abused by vicious individuals, this is the role we should prescribe to archaeologists, for it makes them an optimally *eudaimonic* force that protects humanity, and *eudaimonia*, from vicious members of humanity, a role it would be vicious for us not to entrust to the archaeologist and they would be vicious for not accepting.

However, there is the question of the archaeologist's right to deny someone, or all of us, knowledge, especially for a framework that prioritises human decision making as the *summun bonum*. I may earnestly, with virtuous intent and demonstrating a virtuous character, ask for information. In denying me this, the archaeologist would be obstructing my capacities as a decision making animal, compromising my capacity to flourish, which prima facie would appear vicious.

This is reminiscent of one of the criticisms often mounted against Kant's ethics when it comes to the imperative not to lie. In the thought experiment, one is hiding someone from an axe murderer, the axe murderer comes to one's door, and asks if you know where they are. The correct response, as far as Kant was concerned, was that one should not lie to the axe murder for you deny the axe murderer the status befitting a rational, moral agent (Kant, 2012, p34). The question the virtue ethicist must answer is how they can claim to be committed to the wellbeing of this decision making animal, and yet claim virtue in denying members of the species with the tools necessary for them to make decisions.

However, in the case of the axe murder, a question must be raised as to whether we can really cast them as a rational and moral agent. What this reveals is that Kant works with this understanding of humanity as always rational and moral, whereas it is more accurate to describe humanity as an animal with rational faculties. These are faculties that are not totally and always sovereign in the animal, and vary, in terms of sovereignty, from person to person from time to time. The idea of "not being in one's right mind" demonstrates our awareness of reason's limited sovereignty over us. For example, I know not to go food shopping when hungry, for I will buy an irrational number and variety of things because of my hunger inflamed desire for food; it is unlikely that I will need twenty-four doughnuts. And with this appreciation comes the revelation that it is viciously foolish to ignore this limit of humanity.

One does not betray a commitment to valuing human rationality by being critical of when it is and is not sovereign in others. Instead, one reaffirms this commitment by treating differently those who exhibit rationality and virtue from those who do not (Oakley and Cocking, 2001, p92). The axe murderer, the religious zealot, and the hungry shopper forfeit the rights to expect people to treat them as rational agents because they have failed to be a rational, virtuous agent. Equally, a vicious lack of prudence is demonstrated by someone who does not appreciate this, given the non-*eudaimonic* implications of this lack of prudence. Vice is not demonstrated by someone who has a *eudaimonic* reason for treating someone as failing to be rational, the opposite is the case, given one has a *eudaimonic* justification for this decision.

With this, we arrive at the notion that virtue is demonstrated by the individual who is critical of whom they should entrust with what at any particular time. And this should apply to anyone's considerations, including our archaeologist, shaping what we should entrust archaeologists to be.

One of the main problems this raises when it comes to a profession that pursues and disseminates knowledge, one with very public implications, is that knowledge is often hard to contain, and there are times where the only guaranteed way to restrict it from vicious agents is to restrict it from everyone (Frost, 2007, pp 1935-1936). For example, though I have no ill-will towards the British state, there are those that do. I can also appreciate that entrusting me with the codes to the UK's nuclear weapons is therefore an unnecessary risk, given that I am not trained in keeping state secrets. For the sake of everyone's security, I should want there to be a security service I can entrust with the job of having and keeping state secrets, and determining what the public should know, for the sake of having the *eudaimonic* good of a security service with powers to optimally prevent such information from falling into the wrong hands.

Equally, I should appreciate that if the British state did determine who, from the general population, they felt they could entrust the information to, this would likely be met with agitation from those the state did not elect to trust with this information. This would damage the *eudaimonic* good of social cohesion and make vicious divisions more likely and more pronounced. At this point, my demand to have my curiosity satisfied in the knowledge that doing so would undermine *eudaimonia* becomes vicious.

It should be appreciated that the same should apply when it comes to the role we should entrust to archaeologists, and what roles and responsibilities archaeologists should accept if they are to optimise their commitment to being a *eudaimonic* good.

In most cases, this would merely reaffirm an archaeologist's obligation to consider the implications of their work, doing their utmost to optimise the good and mitigate the bad that can come from their work. However, in rare cases, the question of how to be a *eudaimonic* force might compel them to consider whether being good might oblige them to withhold their findings from public knowledge. Whilst one can imagine a member of the public expressing outrage at being denied information, it is hard to ascribe vice to the archaeologist who has a *eudaimonic* rationale for not entrusting their data to the public, for example, when there is a very credible threat of abuse by active, vicious third parties. In these instances, it is easier to ascribe vice to the member of the public who would dismiss this rationale, who wants their curiosity satisfied regardless of the implications this would likely have on human wellbeing.

There is therefore virtue in entrusting the archaeological academy with the responsibility to determine if, how, and when to publicise their findings. The existence of vicious individuals brings with it the need to entrust archaeologists with a greater role than a mere relay of scientific findings; there is the need for them to assume a greater responsibility over the likely implications of their

work. Their right to assume this paternalistic responsibility is justified via the fact that it would be virtuous for us to entrust them with it and viciously foolhardy, even if well intentioned, to presume that all peoples at all times can be entrusted to be good with facets of knowledge.

Conclusion

In this chapter, I have engaged with the question of what role we should entrust to archaeologists if they are to be a virtuous force given the existence of negative heritages. I have looked at two types of negative heritages, active and passive, arguing that we should all be ever-critical of how our emotions and the emotions of others are relevant in each of our decisions to be an optimal *eudaimonic* force generally, before applying this specifically to archaeology.

With actively negative heritages, I have argued that there is a need for both archaeologists and non-archaeologists to approach the question with an ultimate commitment to *eudaimonia*, and an appreciation that our emotions can lead us into vice. I have also emphasised that the third party cannot prescribe vice to the archaeologist who compromises their happiness because it is *eudaimonic* to do so, and that the archaeologist is entrusted with two *eudaimonic* phenomena: scientific knowledge of the human past and the archaeological academy. With this, I have argued that we should want a profession entrusted with the responsibility to research and determine what is the most *eudaimonic* way to progress, aware of people's affective interests, but not allowing these interests to compromise the goods that are scientific knowledge of the human past or the reputation of the archaeological academy, which is a conduit for humanity to have scientific knowledge of the human past.

With passively negative heritages, I have argued that the role of any profession is to pursue and promote a *eudaimonic* good and, appreciating how knowledge of the human past can be abused by third parties, we should want a profession that can act as humanity's advanced guard when it comes

to unearthing and disseminating this knowledge. This responsibility, and its relative exclusive rights, comes with the assumption that the archaeologist is committed to being a *eudaimonic* force and that they are trained in: responding to emotionally resonant histories, identifying the probable consequences of disseminating information, and making their decision of whether and/or how the public should be informed about their findings, with their ultimate commitment being human wellbeing.

The virtuous role of professionalisation in the human lifecycle is to ensure humanity can optimally benefit from a *eudaimonic* good and be least costed by its improper usage. With this in mind, we should entrust, and the archaeologist who grounds their role in a commitment to human wellbeing should accept, the rights and responsibility over the affective implications of their work, to ensure humanity optimally benefits from the good of archaeology.

Conclusion

In this conclusion, my aims are twofold. The first, and main aim, is to briefly summarise the conclusions of each chapter, and demonstrate how this thesis provides a valuable moral perspective which should be considered in the field of archaeology. The second aim is to briefly acknowledge loose ends I was unable to address, for reasons of space, and identify what further avenues of research should be considered as a result of this thesis.

I began this thesis by paying homage to the pan-humanist, heritage-valuing ambition of *The Hague Convention*, the post-war globalist ethos of human rights and responsibilities that the convention prescribed, challenges to it, and confusions over what moral responsibilities adopting it actually entails.

Chapter I then saw me defend this pan-human approach to the ethics of archaeology, and criticise the predominant way that moral guidance has been considered and provided: in act-focused terms, and through act-focused lists of right and wrong actions (codes of ethics). I started with the question of why we turn to ethical literature to provide an understanding of a condition of adequacy for moral frameworks from the perspective of the individual seeking out moral guidance. My conclusion was that the role of ethical literature is to aid the individual in achieving moral

conclusions that can stand up to reasonable scrutiny, and so a framework should have its adequacy critiqued via its capacity to help them achieve this end.

I then narrowed the focus to literature on the ethics of archaeology. I started here by first defending the pan-human ethos of *The Hague Convention* as one that should be assumed in archaeological ethics. I had two defences for the pan-human approach to the ethics of archaeology. The first was that, regardless of which specific piece of human heritage one is considering morally, it remained a piece of *human* heritage, and comparisons can be drawn between it and other categorically similar phenomena (other pieces of *human* heritage). And the second was that, as individuals committed to being good, one has to appreciate that one's interactions can establish precedents that people will defer to for more guidance if they find themselves in similar scenarios, meaning that there is a moral imperative to consider the ethics on a pan-human level.

I also argued for the symbiotic relationship between the ethics of the profession that is archaeology and the more general topic of humanity's relationship with scientific knowledge of its past and phenomena that can functions as conduits for knowledge. I made this case by arguing that the role we prescribe to professionals informs how we understand the good that the profession pursues in its own right and in relationship to other goods, and vice versa, meaning the two cannot be considered in isolation.

I then outlined the distinction between act-focused and agent-focused ethical approaches, the nature of codes of ethics, and why it is that they fall into the former category, before addressing the problems with depending exclusively upon such ethical constructs for one's moral thinking. These issues were: their propensity to provide contradictory moral guidance, their inability to aid the individual in adapting to new information whilst prescribing a dangerous ethos of

conservativism, and their omission of considerations regarding the individual's character, which can play a substantial role in how moral guidance is interpreted.

At the end of the chapter, I engaged with Hursthouse's defence of virtue ethics' adequacy for applied ethics, where she argues that a virtue framework with a justified and qualified understanding of *eudaimonia* should be considered adequate for applied ethics. For the purposes of archaeological ethics, I therefore concluded that there is a need for a justifiably applicable understanding of human flourishing on a pan-human level, and the archaeologist's place within this understanding of human *eudaimonia*.

Chapter II saw me respond to these demands by outlining and advancing the biological, species-focused framework advocated by Philippa Foot in *Natural Goodness* (2001), arguing that it should be considered adequate and appropriate for the aforementioned needs of archaeological ethics. I presented the naturalist's approach to virtue as one that has remained methodologically consistent from Aristotle to Foot, with a capacity to adapt to new information on the human animal and its flourishing. The emphasises placed upon humanity as a decision-making creature, I argued, meant that any potential opposers would have to commit themselves to a logically untenable position: of wanting their human reasoning and agency valued to such an extent that it contradicts valuing human reasoning and human agency generally.

Next, I engaged with the question of the appropriateness of a scientific approach to ethics for the purposes of archaeological ethics, given that archaeological ethics is a topic concerning subjective phenomena such as people's beliefs, values, traditions, and identities. This took the form of my responding to McDowell's concerns regarding the naturalist's supposedly "disenchanted" view of the world. I responded to McDowell by arguing that, since the human animal is a creature with subjective states, states which shape what it means for members of the species to flourish, they are

present in the naturalist's understanding of human flourishing. I also argued that this determines the most appropriate way to value people's subjective states, for it merely commits one to act on the account of human wellbeing which is most validated by the majority of human subjective experiences. This, I argued, demonstrates that the framework gives due regard to people's subjective experiences of the world, for an alternative necessarily requires giving certain people's subjective experiences greater authority over others without logical justification.

Finally in Chapter II, I questioned if this account of "being good" was too vague and accommodating for the purposes of archaeological ethics, and argued that it was not. I made this case by arguing that having human decision-making capacities as the authority of the good meant that Foot prescribes a pluralistic framework that embraces the diversity in humanity, but with definitive ethical parameters: embracing diversity that is consistent with valuing human decision-making and agency. I concluded the chapter by acknowledging the significant epistemic legwork with which this framework charges the individual, namely for them to perpetually critique their understanding of human wellbeing, the nuances of the specific case, and to act in a manner that they feel they can optimally defend as consistent with valuing human agency. Though a daunting task, I argued that it provides the individual with a moral mechanism that does not suffer the same criticisms of attempts to codify the ethics of archaeology as those previously identified in Chapter I.

In Chapter III, I then set to the task of establishing the role of professionalisation within the human lifecycle to provide a bench mark for establishing the role of the professional archaeologist in subsequent chapters. I explored this via engaging with the question of the role of trust in the human lifecycle, its proper usage, and how to use this understanding to critique the role with which a professional should be entrusted via the perspective of someone being virtuous with their capacity to trust. I acknowledged the non-rational aspects of trust and how these non-rational

aspects can impact one's decision to trust/not trust, looking at two concepts: conscious *akrasia* and unconscious *akrasia*. With Foot's framework, which uses humanity as one's mental yardstick, I argued that we possess a framework that best enables one to use one's capacities to trust others virtuously. I also set to the task of understanding how to use this capacity virtuously via trust's role in the human lifecycle: the lifecycle of this social species of individuals. I argued that one must be critical of who is best placed to promote a *eudaimonic* good (what I referred to as *the condition of competency*), and if those that are more competent are committed to promoting said good virtuously (what I referred to as *the condition of moral character*). The decision not to trust someone more qualified at promoting a *eudaimonic* good, whom it is likely will promote it virtuously, I argued, is a decision inconsistent with valuing human agency and therefore human *eudaimonia,* and is therefore vicious. The role which we should entrust to archaeologists, I argued, should complement these considerations, a role it would be vicious for us not to entrust to them.

Chapter IV then saw me engage with the question of how the archaeologist can satisfy *the condition of competency*: of what good it is that they pursue, why we should appreciate it as a *eudaimonic* good, and why we should entrust the archaeologist's subject matter to the archaeological profession. I started by engaging with the question of their subject matter, of what it is that we would be entrusting to them. On the nature of their subject matter, I argued that it is anything that can shed light on the human narrative, and that phenomena can be of relative importance for this endeavour, and can acquire or lose significance as archaeology's subject matter based upon their relative age and uniqueness, for this determines how dependent we are on them as confirmers of aspects of the human narrative.

I then engaged with the question of why scientific knowledge of the human past should be considered a *eudaimonic* good, and therefore why conduits for it should be considered morally important as such. I looked at three aspects of the human animal, namely our identity as a self-

conscious, social yet diverse, and mortal species, and human heritage's role in our lifecycle given these aspects of the human condition. Our susceptibility to homesickness and existential dread, issues with understanding others because of distinct values and habits, and our capacity to learn from the past to better survive this planet, each gave me a rationale for considering knowledge of the human past *eudaimonically* valuable. I did appreciate that, in the case of the former, identities can be undermined, existential crises caused by researching the past, but that vice is demonstrable by the individual who would object to research because it might invalidate their erroneous sense of identity. This allowed me to conclude that scientific knowledge of the human past should be valued as a *eudaimonic* good.

I then engaged with the question of why we should want there to be an archaeological profession exclusively entrusted with the role of acquiring and disseminating this knowledge. Here I focused on the good of an academy regulated to be committed to the scientific method, arguing that this best ensures people that have an account of the past which they can trust, allowing the good of scientific knowledge of the past to be optimally achieved on a pan-human level. I also identified the irreparable damage that can be done to this *eudaimonic* good by amateur interactions to argue why manifestations of the human past should be protected from amateurism via professionalisation.

Chapter V then saw me shift from the question of how the archaeologist can satisfy the *condition of competency* to the *condition of moral character*, looking at how the archaeologist achieves being a *eudaimonic* force when it comes to four parts of their work that involves various third parties. In each case, I explored the nature of virtuous conduct with reference to a specific virtue, looking at how the virtue manifests generally, given the human lifecycle, before looking at how it manifests specifically for the archaeologist entrusted with a particular role and with a particular academy. This allowed me to further demonstrate the adequacy and appropriateness of Foot's framework

by outlining the thought process which it demands of the individual, and how their eventual conclusions will always be built up from an initial commitment to being a good person, just, in this case, a good person trying to be a good person in a *eudaimonic* role.

I do not pretend to assume that I have explored every aspect of the archaeologist's work, nor every virtue that they should consider, but nor was this my task. I did not aim to achieve this as, firstly, this would require that I account for every facet of the human mind and how it should be applied in various scenarios, which would be an inexhaustible task, and secondly, this extra work would not further my aim of demonstrating how Foot's framework should be applied and the benefit of applying it.

By this point in the thesis, I had defended archaeology's telos as *eudaimonic*, the ideal academy and practitioner as a *eudaimonic* good, and detailed what it means to be the ideal practitioner according to Foot's understanding of *eudaimonia*. This, I argued, would be a professional archaeologist that satisfies both the *condition of adequacy* and the *condition of moral character*, and is therefore the role that an archaeologist should be entrusted with or, rather, one which it would be vicious for us not to trust with.

Chapters VI, VII, and VIII then saw me consider the question of striking the right balance between achieving the good of archaeology and valuing other *eudaimonic* goods, and the implications this should have on the role archaeologists should have when it comes to striking this balance.

Chapter VI focused on the significance of property rights in *eudaimonia*, and the implications of these considerations on the rights and responsibilities of the archaeologist. Taking a Lockean stance on property, I argued that for an individual or group of individuals to claim distinct rights over something, they need a reason why they have a distinct relationship with the object that others

lack, and why this relationship justifies exclusive rights. Such rights, I argued, always make reference to specific examples of human agency: either of the individual earning the object from their labours, or by being gifted it by another who earned rights to the object (including the right to gift it) and elected to gift it.

This, I argued is the case with people's claims over pieces of human heritage, where people either justify their exclusive rights to heritage via the idea that past peoples bequeathed it to their descendants, giving their descendants a right to it via this bequest, or because the current owner mixed their labours/agency with the object by purchasing it. In either case, I argued, their defence for exclusive rights always employs an agency-valuing ethos, making them consistent with Foot's agency-valuing framework.

Based upon this assessment, I argued that property rights should always be open to perpetual re-evaluation in terms of their consistency with valuing human agency. This, I contended, is a more pressing issue when the object under consideration is a *eudaimonic* good, for example, if it is a piece of human heritage. Using the example of Chichén Itzá, I presented various agent-valuing arguments that can be put forward to justify rights over a piece of human heritage, arguing that they should be evaluated via their consistency with valuing human heritage. This, I argued, also applies to the owners' right to sell their heritage, that this should only be done in ways that do not compromise the objects' capacity to function as a piece of heritage. Appreciating that this would be more economically burdensome on some individuals than others, I argued that virtue obliges us to favour political and economic arrangements that are sympathetic to the various levels of threat which people suffer to their capacities as an agent: that there should be a pan-human approach to heritage protection.

I then concluded that there is virtue in appreciating that archaeologists should be entrusted with a role that can trump property rights and arbitrate when there are competing ones, where their responsibility is to protect the object's capacity as a *eudaimonic* good. The archaeologist, with their unique combination of knowledge regarding the rarity of particular pieces of human heritage, how they are best preserved, who is best placed to preserve them, and who has what valid claims, should be granted this role, I argued, so that this *eudaimonic* good is not compromised by vicious ownership claims.

Chapter VII then saw me shift to the question of archaeologists' rights and responsibilities with the dead. Here my focus was on the moral significance of the agency of the antemortem person who was, and how to be virtuous with their wishes, including in times when it is *eudaimonic* to override their wishes. Equally, I questioned the morality of prescribing contemporary ideals on to past peoples without their consent.

I began the discussion by distinguishing between what it means to wrong someone from what it means to harm someone, arguing that, even if one believes bodily death is the death of the agent, valuing human agency commits one to recognise that they can wrong the antemortem person who was, just not harm them. I defended the rationality of posthumous wishes from the Epicurean position, and of the viciousness of someone who would dismiss the value of someone's agency after they have died because they can now "get away with it". This brought the dead person into the same moral sphere as the living, allowing me to argue that we should critique people's posthumous wishes regarding their property, body, and legacy in the same way that we critique living people's antemortem wishes: via their consistency with a commitment to valuing human agency.

I then engaged with the question of our right to employ contemporary moral standards on to past peoples who cannot, and likely would not, consent to archaeological interference. Here I questioned the moral character of someone who would knowingly compromise *eudaimonia* for the sake of not getting the consent of a third party. It was my argument that virtue is found when one acts according to the most valid understanding of human wellbeing, whilst vice is evident when one allows *eudaimonia* to be compromised for the sake of abiding by the wishes of the less virtuous and/or more ignorant. This, I argued, applies regardless of whether the third party is living or dead.

In terms of a role for the archaeologist, I concluded this chapter by arguing that overriding the wishes of past peoples remains a controversial decision if agency is one's authority for the good, and so we should want there to be a profession that is best trained and regulated to minimise the controversy and maximise the *eudaimonic* good attainable from such interferences. A professional archaeologist, I argued, provides us with the potential of someone technologically and culturally informed in undermining the agency of past peoples to the least extent, and trained and regulated to yield the *eudaimonic* good of an account of knowledge of past peoples which the public can trust. From this, I argued that we should want there to be a professional archaeologist entrusted with a responsibility over the dead, for this best allows for the *eudaimonic* good of knowledge of past peoples to be achieved in the least controversial manner.

The final chapter then saw me shift the focus to negative heritages. I demarcated "negative heritages" into two categories, direct and indirect negative heritages, and explored the archaeologist's responsibilities with them.

On directly negative heritages, I argued that there is vice found when one unnecessarily compromises the happiness of others, but the pursuit of a *eudaimonic* good does not count as an

unnecessary compromise: that vice is evident when one compromises *eudaimonia* because of someone's vicious relationship with the affective states. With directly negative hertiages, I argued, we had this problem manifest: trying to best promote the *eudaimonic* good that is knowledge of the past but not unnecessarily upset people. I repeated the archaeologist's obligation to promote this *eudaimonic* good and to preserve the *eudaimonic* good of the reputation of the academy. These commitments, I argued, obliges archaeologists to ensure that their academy is not viewed as biased, obliging them and that this, at times, obliges them to challenge people's happiness for the sake of the *eudaimonic* goods they have been entrusted with.

On indirectly negative heritages, heritages where it is likely that vicious third parties will use archaeological data to non-*eudaimonic* ends, I argued that there is virtue in disarming data and that, at times, this would oblige the archaeologist to refrain from disseminating it. This chapter stood as an overt reminder that the good of archaeology must be understood as *a* good, not *the* good, and that attaining *a eudaimonic* good is only virtuous if doing so is consistent with the grander ambition of promoting *eudaimonia*. It is, perhaps, also the chapter that most overtly advocates archaeologists having a relatively sovereign role, where it is ultimately in their gift to decide what should be done. I justified this sovereignty for archaeologists who are trained in critically examining the past and critiquing the probable implications of releasing their data to a public that is not trained and regulated in relating to the past in such sterile ways. Once again, I argued that professionalisation ensured that humanity could best benefit from a good whilst mitigating the risks inherent with this good, allowing me to conclude that we should entrust the archaeological academy with the responsibility to research the past, and determine if and how to disseminate their findings.

I do not pretend to assume that I have exhausted the various problems which archaeologists must frequently attend to in their multifaceted profession. Nor have I detailed how the role of the

archaeologist which I have advocated should be reflected by domestic and international legislation in its own right and in relation to other professions that pursue different goods equally justifiable via a commitment to valuing human agency. However, this was not the aim of my thesis; rather, these are questions that can be engaged with in future research.

My aim, instead, was to provide an argument for recognising the good of archaeology as something we should all recognise as a good, and what it means to recognise it as a good when it comes to our conduct with archaeology's subject matter, including what role it obliges us to entrust to the archaeological academy.

The main strength of this framework being grounded in a commitment to valuing agency is that it provides the framework with foundations which one cannot, without logical contradiction, object to: for one cannot *choose* to reject valuing the kind of thing one's *choice* and the *choices* of others is.

What I have endeavoured to do in this thesis is demonstrate that a commitment to valuing human agency can be qualified by appreciating what is needed for this decision-making animal to be optimally enabled to actualising its identity as a creature with agency, with one of these necessities being the existence of an archaeological academy. In doing so, I have provided a naturalistic, biological defence for the existence of the archaeological academy and what we should entrust it with, if we are committed to valuing human agency, as I have argued we logically should be.

What will be worth considering in future works is how technological advancements, and an enduring commitment to valuing human agency, will give the archaeological profession cause to adapt its practice. Equally, it would be worth considering how this lens could be employed to critique other professions such as medicine, law, and politics, and question what their role should be if, like archaeologists, they endeavour to justify their profession as good for humanity.

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