

LIMITED-PROVENIENCE COLLECTIONS: THEIR RESEARCH POTENTIAL AND THE IMPLICATIONS FOR DEACCESSIONING POLICIES AND REGULATIONS

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When provenience is lacking or inadequate for an archaeological collection, the research potential of the artifact or assemblage is often considered minimal or nonexistent. Museums, universities, state and local government curatorial facilities, and other repositories regularly adopt deaccessioning policies that consider items with inadequate provenience information to be prime candidates for disposition. This paper evaluates deaccessioning practices and discusses potential implications for limited-provenience collections. Emphasis is placed on current efforts by the federal government to draft a deaccessioning regulation that will govern disposition of federally owned and administered archaeological collections.

Accurate provenience information has long been considered a component crucial to the integrity of archaeological collections. Nearly all introductory and advanced volumes on archaeological method and theory stress the importance of maintaining tight contextual control. Nevertheless, for a variety of reasons that I summarize below, a significant number of archaeological collections are supported by less-than-adequate provenience data. The archaeological community frequently considers this type of collection to be of little or no scientific value.

I have noted four recurring themes associated with the topic of limited-provenience collections. I briefly summarize three of the more commonly debated topics, but the primary objective of this paper is to call attention to a less frequently discussed issue: unprovenienced or limited-provenience collections¹ and the implications for deaccessioning policies.

LIMITED-PROVENIENCE COLLECTIONS AND THE ANTIQUITIES MARKET

The most vociferous debate surrounding limited-provenience collections has focused on the sale of these items on the antiquities market. The polemic generated by this problem is particularly acute in Old World contexts where the debate is often infused with passion and intransigence (Brodie et al. 2001; Hollowell 2006; Kersel and Kletter 2006). The importance of the topic within the archaeological community is exemplified in the creation of the biannual newsletter *Culture Without Context*, published by the Illicit Antiquities Research Centre at Cambridge University. While this facet of limited-provenience collections has generated a tempest of controversy, it remains outside the scope of the present discussion.

LIMITED-PROVENIENCE COLLECTIONS AND THE PUBLISHING CONTROVERSY

A second and only slightly less impassioned expression of the controversy revolves around the ethics of publishing limited-provenience collections—specifically private collections obtained by unethical or illegal means and most often with the intent of financial profit (Muscarella 1984; Shanks 2005a, 2005b, 2007; Wiseman 1984). While a general consensus exists among archaeologists that limited-provenience collections should not be sold on the antiquities market, unanimity is less evident when debating the merits of publishing collections whose origins can be traced to private collectors or looters.

Again, the debate surrounding the ethics of publishing questionably obtained collections is more intense in Old World contexts. The implications associated with adopting an unequivocal position against the publishing of unprovenienced archaeological materials are significant. The Dead Sea Scrolls are an important and highly celebrated example of the dilemma scholars may encounter. Many of the first scrolls to be made public were purchased on the antiquities market—indeed, by professionals employed in the fields of archaeology and paleography (Fields 2006).

Two prominent American organizations have adopted controversial stances in their respective publications banning the practice of publishing papers associated with collections of questionable provenience, namely the American Schools of Oriental Research and the Archaeological Institute of America. It should be emphasized, however, that these institutions are less concerned with the research potential of unprovenienced artifacts as they are with eliminating the commercial value of illicitly obtained archaeological materials.

LIMITED-PROVENIENCE COLLECTIONS AND THEIR RESEARCH VALUE

A third facet of this topic relates to materials collected by professional or avocational archaeologists, but that for a variety of reasons may currently lack adequate contextual data. In past decades, for example, recording methods were relatively rudimentary. In other cases, associated provenience data may have been misplaced or destroyed at some point in the curation process. Many cultural resource managers have also encountered misguided but well-meaning members of the public that collect archaeological materials and subsequently turn them in to land-managing agencies in an effort to “protect” them. The nature and number of possible scenarios are endless.

A timely and relevant example pertinent to the present discussion is a stone block recently identified in Mexico. The stone contains an as yet undeciphered Olmec script that some scholars contend may be the oldest example of writing yet discovered in the New World (Martinez et al. 2006). Regrettably, the artifact was not recovered using systematic excavation methods. Consequently, the age and cultural association of this important discovery had already been questioned by the time the object was first reported in the journal *Science* (Lawler 2006).

LIMITED-PROVENIENCE COLLECTIONS AND DEACCESSION POLICIES

There is a fourth aspect of this topic of imperfect provenience that is seldom addressed in the literature, yet the implications may be no less significant. I emphasize this element in the remainder of this paper. Archaeological collections can sometimes, under specific, well-defined circumstances, be deemed eligible for deaccessioning. The practice of deaccessioning is a relatively recent concept initially conceived by American museums (Miller 1991:245). Controversial from the start, the topic first catapulted into the public eye when John Canaday, art critic for the *New York Times*, questioned a proposal by the Metropolitan Museum of Art to place a number of works of art on the commercial market in an attempt to raise capital (Garfield 1997).

The late Marie Malaro, a recognized expert on the law and ethics of collections management, provides the etymological source of the word “deaccession” (Malaro 1991:279, note 1). The Latin term *decedere* can be translated “to cede from” in contrast to *ad cedere* which implies “to cede to.” *Merriam-Webster* cites 1972 as the date of the earliest recorded use of the term in English (Merriam-Webster 2003). The most frequently cited definition of deaccessioning is that provided by Malaro (1991:273) who asserted, “It is the permanent removal of an object that was once accessioned into a museum collection.” While

Malaro’s definition is adequate when dealing exclusively with collections composed of works of art, it is unnecessarily restrictive when addressing archaeological collections. Based on my own experience, I suggest a more inclusive variation: *The permanent disposition of a collection or a portion of a collection from the ownership and custody of a curatorial facility or government agency.* This definition acknowledges that museums are not the only owners or long-term caretakers of collections. In addition, it points out that archaeological collections may consist of multiple objects, not just one object such as a piece of artwork. The revised definition also accommodates the unfortunate reality that a small, but lamentable, percentage of archaeological collections are never formally accessioned in the first place.

The topic of deaccessioning, or its close synonym “disposition,” can generate significant controversy among academics, cultural resource managers, curatorial staffs, and various practitioners of archaeology. I make no attempt in this paper to debate the merits—or demerits depending on personal preferences—of deaccessioning, but several articles and books address the topic (Baway 2007; Childs 1999; Reichhardt 2007; Sonderman 1996, 2003; Sullivan and Childs 2003; Weil 1997).

It is important to emphasize that the act of deaccessioning infrequently implies terminal destruction or disposal. There are many alternatives under which a transfer of title can be accomplished, and these can and should be pursued before a collection is permanently destroyed (see discussion in Sonderman 2003).

More important to the present discussion are the criteria regularly cited to justify the practice of deaccessioning. One determining factor commonly listed in deaccession policies relates to the quality of the associated provenience information. Where little or no provenience data are available, it is often assumed that the collection possesses little research or interpretative potential. Consequently, the collection can be a prospective candidate for deaccessioning. We turn now to a few specific examples.

Private Collections

As far as privately owned anthropological curation facilities are concerned, the Field Museum in Chicago ranks as one of America’s most prominent. At my request, collections personnel at that facility kindly provided a copy of their deaccession policy. The specific criteria that must be met before a collection can be deaccessioned are not tightly defined in the Field Museum policy, but the document sanctions different methods of disposition based on the presence/absence of any scientific value. Items that retain some degree of scientific value are normally deaccessioned by transfer of ownership. Alternatively, the policy states that:

“Disposal” is appropriate for materials whose scientific, exhibition, or fair market value is minimal or absent, and thus continued future preservation is of little or no benefit to society. “Scientific value” refers to the significance of material as a record of past research and/or an object for future research [Section IV.B. *Definition of Terms*].

The deaccession policy adopted by the Field Museum makes no specific reference to the quality of the associated provenience data, but it clearly makes a distinction between collections of scientific value and those that are not. This issue, of course, is key to the central thesis of this paper.

State Collections

State governments fund and administer many curatorial facilities since they own the collections that are collected from state lands. Two of the four criteria that must be met in the deaccession policy of the Florida Museum of Natural History (which includes cultural history) state that an object will be considered eligible for deaccessioning if:

- The object lacks value for scientific research or documentation, or for educational use.
- The object no longer retains its physical integrity, its identity, its provenience, or its authenticity [Section 17. *Recommendation of Curator*].

One of the foremost museums of anthropology in California is the Phoebe Hearst Museum on the campus of the University of California, Berkeley. The Hearst Museum deaccession policy states that at least one of five criteria must be met in order for collections to be considered for deaccessioning, but the list includes no specific reference to either provenience or scientific value. Under a subsequent section, however, entitled “Appropriate Methods of Transfer/Disposal,” the policy states that a transfer of ownership can occur under the following circumstances:

Objects or specimens which are duplicates, without provenance or provenience, or otherwise of little exhibition or scientific value and which meet the requirements for deaccessioning may be given, after deaccessioning, to the Museum’s Education Department for use in its programs and activities [Section VII.5. *Deaccessions: transfer*].

The Hearst Museum’s stipulations for transfer are comparatively restricted. It is encouraging to see that the museum acknowledges that an educational component may still exist, regardless of scientific potential. Nevertheless, inadequate provenience and limited scientific value continue to be determining factors in the decision to deaccession.

It is important to acknowledge that all three of the deaccession policies cited above are considerably more complex than the abbreviated segments cited in this paper. No reputable museum or repository takes the issue of deaccessioning lightly.

Praetzellis and Costello (2002) published a paper in the *Society for California Archaeology Newsletter* that provides an additional example that pursues this same train of thought. Their paper outlines the principles and practices that they feel should govern the disposition of historic collections (or portions thereof). In their bid to standardize deaccessioning practices for this type of artifacts, Praetzellis and Costello cite research value as one of three criteria of eligibility.

Having provided select examples of deaccession policies adopted by private and state government repositories, I now turn to federal collections.

Federal Collections

In 1990, the Department of the Interior promulgated 36 CFR Part 79, entitled “Curation of Federally-Owned and Administered Archeological Collections.” This regulation established curation standards, procedures, and guidelines to preserve archaeological collections recovered under the authorities of the Antiquities Act (16 U.S.C. 431-433), the Reservoir Salvage Act (16 U.S.C. 469-469c), section 110 of the National Historic Preservation Act (16 U.S.C. 470h-2), or the Archaeological Resources Protection Act (16 U.S.C. 470aa-mm). Most significantly, it states that federal agencies own and are responsible for the long-term care of collections recovered from federal lands.

When 36 CFR 79 was first published, the final section (Section 12) was proposed in draft form. Section 12 would have provided federal agencies, under specific circumstances, with the option to deaccession collections through discard. Section 12 was never promulgated, however, due to the controversial nature of the topic. Consequently, there is currently no legally viable means by which to deaccession federal archaeological collections with the exception of specific items that qualify under the Native American Graves Protection and Repatriation Act (NAGPRA) or uniform regulations (43 CFR Part 7.3) associated with the Archaeological Resources Protection Act (ARPA) (Childs 1999:39).

The National Park Service (NPS), for the Secretary of the Interior, recently renewed efforts to draft a deaccession regulation. As a result, a discussion here is especially relevant. An informal interagency working group was formed in late 2005 to advise the NPS in their efforts to draft the rule. Representatives from eight federal agencies make up the working group and I have represented the USDA Forest Service on that group.

When drafting new regulations, all existing laws and regulations must be considered. ARPA (16 U.S.C. 470bb(1)) defines an *archaeological resource* as “any material remains of past human life or activities which are of archaeological interest as determined under uniform regulations promulgated pursuant to this Act.” The term archaeological interest was subsequently defined in a uniform regulation entitled “Protection of Archaeological Resources” (43 CFR Part 7). The definition is worth repeating here as it has significant implications for the present topic:

Of archaeological interest means capable of providing scientific or humanistic understandings of past human behavior, cultural adaptation, and related topics through the application of scientific or scholarly techniques such as controlled observation, contextual measurement, controlled collection, analysis, interpretation and explanation [43 CFR 7.3(a)(1)].

The draft rule that the interagency working group has completed focuses on the disposition of material remains that have been determined to be of insufficient “archaeological interest.” In other words, the defining criteria of eligibility are constrained by language first promulgated in ARPA. It is clear that a lack of provenience or scientific value may—depending upon the interpretation of “archaeological interest”—render federal collections eligible for deaccessioning.

As the archaeological community deliberates the usefulness—and ultimately the management—of limited-provenience collections, it is important that we remain cognizant of the definition cited above and the potential implications. If a collection is supported by little or no provenience information, can an argument be sustained that it nevertheless retains archaeological interest according to this definition?

CONCLUSIONS

My objective in this paper is not to argue the merit nor the specific nuances of deaccession policies. The deaccession working group is nearly finished with a draft rule and the NPS and Department of Interior are expected to initiate the formal regulatory process in the winter of 2007–2008. Those interested in commenting on that subject will be afforded the opportunity—at least as far as federal collections are concerned—once the draft regulation is published in the *Federal Register*.

My primary aim here is to stress that, regarding this issue of limited-provenience collections, more is at stake than is commonly acknowledged or understood. Does inadequate provenience automatically imply a lack of scientific value, thereby rendering some materials potentially eligible for

disposition? In the case of federal collections, the answer to that question may depend on demonstrating whether or not the collection or portion of a collection retains some degree of archaeological interest. The research potential of archaeological materials of limited or no provenience is an important topic that may have significant implications beyond the obvious. As those of us associated with this discipline address this topic in future venues, it is important that the full ramifications of our conclusions be understood.

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NOTE

¹ For the sake of succinctness, I employ the term “limited provenience” throughout this paper to refer to collections of both no provenience and incomplete provenience.

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