



REPATRIATION: A CLASH OF WORLD VIEWS

[EDITOR'S NOTE: 'Repatriation' refers to the legislatively mandated return of human remains and specific categories of cultural items, currently housed in museums and other institutions, to culturally affiliated Native American groups. The point of returning materials in most instances is for purposes of reburial, though with regard to sacred items there is often an element of cultural revitalization involved. In this and the following two articles, Smithsonian anthropologists offer their perspectives on this increasingly important issue.]

Introduction

Repatriation is a topic of unparalleled importance in the museum world today, particularly as museum personnel struggle to meet deadlines imposed by law. There is also concern about the loss of museum collections. In addition to museums, repatriation is an issue of extreme importance for Native Americans, archaeologists, and physical anthropologists. In Indian country, there has been a ground swell of interest in and commitment to seeing the mandate for repatriation carried out. In the



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professional community, repatriation has had a profound impact on the way archaeologists 'do business' in the United States.

The idea of repatriation represents a highly charged issue where different currents of history, science, and politics converge. It is a point at which the interests of museums, Native peoples, archaeologists, and physical anthropologists intersect, where old relationships are being shattered and new ones forged. Repatriation has frequently been characterized as a clash of world views, the outcome of a head-on collision between diametrically opposed belief systems. It bears note that the two belief systems involved are not of equal valence within contemporary society. One system pertains to a subordinate minority group within the United States, the other to the majority. It took an act of Congress to move the scientific community to address the concerns raised by Native peoples.

For both Native people and non-Native scientists, human remains possess meaning. For many, if not all, Indian peoples, ancestral bones hold spiritual significance and power. For the scientist, skeletal remains are meaningful as sources of information: as 'data' for biomedical research, for studies of the evolution of human disease, and for solving forensic cases. For the physical anthropologist, human remains have been de-personalized and de-sanctified, though they are still highly meaningful. The fundamental differences in these two approaches to human skeletal remains relate to differences in world view and values systems.

Embedded within the repatriation movement are a number of fundamental issues that challenge our views of Native American peoples, call into question the "absolute" values of science, and force us to take a critical look at the role of museums in Western

society.

Repatriation may best be understood within the broader historical context of global decolonization. It parallels and is on a continuum with other indigenous movements around the world in which Native rights are being asserted. Among the issues being pressed are the right of control over one's own cultural heritage and the right to the sanctity of the grave.

In addition to human remains, the categories of cultural items encompassed within the repatriation mandate include funerary articles, sacred objects, and items of cultural patrimony. Legally, these items are defined as follows:

Funerary objects are items believed to have been intentionally placed with an individual at the time of death as part of a death rite or cultural ceremony.

Sacred objects are defined as specific ceremonial articles that are needed by traditional Native American religious leaders for the practice of traditional Native American religions.

Cultural Patrimony is defined as communally owned cultural property that has an on-going historical, traditional, or cultural importance central to a Native American group. Such objects, by definition, cannot be alienated, appropriated or conveyed by any individual, regardless of whether or not that person is a member of a Native American tribe or Native Hawaiian organization.

History of the Repatriation Movement in the U.S.

The idea of repatriation is rooted in the historical context of the civil rights movements

of the 1960s. During this period, Native Americans, like other minority groups within the United States, gained new-found political influence and recognition. It was during the activist climate of this era that some Native people began to express strong opposition to archaeological excavations, the public display of American Indian burials, and the permanent curation of Native American remains in museums.

The differential treatment of Native burials and the seeming disregard displayed by archaeologists toward them were seen as powerful symbols of oppression and the pervasiveness of racist practices for the Native community. In 1974, an activist group known as American Indians Against Desecration (AIAD) formed, with the explicit intent of bringing political pressure to bear on the question of the return and reburial of Native American remains. They argued that all Indians, past and present, are spiritually linked. As a result, modern Native peoples were responsible for the security of their ancestors' remains. They also argued that the removal and curation of human remains caused spiritual disturbance that could have a potential negative impact on the well-being of modern Native peoples.

Repatriation Legislation

Through the efforts of the AIAD and the widespread media attention it attracted, the repatriation issue slowly bubbled to the surface of public consciousness and eventually captured the attention of several sympathetic lawmakers. The first piece of legislation to treat this issue was the National Museum of the American Indian (NMAI) Act, which was passed by Congress in 1989. The principal functions of this Act were to authorize the transfer of the Heye Foundation's Museum of the American Indian collections from New

York to the Smithsonian Institution. This magnificent collection of Native American artifacts from all over the western hemisphere was to form the basis of the new National Museum of the American Indian. The NMAI Act also required the Smithsonian to inventory and assess the cultural origins of collections potentially affiliated with Native American and Native Hawaiian peoples. Human remains and funerary objects for which cultural affiliation could be established were to be offered for return to the appropriate tribal group. The idea that there must be a demonstrable relationship of cultural affiliation between the remains or objects in question and the tribal group to whom they would be offered for return was the cornerstone of this repatriation legislation.

The Native American Graves Protection and Repatriation Act (NAGPRA) was passed the following year, in 1990. This law expanded the repatriation mandate beyond human remains and funerary objects to include the categories of sacred objects and cultural patrimony. It also extended the applicability of this mandate to all federally funded museums, institutions, and agencies. The Smithsonian was explicitly exempted from NAGPRA due to the fact that it was already covered by the NMAI Act.

NAGPRA has four provisions:

1. To increase protection for Native American graves and provide for the disposition of cultural remains inadvertently discovered on tribal and federal lands;
2. To prohibit traffic in Native American human remains;
3. To require federal museums and institutions to inventory their collections of Native American human remains and funerary objects

within five years and repatriate them to culturally affiliated tribes upon request; and

4. To require museums to provide summaries of their collections of Native American sacred objects and cultural patrimony within three years and repatriate them if it is demonstrated that the museum does not have right of possession.

NAGPRA has been characterized as an important piece of human rights legislation for Native Americans. It also represents landmark legislation for museums in that it recognizes that scientific rights do not automatically take precedence over religious and cultural beliefs in the United States. NAGPRA has served to establish a new ethical outlook for museums in their relationships with Native peoples and other minority groups. It provides a framework within which museums and Native peoples can begin to develop new kinds of partnerships and collaborative relations. The passage of these laws represents the culmination of years of struggle for Native American groups. In essence, they legislate respect for the dead.

Issues in Repatriation

The central issue in the repatriation debate revolves around the question of whether Native American interests in reburial of ancestral skeletal remains take precedence over the interests of archaeologists and physical anthropologists in studying and preserving them. From the outset, repatriation was portrayed as a controversy between museums, archaeologists, and anthropologists on one side, and Native peoples on the other. Discussion between the various parties affected by the repatriation issue became very polarized and was often characterized as a debate between science and religion.

Portraying the repatriation issue in these terms had the effect of casting Native peoples as anti-science or anti-intellectual, playing upon and promoting stereotypes of Native peoples as "backwards" or "primitive." To escape this kind of simplistic analysis, it is more helpful to think of the controversy over repatriation as a clash between competing value systems rather than as one of science versus religion. This requires a recognition of the fact that science is legitimately subject to criticism on the level of values as well as facts. Anthropology and archaeology, and science in general, have their own agendas, their particular politics being a commitment to the story of progress.

To better understand the positions and world views of the protagonists in the repatriation debate, it is important to consider the arguments and issues from the different sides of the prism. From the perspective of Native Americans, the points at issue in repatriation revolve around the differential treatment of the dead, the lack of respect for Native beliefs and feelings, treatment of people as objects of study, and racism, as evidenced in disproportionate numbers of Native American remains given over to scientific study. From the professional community's point of view, the notion of repatriating collections for purposes of reburial is contrary to the most fundamental principles of preservation and conservation. The loss of collections is seen as an irreplaceable loss of data for scientific and educational purposes. The different issues embedded in these two world views are elaborated upon below.

Native Concerns:

1) Many museums, the popular media, and public school texts present stereotypes of Indian peoples as foreign and vanishing members of a different race, distinct and apart from the rest of us. The generally held belief

that Native cultures would become extinct in North America was one of the original justifications for the collecting practices of museums and the work of anthropologists in the 19th century. Reburial is an important political issue on the Indian rights agenda in part because, by asserting their rights to protect the sanctity of their ancestors, Indian people assert that they have not vanished, and that their beliefs and feelings are entitled to the same respect as other Americans;

2) Native Americans view the collections of Indian human remains housed in museums as disrespectful, racist, and colonialist. To many, the collecting of their ancestors' bones by museums is a source of pain and humiliation, the last stage of a conquest that had already robbed them of their lands and their way of life. They cite, as evidence, museums' institutionalized treatment of Native Americans as objects of natural history, in

which elements of their traditional lifeways are collected as specimens, and the remains of their ancestors are collected like fossils. Native peoples ask what knowledge has been produced through the study of these remains that is of value to them. They also want to know why museums need so many skeletal remains to study;

3) There is a question of differential respect for the sanctity of the grave. Native peoples ask why Euro-American burials that are accidentally exposed or uncovered are reburied elsewhere, while Native American burials are sent to museums or universities for further study. Indian arguments for the sanctity of the grave tend to be based on beliefs in the sacred nature of burials, and a concern for the spiritual well-being of the deceased. Their concept of ancestry is a communal one that compels respect for the dead even in the absence of direct familial



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relations. The differences in attitudes between Euro-Americans and Native Americans may be seen to revolve around secular versus sacred constructs with respect to the sanctity of the grave and individual versus community responsibility to one's forebears; and

4) There is also the question of who controls the past; who has the right to interpret and write history. Native peoples have, for the most part, been denied the ability to interpret their own past. There has been a general refusal by scientists to admit to different ways of knowing, understanding, or interpreting the past. The past has been traditionally seen as the privileged domain of archaeologists. This is related to the elevation of Science as the supreme epistemology and the corresponding devaluation of other ways of 'knowing' the world, such as through oral history, legend, and myth. In the context of de-colonization, the past forms a critical locus in the struggle to reconstitute cultural identities and culture histories that have been severely impacted by the relentless drive and destructive policies of the State. The past forms the raw material for many and varied interests besides those of archaeologists, to be appropriated, preserved, exalted, or denied as required in the service of contemporary goals and motivations.

Museum/Scientific Concerns:

1) For many in the museum world, the notion of repatriating collections for purposes of reburial runs contrary to the most fundamental principles of preservation and conservation. It is viewed as tantamount to the purposeful destruction of knowledge. Museums are seen, by those who value them, as storehouses of data for future research. Physical anthropologists argue that the materials now in the collections provide information on the history and descent of the people represented;

new developments in the areas of DNA research, genetics, and chemical analysis in the past decade may hold the key to such questions as the peopling of the New World, human origins, and the evolution of disease;

2) Scholars also make the argument that archaeological finds in this country constitute the 'national heritage' and don't belong to one 'special interest group.' Since all humans are members of a single species, and ancient skeletons are the remnants of non-duplicable evolutionary events, all living and future peoples have a right to know about and study these human remains. That is, ancient human skeletons belong to everyone;

3) It was museums and anthropologists who were, in large part, responsible for the preservation of knowledge of Native American lifeways when Native cultures were on the wane or in the process of being systematically destroyed during the late 19th and early 20th centuries. Museum people note with no little irony that in cultural revitalization movements, Native peoples have often recovered information on their heritage and traditions from the very institutions they now oppose;

4) It has also been argued that it would be racist *not* to have collections of aboriginal remains in New World museums. Such a situation would imply a lack of interest in the history of Native peoples of this continent.

Positive Outcomes of Repatriation

While the passage of the recent legislation provides a partial answer to the question of 'Where do we go from here?' the laws do not fully settle the issues. The murky language employed by the authors of the federal Acts leaves a number of technical and philosophical questions unreconciled.

These may prove to be intractable unless we are able to understand the repatriation issue within the broader sociopolitical and historical context of global de-colonization. What we're witnessing with the repatriation movement is a struggle for self-determination and control over cultural heritage. This struggle represents an effort on the part of indigenous peoples to reconstitute a collective cultural identity, in the aftermath of colonialism.

While having a direct and profound impact on Native communities in this country, repatriation also can be construed as a step in the right direction toward improving relations among Native peoples, anthropologists, and museums. Repatriation legislation provides a framework within which to develop better lines of communication and foster greater understanding and dialogue between the different parties affected. The change in attitudes and values developing out of encounters based on the repatriation mandate has begun to lay a foundation for museums, anthropologists, and Native peoples to work together in a spirit of mutual cooperation and collaboration.

Repatriation Process at the National Museum of Natural History

The Smithsonian Institution's physical anthropology division in the National Museum of Natural History (NMNH) houses about 28,500 sets of skeletal remains. At one time, Native American remains numbered approximately 17,600 individuals; the remainder of the collection is made up of Euro- and African-Americans, and Europeans, Africans, and Asian peoples from various parts of the world. These collections were developed during the first half of this century, through the efforts of the Smithsonian Institution's first physical anthropologist, Aleš Hrdlička.

The repatriation mandate requires the Smithsonian to inventory and assess the cultural origins of collections potentially affiliated with contemporary Native American and Native Hawaiian peoples. Affected tribal groups are to be notified of the Museum's findings and consulted with regard to the disposition of culturally affiliated remains or objects. The Museum facilitates the return of the materials in question upon the request of the affiliated tribal group.

One of most sensitive collections in the NMNH is the Army Medical Museum collection of skeletal remains, which were transferred to the Smithsonian around the turn of the century. This collection contains about 2300 sets of remains, many of which date to historic periods and are explicitly identified with regard to cultural origins. The Army Medical Museum was founded in 1862 to perform biomedical and pathological studies on the Civil War dead. At the close of this War, the emphasis of the Army Medical Museum shifted to the collection of Native American skeletal remains. With the outbreaks of the Spanish-American War and World War I, research funding was diverted away from the museum, and its collecting function ceased.

The repatriation legislation offers little in the way of technical guidelines for how to proceed with this effort. It was thus left to the Museum to set up a workable program, which involved the establishment of a formal Repatriation Office. To date, much attention has been focused on the historical remains, with the Army Medical Museum collections being the most sensitive. Museum personnel continue to work through these collections, documenting specific information relevant to cultural identification from each set of remains.

In addition to responding to requests, the NMNH also takes a pro-active approach to the

inventory process. Groups that have not contacted the Smithsonian Institution are notified if collections of potential interest to them are identified during the inventory process. In addition to the documentation of physical remains, the Repatriation Office of the NMNH is also producing summaries of the ethnographic collections.

From a core staff of four in September 1991, the office has grown to include 20 regular staff and six full-time contractors. The Museum has sponsored eleven Native American professionals, students, and interns to date, one of whom is now a permanent member of the staff. The office currently has about 35 formal repatriation requests on file. These are handled on a first come, first served basis. Fifteen separate repatriations have been completed to date by the NMNH, and twelve others are in progress.

Outreach

In addition to the inventory and documentation work of the Repatriation Office, outreach efforts to the Native American community are a high priority. Repatriation staff have travelled to the Pacific Northwest, the northern Plains, Oklahoma, the Southeast, the Southwest, and Alaska to meet with leaders of different tribal groups. The purpose of these visits is to provide information on the repatriation program at the NMNH and collections of potential interest to the tribes. Staff members have participated in a number of the regional consultations held by the National Museum of the American Indian in various parts of the country as well.

A standing committee made up of five independent, external individuals is in place to review any disputed cases. Three of the members of this committee were elected by the Native American community. To date, there

have been no disputes for the committee to arbitrate.

It is important to remember that there is no Pan-Indian religion or single viewpoint on how to deal with the dead. Cultural protocols vary by tribe. Some Native groups feel that the housing of the dead in museums threatens the spiritual harmony and balance of the world; many say they personally feel the spiritual disquiet of their ancestors who are stored in museums. Another viewpoint is held by the Zuñi tribe, which does not want skeletal remains returned to the Zuñi reservation at this time. They feel the remains have been desecrated, and there is no method of dealing with them in any traditional Zuñi way. The Zuñis avoid the disturbance of grave sites when possible, but when a burial must be exposed (due to construction, for instance), the remains are excavated by an archaeologist, and basic information about the individual is determined by a physical anthropologist. The remains, along with all grave goods, are then reburied out of harm's way, as close to the original burial as possible.

The returns conducted to date have varied. The procedures have ranged from museum personnel boxing and shipping remains, to private ceremonies held in the museum by tribal representatives, to very public ceremonies. An example of a particularly interesting case study from the Northwest is discussed below.

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