Treasure salvage, archaeological ethics and maritime museums

Paul Forsythe Johnston
NMAH 5010/MRC 628, Smithsonian Institution, Washington, DC 20560, USA

Introduction

Over the past decade, the archaeological community in the United States and other nations has been struggling with the ethical problems relating to treasure salvage and the propriety of professional archaeological involvement with treasure-hunting operations. Virtually every archaeological association in the United States with published ethical guidelines has condemned such activity (Cummings, 1986; 1988), but a small minority of North American archaeologists has opted to work with salvors (Hamilton, 1989; 1990; Beaudry, 1988; Elia, 1992).

In response to the concerns of professional archaeologists, some of the largest North American and international museum associations have developed policies on the issue, while other museums ignore or are unaware of the issue. This paper discusses maritime museum and museum association positions on treasure-hunting and explores some of the issues and possible solutions to what is becoming one of the most significant and controversial problems in the profession.

Museum types and associations

As the largest category of collectors in modern society, museums are at the forefront of public policy-making on the issues of what should and should not be acquired, preserved and exhibited on behalf of the public interest. As might be expected for shipwreck materials, the type of museum most often approached with offers is the maritime museum, with its focus upon collecting and interpreting the material culture from our nautical heritage. Consequently, from the late 1960s to the mid-1980s, maritime museums around the world cheerfully acquired objects ranging in type from wet, rusty anchors from unidentified wreck sites in local harbours, to coral-incrusted ancient Mediterranean amphoras (Fig. 1), Caribbean cannons, and gold and silver...
objects from Spanish treasure galleons. Some of the sites were not obscure shipwrecks visited over weekends or vacations by sport divers, but famous ships with names like Santa Margarita, Geldermalsen (alias the Nanking Cargo Wreck), Concepcíon and Atocha, many of whose contents have been systematically salvaged by professional treasure-hunters and sold at the most prominent auction houses in the world (Christie's Amsterdam, 1986; Christie's New York, 1988; Miller, 1987).

Should these items, representing unique materials from our international maritime heritage (and often located on public property), have been purchased or accepted for donation by museums, or should they have been declined on ethical grounds as archaeological materials raised for personal profit with artefact assemblages split up and sold? What had happened to the vast majority of the artefacts from these sites—especially the wood and other organic materials—which might not be monetarily valuable, but which were precious to historians and archaeologists trying to reconstruct the past from limited resources? In many cases, the archaeological contexts for these materials had not been carefully recorded by divers or salvors, who work under financial pressure from their investors to raise their sea booty as quickly and efficiently as possible (Fig. 2). Art historians do not necessarily care whether an object derives from the ship captain's personal sea chest, the vessel's cargo hold, or was smuggled in a seaman's bag and stowed in the forecastle, as a scientific archaeological excavation might show. Some museum directors also have questioned the wisdom of declining flashy treasure exhibitions that might increase admission revenues, or refusing dazzling objects offered by wealthy or powerful donors, at the risk of offending them at a time when attendance and public support for museums in general have been declining.

In an effort to resolve some of these issues and formulate a set of guidelines acceptable to all of its member institutions, the Council of American Maritime Museums (CAMM), an association of 48 North American maritime museums, formed an Archaeology Committee of museum directors, curators and historians. This group was charged with the responsibility for investigating current professional policies, ethics and standards for archaeological collections. After more than a year of review and discussion, the committee developed a statement that was unanimously adopted by the CAMM membership as a by-law amendment at its 1987 Annual Meeting. The policy reads as follows:

CAMM member institutions shall adhere to archaeological standards consistent with those of the American Association of Museums/International Congress of Museums (AAM/ICOM), and shall not knowingly acquire or exhibit artifacts which have been stolen, illegally

Figure 2. Salvors used explosives to remove the coral overburden at the Molasses Reef Wreck, Turks and Caicos Islands. The bomb crater is visible in the right foreground; both the anchor and bombardeta gun tube were bent and broken by the blast. (Photo courtesy of Donald H. Keith, Ships of Discovery.)
exported from their country of origin, illegally salvaged or removed from commercially exploited archaeological or historic sites (Council of American Maritime Museums, 1990).

In essence, the Archaeology Committee’s review of professional museum and archaeological standards revealed the unanimous opinion that unscientific excavation for profit and the sale of the recovered archaeological resources were unacceptable, even though they might be permitted by law. It was felt that maritime museums were obliged to adopt a leadership role in this regard and avoid any suggestion of supporting or condoning the commercial exploitation of our public heritage for private gain, particularly when these shipwrecks or other submerged cultural resources were located in public waters (American Association of Museums, 1987). What was found on public property should belong and be available to the public, whether or not laws allowed the salvage to take place. The issue was perceived and handled as an ethical concern, not as a legal matter, and passage of the amendment by museum boards of trustees or the equivalent was made a condition of full voting membership status in CAMM in 1989. Along with the passage of the by-law amendment, CAMM was an outspoken advocate of the Abandoned Shipwreck Act of 1987, which was signed into law by US President Ronald Reagan in April 1988 (Johnston, 1989a,b).

In late 1987, the Executive Council of the International Congress of Maritime Museums (ICMM) formed a subcommittee on maritime archaeology to address many of the same issues. Founded in 1972, the organization currently has a membership of approximately 300 institutions world-wide, and it is the largest professional association of maritime museums today. The ICMM subcommittee was formed of member museum directors, curators and an academic archaeologist from a number of countries; its brief was to ‘complete a survey on existing policies as regards museum acquisitions of objects from underwater archaeological sites and set recommendations for the ICMM’s position with regards to the acquisition of these objects’ (Henderson, 1991). This task was completed in late 1989, and the results collated and tabulated for review by the Executive Council at the triennial ICMM meetings in 1990.

At the time of the survey, the ICMM had 284 members. Of that number, 226 members answered the questionnaire, a response rate of 79.5%, although not all members answered all questions. However, the number of respondent institutions with maritime archaeological collections was 87, or 30.6% of the members. Some of the more significant results of the survey responses to the 27-item questionnaire are summarized below; all of the results will be published later.

Archaeological collections
Of the ICMM museums that hold archaeological collections, 62% have 1–100 artefacts and 20% have 101–1000 specimens. Only 13% have 1001–10,000 and 6% have more than 10,000 artefacts. This indicates that even for those institutions with archaeological collections, those objects do not represent a major collecting category. The reasons for their collecting were (in descending order): display; research; to protect items from looters; educational purposes; and sale. Most of the items were acquired from donors rather than through museum excavations or purchase. The most popular sorts of artefacts were (in descending order): ship parts and rigging elements, followed by samples of cargo; personal possessions (crew and passenger); other; items dropped overboard; and lastly, materials from inundated shore sites. Nearly half (48%) of the institutions have published papers on their archaeological collections in academic or professional journals.

Legislative questions
To the question of the existence of underwater archaeological legislation in various nations, 105 ICMM members responded in the affirmative, but more than one-quarter (29) consider it ineffective in protecting the resource. The same number (29) stated that legislation did not affect their collecting policies for archaeological specimens. More than 10% of the responding institutions (12) either did not know whether their countries had legislation in place or responded in the negative (4). Eight reported that legislation was in preparation.

Internal and external ethical policies
Some of the most noteworthy responses came from the questions on internal and external ethical policies. When asked if their institutions have
specific policies for collecting materials from cultural heritage sites, 75 of the 105 respondents (71%) stated that they either have no policy or no written policy. Only 30 (29%) have a written policy, and one institution among that number 'does not refer to it'.

A full third of the respondent institutions was unfamiliar with the International Council of Museum's (ICOM) code of ethics; 68% were unaware of the International Council on Monuments and Sites (ICOMOS) charter, and 47% were ignorant of the 1970 UNESCO convention (International Council on Monuments and Sites, 1990). No doubt the fact that 80% of the respondents (86 of 108) do not have archaeologists on their staff is partially responsible for this lack of knowledge.

**Recommendations to the ICMM**

At the same time as their presentation of the survey results to the ICMM Executive Council, the subcommittee advised that an archaeological policy be adopted by the general membership of ICMM, its recommendations taking the form of the following draft resolutions:

1. In regard to collecting policy, ICMM member museums should follow the provisions of the ICOM Code of Professional Ethics, the ICOMOS Charter and the UNESCO Convention.
2. That ICMM member museums should follow sections 3.1 and 3.2 of the ICOM Code of Professional Ethics and that in particular, 'each museum authority should adopt and publish a written statement of its collecting policy ... and ... museum[s] should not acquire by purchase objects ... where ... their recovery involved the recent unscientific or international destruction or damage of ... archaeological sites.' Museums with collections from underwater archaeological sites should each adopt and publish either a written statement of their general collecting policy or a written policy relating specifically to collections from underwater archaeological sites.
3. That ICMM member museums should follow the Council of American Maritime Museums (CAMM) policy and '... not knowingly acquire or exhibit artifacts which have been stolen, illegally exported from their country of origin, illegally salvaged, or removed from commercially exploited archaeological or historic sites' in recent times (i.e., since the 1999 Full Congress of the ICMM).
4. That ICMM members should report to the responsible authorities any illegal activities at underwater sites or auction or sale of artifacts from illegally excavated underwater sites in their countries.
5. That ICMM members should recognize that artifacts from underwater sites are integral parts of archaeological assemblages, which should remain intact for research and display.
6. That the ICMM should explore ways for more member institutions to involve students from academic institutions in the study of their underwater archaeological collections.

A draft of these resolutions was presented at the 1990 ICMM Congress to the Executive Council, which recommended that they be followed by the membership until they can be voted into the ICMM bylaws at the next triennial ICMM meeting in 1993 in Barcelona. In style and content, they represent the strongest and most specific response to date on the matter of museums, ethics and underwater archaeological resources. It is expected that these resolutions will generate some lively discussion at the next Congress, particularly since there have been several recent (pre-1990) violations of the spirit of the guidelines by member institutions. Transgressions include the 1988 purchase of two *Atocha* astrolabes by a prominent Portuguese maritime museum, and a collaborative agreement between salvors and a British maritime museum, wherein the museum receives one of each artefact type, first refusal of the remainder and records of the recovery. The salver retains the rights to sell the 'unwanted' artefacts (S. E. Aked, 1989, pers. comm.). And at least one history museum on Cape Cod in Massachusetts (not a CAMM or ICMM member) entered into an agreement to exhibit artefacts from *Whydah*, a pirate ship salvaged by treasure hunters beginning in 1982, despite being informed of the ethical issues involved (Colden, 1990; Elia, 1990). The museum's sales shop has sold what are called 'concretions' from the wrecksite.

**Conclusions and recommendations**

It is clear that maritime museums with underwater archaeological collections have a long way to go in regard to their ethics, collecting policies and international awareness. They must be more cognizant of their local, regional and national regulations regarding archaeological materials (both maritime and terrestrial), as well as the broad concerns of the greater preservation community, sport divers and treasure salvors. They need to learn how to respond to the widely divergent approaches to submerged cultural resources that characterize these special interest groups, and develop written standards for their...
own collections and collecting. They will also need to communicate with non-maritime museums as well as the general audiences they serve, and foster the preservation ethic through educational programming, exhibits and publications. Hopefully, through the dissemination of the results of this survey to the general ICMM membership, and as a result of the discussions likely to ensue at the 1993 ICMM Congress, there will be far greater awareness of (and sensitivity to) the ethical concerns and policies currently under review for implementation among maritime museums. Furthermore, if museums can be persuaded not to acquire artefacts from treasure-hunters, then one of the traditional markets for these specimens will be effectively inactivated.

There are other issues that will need to be addressed over the next few years, as salvage projects continue to be permitted, if not formally condoned by regulatory agencies. A disturbing new trend has surfaced in the United States, wherein salvors who have obtained permits to recover artefacts from significant shipwrecks later lose interest or financing before completing their projects, and simply abandon the ships and associated artefacts of little monetary value (Fig. 3). This has happened in the state of Delaware with the wreck of the 18th-century British warship De Braak, and in Massachusetts with the so-called General Arnold, attributed to the Revolutionary period. Ownership of both of these wreck assemblages, which include large hull sections requiring extensive conservation, has reverted to the respective states, which are now forced to manage these resources without dedicated funding or staffing commitments. It is ironic that the general public, which has been so fascinated with the idea of treasure-hunting and its characteristic free-wheeling spirit of capitalism, is now being forced to pay for the whims and misfortunes of the salvors. It may be anticipated that these artefact assemblages, or what survives of them, will be handed over to museums in the not-too-distant future, and the most likely candidates will be maritime museums. How will these institutions respond to the issue of preserving these materials in the public trust, although tainted by the brush of treasure-hunters?

Other possible repositories are 'treasure' or 'salvage' museums, either profit or non-profit. One such venture is at the Delaware Tech Educational Foundation in Georgetown, Delaware. In an exhibit called 'Treasures of the Sea', materials from the Atocha and Santa Margarita are displayed which were donated to the foundation by local investors in Mel Fisher's salvage operations (Delaware Tech, n.d.). Mel Fisher himself recently founded the Mel Fisher Maritime Heritage Society, Inc., a non-profit, tax-exempt organization in Key West, Florida that calls itself 'the richest single collection of maritime and shipwreck antiquities in the world' (Mel Fisher Maritime Heritage Society, Inc., 1992). Materials from many of Fisher's wrecks are on display and for sale there. Presumably competing with Mel Fisher's enterprise for the tourist traffic in the Florida Keys is a new venture in nearby Key Largo, named Kimbell's Caribbean Shipwreck Museum and its non-profit affiliate, Caribbean Shipwreck Research Institute, Inc. Among the collections are materials from Atocha and Concepcion, such as gold bars and
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silver ingots. According to its brochure, the shop of this museum, located in a modern reconstruction of a 15th-century castle, 'offers authentic coins and artifacts' (Kimbell's Caribbean Shipwreck Museum, n.d.). In Kansas City, Missouri, another museum has just opened that is devoted to materials from the western river sidewheel steamboat, Arabia. This vessel sank in the Missouri River in September 1856 near Kansas City bearing a consignment of cargo for Omaha, Sioux City and other frontier settlements. Found in a farmer's field under 45 feet of silt and recovered by private individuals, Arabia artefacts are displayed in downtown Kansas City as part of an urban renovation project (Editors, 1990; Anon. 1991b). And lastly, as this article was submitted, plans are underway for a $70 million pirate-motif tourist attraction in the historic Boston Navy Yard devoted to the pirate ship Whydah, which sank of Cape Cod in 1717 and was partially salvaged by a treasure salvor beginning in 1982. The project is under development by an entertainment group that produces Hollywood films and holds principal ownership of the Texas Rangers baseball team (Ackerman, 1992). Preservationists have raised questions about its ethics (Elia, 1990–91) and artefacts from the wreck site have already been sold (J. McDonough, 1991, pers. comm.). The African–American community in Boston has expressed considerable concern that this venture is intended to glorify slavery, since Whydah was specifically built and used for the African slave trade and only served as a pirate ship during the last few months of her career (Yung, 1992; Vennochi, 1992). Piracy, another illegal activity, would also be celebrated by this venture, whose plans include Black Sam's Souvenir Shop, 'loaded to the gills with pirate trinkets' (Whydah Joint Venture, n.d.).

Another recent development from the treasure-hunting community is likely to confound unwary collectors, numismatists and museums alike. Seasonal gift catalogues in the United States (and possibly elsewhere) have begun to offer 'pieces-of-eight' earrings and jewellery pendants from the wreck of the Spanish galleon Atocha. However, these coins are not original: they were 'cast from actual silver bars salvaged from the wreck ... The molten silver was poured into casts made from the original coins ... Each piece is numbered and includes a certificate of authenticity' (Catalog Ventures, Inc., 1991: 21). It may be anticipated that these fake coins will one day be separated from their mounts, have their numbers filed off and be sold as genuine. Similar situations have arisen with limited-edition reproductions of old lithographs and polymer casts of 19th-century scrimshaw whale teeth, where the issuing museum or corporate identification marks have been removed, and the pieces offered to unsuspecting collectors as originals. Although these reproductions are easily identified by professionals, it is not at all easy for the public to determine their authenticity.

And what of those objects that have already been collected by well-meaning institutions over the past two decades, prior to the recent expressions of concern and resultant ethical policy guidelines? Should they be repatriated to their state or nation of origin? If so, what if their provenance is unknown or unclear, or if there are specimens from several different nations in a single assemblage? And where might they ultimately reside if all the recipient museums in the affected countries subscribe to ethical standards as stringent as the CAMM or ICMM guidelines? Perhaps the specimens could be returned to the donors. But what if the donors have moved away, died or taken tax deductions for their gifts? Alternatively, they might be used for an exhibition on treasure-hunting, to display how the activity damages rather than preserves the resources. But here the host institutions for such an exhibit run the risk of public misinterpretation of the message, or antagonism from special-interest groups such as sport divers or salvors. The objects might also be retained for scientific analysis, possibly of a destructive nature, to learn more about their composition or origins, in an effort to recover at least some sort of useful information about them. In all likelihood, they will probably be shoved into a back corner of the museum's storage area and left for the next curatorial generation to manage, or in other words, treated as some sort of second-class artefact unworthy of long-term preservation—as worthless pieces of ship. These and other issues must be addressed soon, if museums are to properly fulfil their public and professional obligations.

At present, very few North American archaeologists are willing to work in the employ of
treasure salvors. Experience to date has demonstrated that such relationships have not met the expectations of either party, and that the professional reputations of those few archaeologists who do work for salvors for any length of time have suffered. Gradually, an unspoken attitude has come to prevail that scientific archaeology and treasure salvage are simply incompatible, with totally different methods and objectives. This may be viewed either as a natural maturation of two divergent types of endeavour, or as polarized perspectives of either side of the same coin. It is perhaps indicative that salvage operations have begun to use scientific and archaeological terminology in their investment prospectuses and discussions with the media, but rarely publish even cursory descriptions of their wrecks in the popular or professional literature. Meanwhile, technological advances in locating and recovering artefacts from wreck sites as deep as 12,000 ft (3600 m) are occurring rapidly, and it can realistically be expected that many more sites of monetary and archaeological value will be aggressively sought and salvaged, without proper documentation or preservation.

A subject frequently discussed at conferences and other professional gatherings involves the minimum conditions a conscientious archaeologist might impose upon a salvor, if the two were to work together successfully on a wreck-site. From these discussions, several hypothetical stipulations have been proposed that might satisfy the archaeological concerns. First, the archaeologist must retain complete authority and control over the proper field recording and recovery of artefacts. A second condition would entail an adequate budget to conserve all recovered materials. A third requirement would set aside funding dedicated to the proper research and publication of the site. Finally, the artefact assemblage must be preserved intact, endowed with sufficient funding to ensure long-term survival, and it must be made available to public and professional audiences. Obviously, a commitment of this magnitude would need to be in place before any fieldwork began.

On the assumption that a salvor might agree to these conditions, what return would there be for investors in the enterprise? The obvious solution would be to create a museum setting of some sort, which could generate profits through traditional revenue sources (admissions, retail sales, a restaurant). Successful monothematic institutions such as the Wasa and Mary Rose museums might serve as paradigms for such ventures, rather than the 'treasure/salvage museums' outlined above. It remains to be seen whether salvors and their investors would be willing to forgo short-term return on their investment in exchange for longer-range benefits of this type.

Perhaps a hypothetical undertaking of this sort is little more than idle speculation. Why should a salvor give away the obvious potential for immediate gratification that a 'treasure' ship offers? Where could investors be found who were willing to commit their capital to a long-term venture? How would this enterprise be supported by the preservation community? There may be other potential solutions to the current deadlock between archaeologists and treasure salvors—in the interim, however, one thing remains certain: many more significant sites will be found and salvaged, and much more of our maritime heritage will be lost than saved.

Note

References


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