

# **THE CONFLICT BETWEEN SCHOLARSHIP AND THE REPATRIATIONISM MOVEMENT**

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## **I. INTRODUCTION**

The subject of repatriationism involves two distinguishable issues, one legal and one philosophical. As to the legal issues, there are two federal repatriationism statutes: first, the National Museum of the American Indian Act, which covers only the collections held by the Smithsonian Institution and the former collections of the Heye Foundation; and second, the Native American Graves Protection and Repatriation Act (NAGPRA), which covers all institutions which receive federal funds, and also all remains found on federal lands and Indian reservations. There are also administrative regulations issued pursuant to the statutes, but thus far there have been only a few court decisions litigating the disposition of remains under these two statutes.

The philosophical issues concern the repatriationist movement or ideology, which constitutes the principal focus of this article. By the repatriationist movement or ideology, we mean the view that any presumably “legitimate” spokesman for American Indians should not only have a right of veto over the final disposition of biological and cultural remains of American Indians, but should also have a veto over all scholarly research concerning American Indians, specifically to determine whether such research adversely affects the putative interests of American Indians, or in some fashion contradicts their traditions or beliefs.

Both the statutes and the repatriationist ideology are particularly concerned with items associated with the human body, including skeletons, grave goods, and other similar items. In this article, we will concentrate primarily on human remains, with the proviso that the repatriationist movement, and to some extent the repatriationist statutes, also extend to clothing, artifacts, and various other cultural items that are not necessarily associated with burials.

## II. THE VALUE OF SCHOLARLY STUDIES OF THE DEAD

### A. BIOLOGICAL INFORMATION

Human remains, usually bones, but also including mummies and other parts of the body (e.g., hair, skin, nails), are extraordinarily valuable sources of information about a population's biological history. Indeed, even where there is a reasonably well documented historical record, as for example from medieval to modern Europe, human remains provide information that may be entirely missing from those historical records, or may perhaps be represented in very inadequate or misleading fashion.

The traditional anthropological approach to the study of human remains has focused on anatomical relationships, i.e. those details which show similarities suggestive of common ancestry. The standard methods of studying such biological relationships centered around measurements on the skull, teeth, and postcranial remains, and on indices (i.e., proportions) derived from these measurements. In addition, there are other observations which can be made about the human skeleton, particularly taking note of various abnormalities or rare conditions of the bones, many of which have a hereditary basis. In most cases, these relationships or similarities are also strongly suggestive of common descent. More recently, the ability to extract DNA from bones has provided a remarkable new body of data for the study of genetic relationships within prehistoric human populations. Although DNA tends to degrade when the human body is buried, there are techniques now available for extracting such "ancient" DNA, techniques which can be expected to become more sophisticated in the future.

A second focus of interest regarding biological information is the demography of the prehistoric population, namely age and sex profiles, mortality rates from infancy to adulthood, and any other body of information that can be derived concerning the biological composition of the population. These data in turn are quite helpful in reconstructing diet, disease, nutritional status, and general health and welfare, as well as the biological consequences of various cultural practices.

Injuries to the bone are well represented in skeletal remains, and constitute one of the most valuable sources of information from archeological remains. Fractures and their patterns of healing, or non-healing, give a great deal of information about the dangers of

everyday life, from hunting accidents to warfare to other violent encounters, as well as a variety of distinctive cultural practices, from cranial deformation to foot binding.

In addition to the above traumatic injuries, bones also give indications of wear and repetitive stress, such as result from use of tools and weapons. For example, wear on the bones of the shoulder girdle suggests the use of the shoulder in repetitive activities such as canoe paddling. Wear and stress on the bones of the hip, knee, and ankle joints may indicate excessive walking in connection with subsistence or other activities

Diseases, as opposed to traumatic injuries, are also well represented in the bones. The study of human remains from the New World has focused particularly on tuberculosis and treponemal diseases (the various forms of syphilis, pinta, and yaws). Such evidence bears not only on the issue of endemic prehistoric health, but may also demonstrate the effects of Old World diseases introduced after European contact, as well as the possibility of pre-Columbian contacts between Asia and the New World. More recently, the ability to extract the DNA of disease bearing organisms from bones and mummies has given a great boost to the study of prehistoric communicable diseases.

Through another recent development, bones have become an important source of information about prehistoric diet. This is due to breakthroughs in bone chemistry, by which such common elements as carbon and nitrogen, and such rare elements as strontium, can give valuable information about the overall quality of the diet, particularly longer-term dietary deficiencies, as well as basic dietary sources (e.g., domesticated plants, seafood, wild plants, land animals, and so forth).

## B. CULTURAL INFORMATION

In addition to providing information about the biological condition of the population, the “context” in which human remains are found provides valuable information regarding cultural practices, attitudes, and beliefs of the peoples being investigated. A great deal of the information associated with human remains consists of burial practices and the spiritual and social institutions represented in those practices. It is a common practice, even in materially poor societies, to invest a great deal of labor and wealth in the disposal of the dead by constructing tombs, mounds, and other structures, and by burying highly valued artifacts with the dead. The artifacts themselves are often

the most finely designed and decorated materials produced by the culture, and in turn may provide evidence about an individual's social status, the diffusion of artistic and religious motifs, and trade patterns for both raw materials and finely crafted finished goods.

Even the skeleton itself, quite apart from its accompanying grave goods, is extremely suggestive about cultural practices. Burials are sometimes oriented "geographically" or "astronomically" (e.g., head directed toward rising sun or body oriented toward a sacred spot). The body may be interred in a manner that suggests that the soft tissues were still intact, or it may take the form of a "bundle burial," which suggests that the bones of one's ancestors were defleshed and kept for some period of time before being buried. Among some of the early historic peoples of the northeastern United States and southeastern Canada, for example, it was common for an entire village to retain the defleshed bones of its ancestors for several decades, then to bury them all together in one large ossuary pit.

Other cultural practices represented by bones include the consequences of warfare, the collection of trophies, human sacrifice, cannibalism, and the post-mortem treatment of those thought to be witches, whose remains were in some instances broken and/or dismembered.

### C. PRESERVATION AND CONSERVATION

For the types of studies which we have just reviewed, it is clearly essential that human remains be carefully curated and preserved in museums or other secure locations, in order that they be made freely available to scholars for continued study. Even if the remains have been thoroughly studied by existing methodologies, the emergence of new scientific techniques and historical/theoretical perspectives will undoubtedly result in the discovery of novel information and insights into prehistoric life.

## III. DANGERS OF REPATRIATIONISM

### A. THE DENIAL OF PUBLIC AND SCHOLARLY ACCESS TO BIOLOGICAL AND CULTURAL REMAINS

The most obvious result of the strict practice of repatriationism is that the wide range of biological and artifactual materials discussed above will be far too quickly turned over to the presumed - and often self-appointed - representatives of contemporary Indian tribes. Not only may such individuals have little or no biological connection with the prehistoric remains themselves, they may also lack the scientific and/or professional competence to evaluate their significance. As a result, the remains will be unavailable for study by serious scholars and subsequent appreciation by the public. Although to our knowledge, there is no accurate inventory of the total number of skeletons which have thus far been repatriated, the number seems to be in the tens of thousands. In many cases, these are prehistoric skeletons whose relationship to any modern group is tenuous at best.

In addition to simply giving up control over such remains, many public and private institutions have refused even to exhibit human skeletal materials, for fear of giving offense to the putative spokesmen of historic Indians. This was the case in the early 1990's with Dickson Mounds, in west central Illinois, where a remarkable collection of bones, excavated and kept in place in the original cemetery, introduced the public, over a period of decades, to the valuable data to be derived from research in prehistoric archeology and physical anthropology. Under protest from Indian groups who claimed to represent the modern descendants of the aboriginal inhabitants of Dickson Mounds, this burial exhibit was sealed off and buried in an artificial structure.

While late prehistoric and historic remains can in some instances be connected with reasonable certainty with historic groups, repatriationists have unfortunately not limited themselves to the last 500 years or so. A prime example is "Kennewick man," found along the Columbia River in the State of Washington, and reliably dated to about 9000 years ago. Despite his great age, a coalition of modern tribes demanded that these exceptionally complete skeletal remains be turned over to them for reburial, an act that was only prevented by several years of intensive litigation. A similar situation now obtains for Spirit Cave Man from Nevada, also the subject of ongoing litigation.

## B. RECKLESS ACCUSATIONS OF RACISM

One of the favorite tactics of the defenders of the repatriationist movement is to claim that anthropology and the natural sciences are inherently racist disciplines, and

represent nothing more than an expression of Western imperialism. Anyone who is familiar with the literature of professional scientists involved in the study of these remains knows this accusation to be false, but these tactics often put legitimate scholars on the defensive and also, in these hyper-sensitive politically correct times, tend to inhibit or shut off further debate. It is also ironic that the repatriationist movement has chosen to engage in a sort of reverse racism, whereby identifiable Caucasian skeletons and mummies can be the subject of continued study, photography, and publication, whereas similar remains of American Indians are either not studied at all, or become the subject of regrettable self censorship by scholars fearing the accusation of racism. Clearly, it is difficult to engage in objective and even-handed anthropological research as long as these kinds of reckless accusations are given public credence.

### C. THE SUPPRESSION OF INDEPENDENT THINKING

Unfortunately, the demands of the repatriationists are not limited to closing off access to cultural and human remains. They also attempt to establish an “unexamined orthodoxy” which genuine scholars are subsequently expected to follow. This is clearly threatening in that no serious scholar will want to undertake an objective study of Native American archeology, linguistics, physical anthropology, folklore, or history, for fear of offending some overly sensitive representative of the repatriationist school, or of contradicting the putative traditions of the particular group that he is studying. In point of fact, it is not uncommon for scholarly investigations to demonstrate that a group of people, whatever its nationality or race, holds opinions as to its origin which are *not* supported by the evidence. This is as true for European peoples as it is for American Indians. Yet there are frequent repatriationist demands that anthropological research be “covenantal,” i.e. that it defer to the traditional beliefs of the American Indian tribes as to their origins, migrations, cultural and biological relationships, and the source of their institutions. Should a serious scholarly investigation show that some of these beliefs are questionable or unfounded, as it often does, the repatriationists may then demand that such evidence be suppressed.

#### D. CREATION OF A PRIVILEGED RACIAL AND ETHNIC CATEGORY

The repatriationist movement is part of a much larger movement whose stated purpose is to benefit “indigenous peoples” or “First Nations.” While it would take a book to even summarize this larger ideology, suffice it here to say that the proponents of this ideology attribute unique moral value to an ancestry which is derived from an “indigenous” group, and maintain further that members of such groups should have special legal rights not available to other peoples. Since any area of the world with any sort of complicated history will have many groups that are in some sense “indigenous,” the ambiguity of the term by itself should be enough to disqualify it from serious consideration. However, even assuming that we can derive an adequate definition of indigenous, it does not follow that people who can trace their ancestry to such groups should be presumed to be morally exceptional or should be given distinctive legal rights. Anthropology, like all scholarly disciplines, should treat all of the subjects of its studies according to the same rules, and its findings and interpretations should be equally available to everyone. Anyone with a serious interest in the population being studied should be able to make a positive contribution, regardless of his putative racial background, nor should such background be seen as giving him any superior insight or moral standing.

#### IV. CONCLUSION

The study of human remains from archeological sites, and the evidence of cultural practices which accompany them, have long been valued sources for human biological and cultural history. Within the last few decades, a remarkable number of new techniques have appeared which greatly increase the value of those remains. However, during the same period, the repatriationist movement has gained great influence among Indian activists, academics, and a number of government agencies. While these two developments have occurred more or less simultaneously, the philosophical rationales that support them are diametrically opposed. On the one hand is an approach characterized by objective and scholarly study which, despite its many mistakes and imperfections, has given us an increasingly accurate record of the past, a record which is available to any interested scholar or member of the general public, regardless of racial

or ethnic background. On the other hand is a biased and almost completely unsubstantiated racial and political ideology which demands that objectively derived information about the past be suppressed or distorted to support the questionable claims of those who purport to speak for contemporary Indian tribes.

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