

# Ethics in archaeology



Scientists, particularly western scientists, consider the remains of human beings as an important tool in scientific studies concerned not only with investigating man's migration patterns in the past, but also in understanding the early relationships which existed among the different populations in the world and the effect that different environments have on body form. Scientists involved in this field of study, however, emphasize that although they are driven by their commitment to science, it is never their intention to desecrate the burial places of native peoples.

Their views have been contradicted by an archaeologist from London, however. Cressida Fforde, who is connected with the Institute of Archaeology at London's University College, argued that it is not ethical for archaeologists to handle the remains of human beings for whatever reason. According to Fforde, scientists who study human remains do not only do it for the sake of science but also to establish the superiority of colonizers over the natives whom they consider inferior and therefore would like to establish as such. (Appleton, 2002).

This was in fact believed to have been the opinion adopted by indigenous leaders during the later half of the twentieth century. Representatives of native peoples then started asserting "that their emotional and spiritual link to the bones outweighs the interests of science" and that the time had arrived when the damage already inflicted on them should be recognized and consequently redressed by repatriating the excavated bones to the tribe where such bones rightly belong. This belief gave birth to the repatriation movement in the United States (Appleton, 2002).

American Indians define the repatriation movement as an attempt on their part to be “ recognized as living human beings, who have children and relatives – and ancestors. ” According to them, caring for their dead is the only characteristic that effectively distinguishes them from the lower forms of animals. Most people consider Maria Pearson, a member of the Yankton Sioux tribe who was married to an engineer employed by the Department of Transportation of Iowa, to have actually inspired the movement.

She was believed to be the first Indian to have registered her protest against what she called a “ differential treatment” given to dead Indians. This happened way back in 1971 when a cemetery with Indian and white tombs was discovered by Iowa’s Department of Transportation. When she was informed by her husband that the bones belonging to white persons were buried again while those of the dead Indians were turned over to the Office of the State Archaeologist, she immediately filed a complaint with the office of then Governor Robert Ray.

Her action started a struggle for control over the remains of American Indians found in Iowa which culminated in the enactment of the pioneering Iowa Reburial Law after six years. Her work with newly appointed Iowa Archaeologist Duane Anderson also resulted to the protection of all burials located in the state of Iowa since 1976 (Hirst, n. d. ). Because of her efforts, repatriation became not only a nationwide issue in the United States but also in Australia. There were claims of Indian disinterest, though. Some quarters observed that the repatriation movement failed to draw the cooperation of many Indian tribes in the 1980s.

According to Russell Thornton, a professor of Anthropology who was employed by the Smithsonian Institute in Washington, D. C. , the museum did not get any response from majority of the Indian tribes that it contacted regarding the repatriation of Indian remains. In spite of this disinterest on the part of some Indian tribes, the governments of the United States and Australia became active in repatriating Indian remains. In 1990, the Native American Graves Protection and Repatriation Act (NAGPRA), was signed into law for the purpose.

Under the statutory provisions of NAGPRA, all institutions which received funding from the federal government were required “ to document all Native American human remains and associated funerary objects, and then to offer them repatriation. ” As a result, several thousands of Indian remains were repatriated and reburied (Appleton, 2002). Unfortunately, an incident which occurred in 1996 resulted to serious disagreements among the supporters of NAGPRA. One of the oldest skeletal remains discovered in the United States, the Kennewick Man, was found in July 1996 in the Columbia River bank near Kennewick, Washington.

Believed to have lived more than 9, 000 years ago, the Kennewick Man remains was repatriated by the Army Corps of Engineers to the Umatilla tribe without requiring the tribe to evaluate the human remains and “ establish a cultural relationship as NAGPRA requires” and was subsequently re-interred. The decision by the Army Corps of Engineers precipitated a court case filed by eight anthropologists who wanted to study the remains, and the Colville tribe.

On August 30, 2002, presiding Magistrate Judge John Jelderks of the U. S. District Court in Portland, Oregon, decided that the Kennewick Man should not have been covered by NAGPRA because it was not properly identified with any Indian tribe. The ruling was appealed to the Ninth Circuit Court of Appeals. (Friends of America's Past, n. d. ). As a direct result of that case, amendments to NAGPRA were introduced in the U. S. Senate by Senator Ben Nighthorse Campbell (S. 2843) in 2004 and by Senator McCain (S. 536) in March, 2005, for the express purpose of preventing similar cases in the future (National Congress of American Indians, 2005).

The amendment was revived in the U. S. Senate on October 1, 2007 under S. 2078. However, the Bush administration had already registered its opposition to the amendment as early as July, 2005. Similar opposition was also raised by scientists belonging to the American Association of Physical Anthropologists and the Society for American Archaeology who supported the original NAGPRA (Indianz. com, 2007). The question of human remains is undoubtedly an ethical issue. Hirst was absolutely correct when she said that man's practice of caring for the dead is what distinguishes man from other animals.

Regardless of ethnicity, religion, economic status, and nationality, human beings respect their dead relatives and ancestors and do not want their burials desecrated for any purpose. Lives are being sacrificed in other countries defending such burial sites because people consider them sacred. This is the reason why the Roman Catholic Church celebrates November 2 of every year as All Souls' Day – because they want to pray for the souls of their departed whom they believe to be staying in purgatory. Whatever

beliefs other peoples have concerning their dead – including the Native Americans – should be respected by everybody.

This is also the primary reason for the existence of the tomb for unknown soldiers or the tomb for unknown heroes in America and other countries. The scientists who supported NAGPRA should be admired because in spite of their interest and commitment to scientific studies, they decided to respect the rights of American Indians to have the remains of their ancestors repatriated for proper re-interment instead of being displayed in museums. Their action showed that besides being scientists, they, too, are human beings who also respect and care for their dead.

NAGPRA, which provided for the repatriation of Indian remains, should also be implemented correctly, without undue haste, and free of bias. The original form of NAGPRA which required federal agencies to evaluate, document, and establish cultural relationship with Indian tribes before repatriating human remains was already adequate for the purpose. In other words, it should no longer be amended since its underlying purpose that human remains should only be repatriated to the proper tribe and not just to any Native group is ethically correct.

This reasoning gives credence to the opposition raised by scientists against the proposed amendment. If cultural relationship could not be established with any Indian tribe, the human remains should be considered out of NAGPRA coverage because then no rights would be violated. The reason could be that, as in the case of the Kennewick Man, the remains could have lived long before any Indian tribe had ever lived in the country. If such is the case, therefore, scientists should be given their right to study such remains

for the possible discoveries that they could make which might later benefit the whole of mankind.

#### References

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