

Discussion of the arguments for and against the repatriation and/or reburial of human-remains.

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1. Introduction

Archaeology ethics are a recent, yet radical, transformation which has aggressively challenged professional archaeologists' presumption that the pursuit of knowledge was a justification for the "proprietary interest and control over ... remains" (Klesert/Powell,1993:348). Before 1971 the only ethical direction to professional archaeologists was the "moral duty to seek new data!" (Bahn,1998:582).

Indigenous-peoples have used their political voice to challenge the actions of the establishment which they feel is racist and Eurocentric [rooted in European colonialism and imperialism]. European Colonialism is an unchangeable part of history but many indigenous-peoples associate Archaeology as continuing exploitation. It is viewed by many as an obscenity which is sacrilegious to their ancestors and a polarization of their socio-economic environment and the disregard for their 'primitive' culture and beliefs. I feel that these quotations capture the passion of two indigenous-peoples:

"Representatives of Australian Aborigines argue that the spirits of their ancestors must be released from the continuing barbaric torment inflicted on them by incarceration in the store of a museum" (Besterman/Foley,2003:51).

"Any Indian bodies found, Indian people could take care of and the archaeologists could take a flying leap off the highest ledge ... archaeologists are the enemy of the Indian people" (Hammil/Cruz,2008:197,200).

In the 17th-century Egyptian Mummies were sold as medicine for large sums and the Egyptian Government regulated this trade through export taxes (David/Tapp,1992:12-13). The financial impact of repatriation of human-remains continues to be a factor within the debate.

We might presume that the repatriation discussion includes all human-remains but the arguments typically surround only those that are 'Culturally-Affiliated' (Besterman,2004:14-15):

1. Culturally-Affiliated - claims by descendants; e.g. North American Indians or Maori
2. Culturally-Isolated - without descendants; e.g. Ancient Egyptians or bog-bodies

2. Ethics

Ethics, standards of conduct and moral judgment, surrounding human-remains attract passionate and significantly opposed views. Most bodies are buried with respect by those who loved the

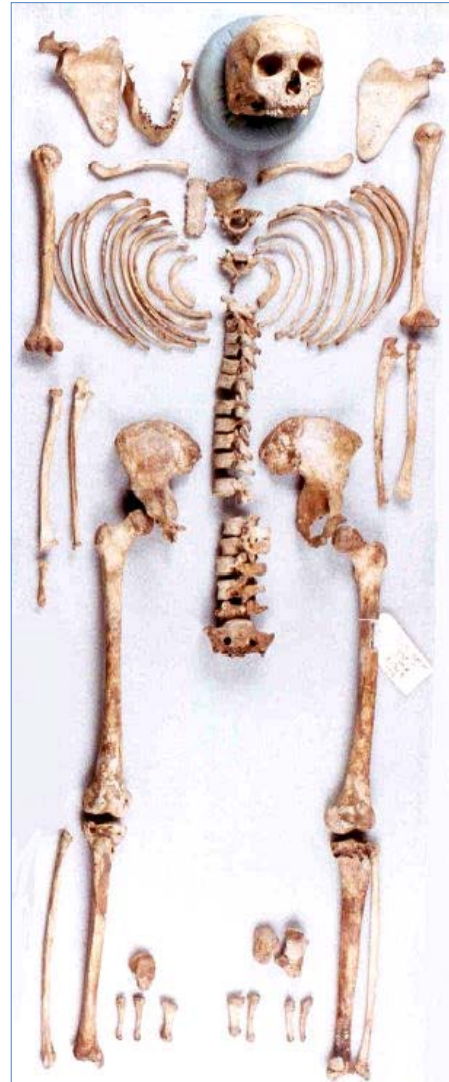


Figure-2: Human Skeletal Remains (DASD,1999:25)

deceased; the gulf between respecting the person's remains and our scientific interests have raised the fundamental question - is appropriate to disrespect beliefs and to use human-remains as items of curiosity or research?

Like many of the world's prodigious museums the Museo delle Antichità Egizie di Turin has a collection of Ancient Egypt human-remains. Romaldi (2006:81-82) explained that the funerary assemblage and body are an important source of knowledge and that human-remains assist viewers to contextualize the sacredness and develop an "empathy that should be associated with the preserved remains" and that "every relic carries a message of knowledge and evocative power." Romaldi attempts, and fails, to justify the exhibit by explaining that the curiosity felt by visitors might help them to "identify with the search for their own roots".

Didactic literature records Ancient Egyptian's beliefs relating to death and the importance of being buried in Egypt and protecting their bodies, including:

1. 'Tale of Sinuhe' narrates a courtier's yearning to die amongst his own people - "what matters more than my being buried in the land where I was born? (...) think of your corpse – and return [to Egypt]" (Parkinson,1998:21-53)
2. 'Harpist's Songs' records a sage's lamentation that when a tomb is destroyed then the tomb owner's eternal-life also ceases "where are their cult places? Their walls are dismantled as if they [tomb-owner] had never been" (Parkinson,1998:151-165)

The reasons offered by Romaldi for displaying these remains would attract criticism if the Ancient Egyptians existed as an indigenous-people - they cannot be consulted on repatriation so should we take their beliefs into consideration? If we fundamentally believe that indigenous-people's remains should be returned then we should apply the same consideration to those without a voice. Karen Exell (conversation 10-Jul-2009), Manchester Museum's Curator, considers it unlikely that Egypt will ever request repatriation and the museum has no alternative but to continue preserving them. This demonstrates that the returning remains will be sporadic and only happen where there is a strong ethical, financial or political interest in reburial or repatriation.

Museums, such as the Manchester Museum (2009) and the Museum of London (2006) have policies encompassing repatriation which claim to support repatriation after an extensive case-by-case review where the museum is the final arbiter. I believe these policies are, in-part, intended to be politically-correct but have made repatriation complex and they seems to reinforce that museums are undecided whether retaining human-remains is in their interests. The Museum of London policy is a jargon-of-words which suggests an intention of retaining their 17,000 human-remains by saying "a complex and multi-layered debate, influenced by concerns of Indigenous-peoples in other countries; the multi-cultural nature of modern society; as well as modern religious and humanist philosophies, medical ethics and museological concerns" – perhaps they are undecided between the arguments for science (retain) and beliefs (repatriate).

Indigenous-peoples have differing positions in discussions with archaeologists:

1. We can be certain that North American Indian's beliefs are not a recent politically motivated construction by quoting Chief Seattle's 1854 surrender speech (Turner,2008:190-192): "the ashes of our ancestors are sacred and their final resting place is hallowed ground (...) every part of this country is sacred to my people. Every hillside, every valley, every plain and grove has been hallowed by some fond memory or some sad experience of my tribe."

The North American Three Affiliated Tribes [Mandan, Hidatsa and Arikara Nations (MHA Nation, 2009)] stated “we’re going to put them [anthropologists] out of business” and “there won’t be a single Indian skeleton in any museum in the country”.

In West Virginia all excavated materials from the Adena Mounds, at a cost of \$1.8 million, were reburied within one-year (Meighan, 1992:704-705).

Rose et-al (1996:86) found that of 10,896 skeletons excavated in Arkansas/Louisiana 7,660 had not been examined, 2,479 only had their age/sex determined and less than 7% had been studied. These statistics seem to justify Native American's disrespect for Archaeologists.

2. Inuit people recognize different perspectives and that “People that are non-Native don’t quite understand our way of thinking and somehow, if we could close those gaps so they can better understand them” (Bielawski, 2008:228).
3. In the United Kingdom (Cambridgeshire County Council, 2010) 80% of people surveyed agreed that human-remains should be reburied and only when archaeologists had no further scientific use for them. The Museum of London’s surveys had similar/higher results (Swain, 2006:99).

Many authors supporting reburial propose “middle-ground” compromises where science and ethical concerns are both accommodated. I agree with Meighan (Meighan, 1992:705) that archaeologists are unlikely to quickly “compromise away” their entrenched belief in the necessity of retaining human-remains for study and nor are American Indians likely to concede that not every bone “of the past 12,000 years” belongs to their ancestors. However, over time, the positions of some tribes and archaeologists will moderate through the adjustment to both the perceived and real racism in western culture against ‘primitive’ indigenous-peoples. Until this happens I believe that we should be guided by Klesert and Powell (1993:351) that Archaeologists must accept that they do not ‘own’ the dead and the retention of human-remains must be on a case-by-case basis.

3. Finance

Museums depend on grants or/and paying audiences and one of their attractions is the audience’s curiosity for viewing human-remains (Celoria, 1966:161-164). There is little ethical justification in placing paying visitor’s curiosity over wishes to have ancestor’s remains returned but museums will consider this factor when responding to repatriation requests.

It may be an unrealistic expectation that, in North America, “there won’t be a single Indian skeleton in any museum in the country” but there is pressure to remove human-remains from display. If, as in West Virginia, all excavated material is reburied it will become challenging to convince taxpayers to invest in excavations and, shortly after, reburials (Meighan, 1992:707). Meighan adds that bequests/donations will be rarer if they are subject to repatriation claims. Universities, especially in the United States, may struggle to run archaeology courses should students find employment difficult to obtain – which is compounded by the added-risk of litigation.

Ironically many laws, such as NAGPRA, have increasing the work-load for institutions, archaeologists and indigenous-peoples (Bruning, 2006:502). This is positive because it encourages cataloguing and examination - Brickley and McKinley (2004:34) observe that it also encouraged standardizing the human-remains recording. Manchester Museum (2008) cataloged 1,397 human-remains and, using the four potentially Culturally-Affiliated North America remains, I must question the value of these unprovenanced remains:

1. Skull, lower jaw, very flat forehead; donated by Brocklehurst, 25-Mar-1904, North America, British Columbia, Fraser River
2. Skull with four teeth; donated by Wellcome Historical Medical Museum, 1951
3. Skull (stuck together, pieces missing), Tennessee
4. Skull, lower jaw detached, majority of teeth remain, dark brown

During the 1970s in the USA a number of Land-Claims were issued by Indians to reclaim land (Upstate Citizens for Equality,2001); for example the Oneida claimed that a 1795 treaty, where they sold 100,000 acres of land, was un-ratified and ownership should revert to the tribe. A similar claim at Hammond's Meadow, 22-acres of valuable coastal-land close to San Diego, was made by the Chumash on the basis that it contained the remains of their dead stretching back 13,000 years (Flynn/Laderman,1994:53-55,63). This highly-charged dispute was eventually resolved by preserving 3-acres of land for tribal use. Flynn and Laderman (1994:64,66) quoted that Hammond's Meadow is an "excellent example of religious claims used for political purposes ... including paid participation"; the Chumash were paid \$1.6 million for services at archaeological sites and archaeologists were paid \$6.6 million.

4. Politics

A 'backlash' to colonization is the indignation of indigenous-people that their political, economic and religious rights were stolen. The political forum has been used to expose the injustice of colonialism (imperialism within the United States) and one of its manifestations is the demand for the repatriation of ancestor's remains and legislation to prevent similar abuses. A cynical view might say this is revenge but, as Zimmerman (2008:211) says, "human bones have become symbols of power, both spiritual and political." Political systems, codified in national/international law, resolve conflict (Goldstein/Kintigh,1990:586) and the repatriation of human-remains often requires arbitration within a legal framework because the protagonists are unwilling or unable to compromise. Inevitably the reaction of some non-indigenous-people was that this is self-serving and financially motivated exploitation of the legal process. Gosden (2008:249), and I agree, believes that legislation is the "settler nations' attempt to come to terms with the indigenous-peoples". Over time, the rights of indigenous-people have been written-in-law which has inevitably led to the traditional 'rights' of archaeologists being challenged. Some demands for the return of artifacts have been made and I believe that there is an underlying concern that claims will eventually include non-biological remains.

Racism must also be recognized. An exhumation sparked one of the earliest US reburial incidents which exposed the differential treatment of human-remains - in Iowa a cemetery was relocated and the State Archaeologist had white-pioneer remains immediately reburied yet dispatched Indian remains for study (Zimmerman,1994:60-61). This was the traditional approach by archaeologists. Also, The Smithsonian Institute removed 1,000+ human-remains from Larsen Bay in Alaska between 1931-1936 including those of the recently dead (Elia,2003). In 1991 756 skeletons were repatriated but only after a legal battle overcame the Smithsonian's "resistance and defensiveness" (Moss,1995:583). America, in these examples, made racist and Eurocentric determinations by differentiating between Indian and non-Indian/European remains (Goldstein/Kintigh,1990:589).

South Africa's 1996 Constitution specifically protects the rights of communities and this was codified within the South African Heritage Resources Act. This law has been used to protect land at Oudekraal, an area of close to Cape Town with huge monetary value, which had 20 burials and 2 Kramats [Islamic sacred grave/shrine] from development by overturning a previous apartheid era ruling (Beukes,2009:67,78-79,82).

Egypt's current policy is unashamedly political and follows Trigger's characteristics of Nationalist Archaeology (1996:618-620). A mummy, possibly Ramesses I, was repatriated to Egypt (UPI,2003) and received full-state honours. Hawass, Secretary-General of Egypt's SCA whose interest focuses exclusively on repatriation of valuable artifacts, attempted to justify the highly-publicised repatriation by saying "returning antiquities to their original sites in Egypt helps restore their archaeological context and spiritual power" (National Geographic,2004) - ironically the Mummies' future is being displayed in the Luxor Museum. In Israel human-remains are used for nationalistic and territorial purposes (Weingrod,1995:10). The 1967 Six Day War's resulted in the occupation of the West-Bank, a historically-contested region, and the Prime Minister justified retaining control of the region saying "Israel would never retreat from lands where the bones of its ancient heroes were buried."

Australia has offered public apologies for their colonial past or, as Prime Minister Kevin Rudd said in 2008, the 'stolen generations'. Prime Ministers John Howard and Tony Blair in 2000 bilaterally agreed to increase efforts to repatriate Australian human-remains (Besterman,2009:109) and today the return of human-remains is "business as usual" (Pickering,2008:7) - political support has been so successful that the Ngarrindjeri [people of the Lower Murray River] have become overwhelmed with the number of Old People being returned (Wilson,2008).

The USA seems to have the most passionate and controversial conflict between 'science' and 'reburial' - possibly because the protagonists are from one nation. A number of Federal laws exist and the most controversial is the 1990 Native American Graves Protection and Repatriation Act (NAGRPA) which neither prohibits scientific study nor mandates repatriation but expects cooperation of divergent interests (Bruning,2006:505). NAGRPA heroically attempts to balance everyone's interests but ultimately fails because it requires that claimants are qualified through their cultural affiliation to the human-remains (Bruning,2006:508). One of the few legal challenges using NAGRPA to prevented the reburial of the prehistoric 'Kennewick Man' because archaeologist successfully challenged claimants to prove their continuous cultural affiliation; in this case science was unable to prove any affiliation (Layton,2008:1).

Unfortunately there are double-standards within US law (which only addresses the domestic situation). The US intends that all Vietnam casualties are repatriated and laid-to-rest with respect (Marines,2010). Yet the US resists the repatriation of indigenous-people - we should support Pickering's (2008:8) criticism of the double-standard that prevents the repatriation of Australian human-remains because US law does not compel it.

The struggle to come to terms with colonization, both for the nation and individuals, is complex and predictably some nations have made better progress than others. Repatriation and human-remains remains a visible focus and they are likely to remain so in the struggle towards justice and reconciliation.

5. Science

Scientists believe is in the ability to objectively test whether something is either true or false (Besterman,2003) and many feel that it is illogical to believe in life-after-death and that people do not have a 'spirit' and people who believe in an after-life are unable to accept the finality of death. For a scientist and believer to agree takes a common respect of their right to individual thought - yet much of science is based on the ability to advance knowledge through research using 'raw materials' - in this case human-remains.

Excavations allow archaeologists to learn about, or in many cases confirm, the burial customs of people and their material-culture but the human skeletal remains provide a significantly deeper understanding of the person's life and social context including human-evolution, population dynamics, social inequalities and genetic relationships, migration, age, sex, dietary reconstruction, living conditions and health as well as the geographic-region they lived and when they died (White/Folkens,2005:25, Steckel et-al,2006:70). Health, for example, can be analyzed within socio-economic groupings such as grave-goods, sex, children, the aged and infirm. Resources like the Wellcome Osteological Research Database, which is recording some of the 61,000 human-remains in 132 UK institutions (White,2006:106), give access to a wider knowledge-base and within the global environment.

Ötzi 'the Iceman' is a truly unique discovery. Without scientific investigation much of the following would be have been permanently lost (Fleckinger,2007:31-33,37-41,46,50):

Ötzi was 45.7 years old (elderly) when he died $\pm 5,300$ years ago, had blue eyes, long dark-brown hair, beard, 1.6m tall and weighed 50 Kg (emaciated). He was missing a twelfth pair of ribs (rare anomaly) and had 50+ tattoos.

His intestine contained einkorn-wheat, goat-meat and pollen from over 30 plant-types including the Hip Hornbeam which definitively dates death to late-spring when it flowers (Bahn,2003:87,90). Isotope analysis indicates that Ötzi lived in the Southern Tyrol, Vinschgau or Eisack Valley, engaged in copper metal-working and had contact with an agricultural community (Fleckinger,2007:94).

He suffered from Osteoarthritis, Arteriosclerosis, whipworm-parasites, fingernail Beau-Reil lines indicate periods of poor-nutrition, rib/nasal fractures had healed and had repeated frostbite. Worn teeth indicate stone-ground wheat and he had inherited Diastema but had no wisdom teeth.



Figure-2: Ötzi 'the Iceman'
(Museo Archeologico dell'Alto Adige,2008)

Ötzi died after being penetrated by an arrow in the left shoulder-blade, he had craniocerebral trauma with brain bleeding, a fractured skull and deep cuts to his right hand and wrist.

Many human-remains are significantly lost to science because they lack provenance and I agree with Pickering (2008:3) that these are "bones-in-a-box-in-a-corner-of-a-shelf-in-a-room-in-a-warehouse". Many collections, unlike Ötzi which had provenance and huge scientific, political and financial interest, are unlikely to ever be studied and even if they were their lack context restricts any knowledge being applied to their original environment. Provenance is a lesson which has been well-learned by Archaeologists. One potential use for remains in 'limbo' between being permanently retained by museums and un-returnable through lack of excavation history is population dynamics and genetic relationships. For example Werner (2009) describes DNA investigation on remains from Spain's Arab period which establishes their genetic association with North Africa. Exceptionally preserved skeletons may yield aDNA results (Mulligan,2006:365-366,371), the process is still in its

infancy and is both destructive and expensive but in 2008 Ötzi's mtDNA became the first sequenced ancient mtDNA (Genetic Genealogist,2008).

Science continues to make rapid advances and it is probable that future developments will simplify the extraction of DNA and allow science to definitively determine the affiliation of human-remains.

Future biological databases will map the spread of diseases and pathogens geographically and spatially allowing modern mutations of illnesses and bacterial infections, like MRSA, to be traced (Bekvalac et-al,2006:110,111). Science is not isolated in either the past or present; for example Schistosomiasis is both an ancient and modern parasitic disease effecting 200+ million people worldwide (WHO,2010). The UK Manchester Mummy Project, using Egyptian Mummies for scientific research is working with scientific and corporate organizations to develop methods for preventing and treating Schistosomiasis (Lambert-Zazulak et-al,2003:224). Mitchell (2003:171) hopes that archaeology and ancient remedies will be used to combat disease and epidemics; today this may be viewed as naive but future science, like Darwin's theories on evolution, may validate the concept.

6. Conclusion

The ethics of repatriation and reburial of human-remains will continue provoking passionate disagreement from the three groups of protagonists; those who wish to conduct scientific research, those who want their ancestors returned and those with a political/financial agenda. It is a compliment to our post-colonial societies that individuals can disagree about this emotive topic - 30-years ago such suggestions provoked condemnation from the scientific community and 150-years ago it may have constituted civil-disobedience.

Most debates concerning beliefs provoke some disagreement - it is predictable and even positive. I believe that over time negotiated solutions, acceptable to the majority, will be crafted for each geographic area. International agreements must also be forged, preferably by agreement rather than by inflexible legal processes. The agreements reached by Australia and the UK are good examples of how discussion can result in resolutions to the most contended issues. Conversely in the US situation continues to generate hostility and distrust.

I strongly believe in science and the acquisition of knowledge but, on balance, I agree that the rights of indigenous-peoples will continue to be abused unless their beliefs are respected and, if no alternative solution can be agreed, claims for the return of their ancestors must be supported.

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