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Scientific Research and the Autonomy of Indigenous Peoples: The Case of the Kennewick Man

Year

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Description

This case discusses issues of research on human subjects, consent and value of scientific research, specifically the case of the Kennewick Man; the debate over the ethical and social-political issues surrounding the relation of archeology and archaeologist to indigenous peoples and the appropriateness of laws such as the NAGPRA to resolve these issues.

Body

NAGPRA -- History and Objectives

The Case of the Kennewick Man

Native American Arguments for Repatriation

Archaeological Arguments Against Repatriation

Although the dead can't speak, they do tell tales. But who should be allowed to determine what stories the dead are telling? The question of rights over disposition of human remains raises issues of research ethics when archaeologists and physical

anthropologists attempt to study the ancient remains of indigenous peoples in North America. The case of the Kennewick Man, a recently discovered Paleo-Indian man, illustrates the difficulties of such research. The problem confronting archaeologists, physical anthropologists and Native Americans has broader implications for the practice of science. In this case study, the ethical practice of science and the relation of science to the values of indigenous people is considered.

NAGPRA -- History and Objectives

Until recently, archaeologists encountered few obstacles in excavating and studying the remains of the dead; Native Americans had little or no voice in the planning or execution of archaeological research. Recent activism and lobbying by Native Americans resulted in the passage of the 1990 Native American Graves Protection and Repatriation Act (NAGPRA). NAGPRA was enacted to address complaints that archaeologists and museums had appropriated human remains and sacred objects that were not rightfully theirs to control. As the act is currently written, Native America tribes can reclaim human remains and grave goods to which they can establish a cultural affiliation. Affiliation can be demonstrated through a variety of criteria, which include geographical, biological, archaeological, and anthropological information; historical data; oral history; expert opinions; or other relevant information.

In some cases, determination of affiliation is a difficult and complex process. For example, cultural affiliations to artifacts and sites that are more than 1,000 years old usually cannot be scientifically (i.e., archaeologically) established. However, some Native American tribes use their oral histories, which state that tribal ancestors have been in North America since the beginning of time, as evidence for affiliation in such cases. Although NAGPRA was created to relieve tensions created by research on Native American societies and to ensure equitable treatment of the Native Americans, it has generated fierce debate over who has legitimate claims to the use, ownership and/or control of remains of indigenous peoples.

Discussion Questions

1. Are there values that are more important than the value of scientific research?

2. Is cultural autonomy one such value?

3. Is NAGPRA a suitable means for addressing the problem of the disposition of Native American remains?

4. Are there moral or ethical considerations that are more important than following the letter of the law? If so, what implications does that have for limitations to scientific research, not just in archeology, but in all disciplines?

Back to Top

The Case of the Kennewick Man

The United States Army Corps of Engineers recently faced a difficult repatriation case. In the fall of 1996, a Paleo-Indian skeleton was discovered eroding from a shallow river bed in Washington. The river is overseen by the Corps of Engineers, but it runs through the current property of the Umatilla Tribe. Initial study of the skeleton revealed a number of Caucasoid features, suggesting that it belonged to a white settler from last century. However, further analysis revealed a Paleoindian point imbedded in the skeleton's pelvis. Radiocarbon dating of the bone also indicated a Paleoindian age. With no known white settlers from Paleoindian times, the skeleton had to be ancestral to Native American populations. The age and completeness of the skeleton make it a rare find.

Using NAGPRA as its basis to reclaim the body, the Umatilla Tribe filed a request for repatriation with the Corps of Engineers. Initially, the Corps agreed to repatriate the skeleton to the tribe, who planned to rebury it immediately. However, a group of archaeologists and physical anthropologists filed an injunction in federal court to prevent repatriation and to secure the skeleton for future study. Before the court ruled on the injunction, however, other tribes who also have links to the area filed repatriation requests with the Corps of Engineers. The Corps decided that it needed more time to review the case and the competing claims.

Back to Top

Native American Arguments for

Repatriation

Native American groups present a variety of arguments for repatriation. Some groups argue that archaeological and biological study is unnecessary because tribal history is already well known within each tribe through myths, oral history, written documents, etc. Archaeological study of human remains is viewed as a form of grave robbing and desecration. To help nonnative people realize that concern for proper treatment of the dead is not unique to Native Americans, they often pose the provocative question, "What if these were your grandparents that were being dug up and studied?" Repatriation is seen as the key to ensuring that ancestors are treated with respect. In some instances, it is believed that maltreatment of ancestors does more than show disrespect; it has negative effects on the ancestors and even on existing peoples. Some Native Americans completely reject the contributions of scientific archaeological research and consider the theories of migration across the Bering Strait and evolution as myths of Science. To these individuals, the archaeologists' claim that study is necessary is simply another example of Euro-Americans' attempts to control native peoples by controlling their sense of history and values. Finally, Native Americans have argued that the age of Kennewick man's skeleton does not shed doubt on its Native American ancestry; the skeleton's age only proves that Native Americans have been in North America as far back as their history recalls.

Discussion Questions

5. Should science defer to the wishes of indigenous people?

6. Are there times when the importance of scientific information outweighs the wishes of indigenous people?

Back to Top

Archaeological Arguments Against Repatriation

Archaeologists oppose NAGPRA for a number of reasons. First, they do not consider

their research inherently disrespectful or equate it with grave robbing. Archaeological research is often (although not always) fueled by an intellectual curiosity that is based on admiration of and respect for the culture being studied. In their view, the scientific rigor by which much (although certainly not all) research is conducted is a form of respect. Archaeologists feel that they have been trained in the techniques with which cultural resources can be protected for perpetuity, not harmed. They also argue that their research provides insights about Native Americans for Native Americans. Archaeologists present the scientific value of their research as another argument against repatriation. Physical remains help archaeologists to understand ancient migration patterns, the peopling of the New World, prehistoric health, the size of prehistoric populations, etc. Grave goods provide insight into rituals and belief practices that have often been lost. Some archaeologists fear that returning Native American skeletons and grave goods will fling open the doors to their database, opening the way to the removal of all artifacts removed, and that their profession will be left with nothing to study and, therefore, no reason to exist. Their fear is especially acute in the case of the Kennewick Man, where affiliation is uncertain on the basis of scientific evidence. Archaeologists also find it disconcerting that different Native American groups have different opinions on and power over archaeology. In some instances, potential descendants who are not a part of a federally recognized tribe do not have a voice equal to that of a more distantly related but federally recognized tribe.

Discussion Questions

7. Are archaeologists and physical anthropologists facing a legitimate threat to research?

8. If so, how can they continue to conduct research while operating within the restrictions required by law?

9. How can they continue to conduct research while abiding by the spirit of the law?

Notes

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Contributor(s)

Brian Schrag

Editor(s)

Brian Schrag

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