



2012

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An Anthropology of Repatriation

Contemporary Physical Anthropological and Native American Ontologies of Practice

by Ann M. Kakaliouras

The policies and politics around the repatriation of ancestral human remains and biological materials to Native North Americans and other indigenous peoples have largely been rooted in attempts to reconcile divergent worldviews about cultural heritage. Even though repatriation has been a legal and practical reality for over 2 decades, controversies between anthropological scientists and repatriation proponents still often dominate professional and scholarly discourses over the fate of Native American human remains and associated artifacts. The epistemological gap between Western scientific and indigenous or Native American perspectives—however crucial to bridge in the process of consultation and achieving mutual agreements—is likely to remain. Moreover, although it is a productive legal, sociopolitical, and cultural strategy for many indigenous groups, repatriation as practiced still struggles to fundamentally transform anthropology's relationship to indigenous peoples, at least in the United States. In this article I will explore new theoretical foundations for repatriation and “repatriables” that bring Western and physical anthropological conceptions into greater symmetry with indigenous perspectives regarding the active social power and potential subjectivities of skeletal and material cultural remains.

Ownership gathers things momentarily to a point by locating them in the owner, halting endless dissemination, effecting an identity. (Strathern 1999:177)

Repatriation in Bioanthropological Discourse: A Partial History

In 2010, 20 years had gone by since the passage of the Native American Graves Protection and Repatriation Act (NAGPRA, PL 101–601), the instantiation into U.S. federal law of a movement in Native North America with a deep and complicated history (Nash and Colwell-Chanthaphonh 2010). In the 1970s, Native American and Hawaiian people, long and angrily aware of the collecting practices of anthropologists, began to request—and in some cases demand—the return of artifacts and skeletal remains from museums and universities (Fine-Dare 2002). Almost 40 years have passed since members of the American Indian Movement hijacked an archaeological field school in Iowa to protest the treatment of their ancestors (McGuire 1997; Watkins 2000), thereby inaugurating the repatriation movement as one of moral, spiritual, and political

action in Native American communities. (For a more nuanced and comprehensive history of the repatriation movement, see Fine-Dare 2008.) Before the passage of NAGPRA in 1990 and as a response to this burgeoning movement, numerous states had already developed repatriation and reburial programs in consultation with tribal governments, museums, and universities (Ubelaker and Grant 1989). In the mid- to late 1980s, individual museums also began to repatriate long-requested items to specific tribes and nations, such as Harvard's Peabody Museum's return of the sacred pole (Umo'ho'ti) to the Omaha people (Ridington 1993) and the Smithsonian's repatriation of “war god” figures (Ahayu:da) to the Zuni (Merrill, Ladd, and Ferguson 1993).

Likewise, over the past few decades, laws, agreements, and many hours of both mandated and freely volunteered consultations in Canada and Australia have crafted new relationships between anthropologists, First Nations, and aboriginal peoples, respectively (Smith and Wobst 2005). In many ways, then, the process of repatriation of ancestral remains, sacred objects, and objects of cultural patrimony has become de rigueur for indigenous peoples, physical anthropologists, museum professionals, and archaeologists throughout North America and Australia (Nash and Colwell-Chanthaphonh 2010). Similarly, repatriation is becoming more global, with numerous nations, ethnicities, and cultural groups attempting to resecure their material heritages, whether they are objects considered treasures of Western art—the Parthenon Marbles,

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for example—or individual former “scientific curiosities” such as Sara Baartman (e.g., Lobell 2006; Qureshi 2004).¹

For about 2 decades before and after NAGPRA’s passage, many prominent U.S. archaeologists and physical anthropologists voiced in the academic literature their resistance to the idea and increasing reality of repatriation (e.g., Buikstra 1983 [cf. Buikstra 2006]; Meighan 1992; Turner 1986). Usually appealing to Western universalist notions of the ancient past, anthropologists made the following sort of antirepatriation case, though one stated more forcefully here:

I explicitly assume that no living culture, religion, interest group, or biological population has any moral or legal right to the exclusive use or regulation of ancient human skeletons since all humans are members of the same species, and ancient skeletons are the remnants of unduplicatable evolutionary events which all living and future peoples have the right to know about and understand. In other words, ancient human skeletons belong to everyone. (Turner 1986: 1)

This position suggests that the information of value embedded in human remains and archaeological artifacts is only accessible to academic specialists; therefore, repatriation would represent not only an irreversible loss to “science” but also create insurmountable obstacles to “everyone’s” understanding of the past.² More recently, archaeologists and physical anthropologists have also attempted to educate in the repatriation literature, more explicitly articulating why the study of human and artifactual remains is important to understandings of the past lifeways of Native Americans in particular (Baker et al. 2001; Landau and Steele 1996; Larsen and Walker 2005; Walker 2000).

For most of the first decade of the twenty-first century, though, disciplinary discourses about repatriation in anthropology have shifted toward intercultural collaboration, dialogue, and reconciliation (see Kakaliouras 2008b:46). This shift could be attributed to an acknowledgment that the cultural context for the practice of archaeology and bioarchaeology in a few nations has been transformed because of repatriation. Perhaps also, antirepatriation voices have, in large part, simply left the professional literature or, as Weiss (2008) has asserted, have left their research sites in North America. Either way, the disciplines that have traditionally studied material remains in the absence of their makers (archaeology) or biological remains in the absence of their descendants (os-

teology or bioarchaeology) now exist alongside repatriation.³ Furthermore, since the early 1990s vibrant literatures have developed—particularly in archaeology and academic law—examining the effects of repatriation on numerous stakeholders, from museums to specific tribes and nations to the courts (e.g., Colwell-Chanthaphonh 2009; Harding 1997, 2005; Killion 2007). Moreover, an entire discipline of “indigenous archaeologists” of Native and non-Native cultural descent has recently emerged; indigenous archaeologists have, arguably, relatively new opportunities to train at prestigious graduate schools, run field schools, and publish Native-oriented interpretations of material remains (Lippert 2008; Smith and Wobst 2005; Watkins 2005).

The road for repatriation and the attention to indigenous knowledges in archaeology it has helped to foster has of course not occurred without contention. One needs only to think of the Kennewick Man/The Ancient One skeleton to conjure the still wide differences between how anthropological scientists and indigenous people see their worlds. Kennewick Man, a 9,000-year-old individual uncovered from a riverbed in Washington State, was the center of a bitter legal dispute from 1996 to 2004. A confederation of five northwest tribes/nations claimed the remains under NAGPRA as an ancestor, and eight anthropologists sued the Department of the Interior, who had control of the remains, to prevent the skeleton from being repatriated. The plaintiff scientists prevailed in federal district court, and the Kennewick Man/The Ancient One skeleton remains in curation at the Burke Museum in Seattle, Washington.⁴ In this case, oral historical information and Native perceptions of an ancestor kin relationship between the disturbed remains and themselves were dismissed as unfounded. The court found in favor of morphological data that led some anthropologists to conclude that Kennewick Man/The Ancient One was not Native American despite his archaeological context (e.g., Owsley and Jantz 2002).

Another example of continuing tensions between the worldviews of archaeologists/physical anthropologists and indigenous people (which are no longer mutually exclusive identity categories) is a recent discussion about the interpretive power, or lack thereof, of indigenous archaeology. Briefly,

3. The terms “bioarchaeology” and “osteology” will be used interchangeably in this article to refer to the subdisciplines of biological or physical anthropology that focus on anatomically modern human skeletal remains as evidence for behavior and conditions of life in the past (e.g., Buikstra and Beck 2006; Larsen 1997).

4. Although beyond the scope of this piece, very ancient remains throughout the Americas still represent key flash points for repatriation controversy. Much of the academic discourse around these remains questions the application to them of a Native or indigenous identity because of morphological features that do not appear “indigenous.” Kennewick Man was originally classified as “Caucasoid,” a move that fueled critique of racialist interpretations in archaeology. Similarly “Lucia,” a skeletal individual from Northeastern Brazil, has been referred to in the mainstream press as “negroid” and as more closely related to ancient Australians (“First Americans were Australian” <http://news.bbc.co.uk/2/hi/sci/tech/430944.stm> [accessed December 15, 2009]).

1. That repatriation has become more institutionalized in English-speaking settler colonial nations will be addressed in more detail.

2. The idea that scientists or professional archaeologists are the proper stewards of any people’s past has a rich history of its own, traced in no small part in the United States to the passage of the 1906 Antiquities Act, which made Native American archaeological sites and their contents the property of the U.S. government.

the practice of indigenous archaeology aims to both open archaeological investigation to indigenous peoples as well as to serve as a critique of and remedy for Western and colonialist bias in mainstream archaeology, such as the use of archaeological classifications that alienate indigenous perspectives (e.g., Atalay 2006; Dongoske et al. 1997). Indigenous archaeology may also include performing and drawing on the spiritual traditions and oral historical sources of descendant communities (e.g., Anyon 1991). Recently, however, McGhee (2008) contended that indigenous archaeology recreates an older anthropological concept, what he calls “Aboriginalism,” or the notion “that indigenous people form a class of humans with unique qualities and abilities that are not shared by non-Aboriginals” (594). He further argues that archaeological capitulation to indigenous viewpoints risks turning the discipline into a collection of mythic subjectivities. Zimmerman (2009), among others, has responded that the science of archaeology “can [and has] hurt people” and that scientists also practice recklessness in their assumptions of Western universality.

Lately, too, there has been a brief reprise of framing repatriation as a struggle between science and religion, not unlike the evolution/creation debate in the United States. Skeletal biologist Elizabeth Weiss, in *Reburying the Past: The Effects of Repatriation and Reburial on Scientific Inquiry* (Weiss 2008), depicts repatriation activists as inauthentic religious fundamentalists who are allowed to breach separation of church and state and impinge on scientific freedom: “The government pays for ceremonies and supports the various rituals and methods Native Americans claim for the treatment of these remains even though most Native Americans converted to Christianity and had previously sold ‘sacred objects’” (Weiss 2008:61).

At any rate, what this admittedly brief and partial history should index is that while repatriation has changed the practice of archaeology and physical anthropology (i.e., Killion 2008), it has not, counter to the hopes of indigenous archaeologists and their allies, transformed the basic positivistic and universalist premises with which these sciences operate. Similarly, despite the obvious benefits of increased consultation, cooperation, and mutual respect for both anthropologists and indigenous peoples (e.g., Larsen and Walker 2005), repatriation is still seen as a fundamental loss for science; the struggle to retain culturally unaffiliated skeletal collections attests to this continuing concern among physical anthropologists in particular. Furthermore, physical anthropologists and archaeologists have been and are able partners in repatriation efforts, but the end results in these disciplines are often conceived to benefit only the Native people receiving the ancestral remains and artifacts (i.e., the new but “original” indigenous owners; Lippert 2006:431). This is a rather essentialist concept of cultural property and ownership that obscures the processes of appropriation that so successfully recast specific indigenous human remains as keys for the understanding of all people’s histories. That is, for the an-

thropological sciences, education in the history of collection practices—and the power the West had and has to own and deploy the ancestral and cultural heritage of non-Western peoples—usually takes a back seat to technical and skills training (Kakaliouras 2008a:121–122). Narratives of the massive colonialist collection of indigenous and ancient remains to serve a Western scientific story of the past have been told many times over (e.g., Bieder 1986; Gould 1981; Mihesuah 2000; Thomas 2000). What has been missing from this literature of objectification and from discourses about repatriation in general, though, is (1) an analysis of the cultural work that “repatriatable” materials do before and after their return, and (2) a consideration of physical anthropological and indigenous subject-making processes through the lenses that the potential for repatriation provides.

In the rest of this article, I hope to sketch a picture detailing how repatriation—both a vibrant indigenous movement and one of the most radical and massive “public anthropology” projects in the last century—may be brought further into the sphere of anthropological theory making and analysis. There are as many distinct microhistories of repatriation as there are indigenous peoples, descendant communities, museums, universities, and scholars, so I do not claim to capture holistically or typify particular experiences or conflicts (e.g., Clouse 2009; Fine-Dare 2002; Kerber 2006; Larsen and Walker 2005; Ousley, Billeck, and Hollinger 2005). Furthermore, I do not intend to provide a comprehensive treatment of NAGPRA, the U.S. federal law that has come to define and control repatriation processes in the United States. I do mean, though, to stretch the anthropological imaginary about repatriation as a phenomenon in the United States (without reappropriating the process from indigenous peoples). I have chosen the United States as a broad cultural and discursive context principally because of the acrimonious character of the legal, political, and scholarly conflicts over repatriation, especially as compared with Australia or Canada (Buikstra 2006:410–412). Further, in the United States, repatriation discourse occurs within a complex and long-standing pan-Indian politic, one that is often de-emphasized in anthropological accounts of relationships between specific Native tribes, nations, and scientists (cf. Biolsi and Zimmerman 1997; Zimmerman 2008). This pan-Indian ethic, though, is frequently employed by Native scholars and activists to make claims for the return of ancestral remains and artifacts (e.g., LaDuke 2005; Peters 2006). Yet rather than describing repatriation as a resolution or instigation of conflicts between Native and scientific worldviews, as it has often been imagined, I would like to explore, in it is hoped a symmetrical way (Latour 1993), the new objects, subjects, and relationships created by repatriation in the last few decades. It may be theoretically and practically fruitful to extend our responsibility as scholars toward considering repatriatable “objects of study” not just when they are in our control but as they move through diverse and often contradictory cultural contexts, effecting different identities, to roughly paraphrase Strathern’s epigraph above.

Toward an Anthropology of Repatriation

Recently some sociocultural anthropologists have begun to steer ethnographic research toward the recognition of different ontological worlds and away from the more conventional anthropological practice of using various social theories to describe, translate, and analyze other peoples' systems of knowing, or epistemologies (i.e., Henare, Holbraad, and Wastell 2007; Viveiros de Castro 2003, 2005). Coming variously out of material culture studies (e.g., Miller 2005), science studies (Latour 1993, 2004, 2005), sociocultural anthropology, and archaeology (e.g., Meskell 2004, 2005; Tilley 1999), this "ontological turn" has opened a set of intriguing questions regarding anthropological perspective and interpretation. To oversimplify for a moment, it is traditional in the West to believe that there is one natural and material world made up of arrangements of the same basic stuffs; different peoples then, we assume, think of this one world in different ways. Anthropology as a discipline in this tradition is "the *episteme* of others' *epistemes*, which we call cultures" (Henare, Holbraad, and Wastell 2007:9; emphasis in the original).

In the West, for example, bones are the biological husks of a once living but now dead being. Those who imbue human skeletal remains with other properties, such as being containers of spirits or embodiments of ancestors, apply a distinctly different view to the substance of what bones are. Yet if the material world is one and cultural perspectives are multiple, can radically different perspectives on the same materials actually be given interpretive equivalency?

For if cultures render different appearances of reality, it follows that one of them is special and better than all the others, namely the one that best *reflects* reality. And since science—the search for representations that reflect reality as transparently and faithfully as possible—happens to be a modern Western project, that special culture is, well, ours. (Henare, Holbraad, and Wastell 2007:11)

This problem becomes practical in knotty cases such as the Kennewick Man/The Ancient One conflict, where Native claims to cultural affiliation based on oral history and antiquity of residence were deemed to lack evidentiary weight, whereas anthropometric dissimilarity to modern Native people was privileged.⁵ In a battle of worldviews, where anthro-

logical science has authoritatively told the story of Native North Americans for more than a century, it is not surprising that when put to a legal test, the unfamiliar of the worldviews cannot stand.

A relativist position might give purchase to both perspectives—whether about bones in general or specific skeletal individuals in particular—working to understand each in reference to the other. But as Henare and colleagues further query, "How . . . can relativists assert without contradiction that our representations are *both* partial with respect to others' *and* rich enough to translate them?" (Henare, Holbraad, and Wastell 2007:11). That is, a sympathetic bioarchaeologist can respect that some Native American people believe that their ancestors are present in or express themselves through skeletal remains. Or a Native person can know that osteologists infer past behavior from skeletal morphological evidence and even perhaps agree that such study may be useful. Yet a skeletal pathology indicating vertebral arthritis and a resident ancestor do not easily inform each other's existence or reconcile views about each other in the people who come into contact with the remains (e.g., Blom, Petersen, and Wiseman 2006:83). Simply speaking, bones that are ancestors inhabit different worlds from bones that become informative about past nutritional conditions or population movements or whatever category of information physical anthropologists are interested in.

So, another facet of this "ontological turn" is the notion that "different worlds" are to be found in "things," (Henare, Holbraad, and Wastell 2007:15), and further, that the Western practice of attaching dynamic meanings to static things already precludes other peoples' understanding of the "things" in question, returning their conceptions, over and over again, to the status of fetishism—which does not exactly give indigenous people the status of "philosophers blessed by a better appreciation of the agency of things" (Miller 2005:30). It is not that one way of seeing a thing is more true than another but that the things themselves are produced, maintained, conceived of, and operate in different worlds. Repatriation as a phenomenon has brought new and intense attention to the question of to which worlds large categories of "things" belong and who should be the stewards of specific cultural and material pasts as enacted by the control over and interpretation of archaeological artifacts and human skeletal remains. It may, then, be useful to draw out some of the ways that repatriation acts to produce novel knowledges and interactions—in perhaps familiar examples and narratives—to push and prod at the kinds of "things" that repatriation has brought into the world.

5. 367 F.3d 864 (9th Cir. 2004). Neither the biological nor the oral historical line of evidence was suggestive of cultural affiliation or lack thereof in this case. The cranium could not be reasonably morphologically affiliated with any population, modern or ancient, and the oral history could not be tied to this skeleton in particular. That the cranial morphology was dissimilar to modern Native people does not foreclose the possibility that Kennewick Man/The Ancient One was an ancestor of the tribal claimants, as morphology as well as oral history changes over time. The relativistic difficulty here emerges in the text of the law pertaining to the evidentiary standard for cultural affiliation: "Such Native American human remains and funerary objects shall be expeditiously returned where the requesting Indian tribe or Native Hawaiian organization can show cultural affiliation by a preponderance of the evidence based upon geographical, kinship, biological, archaeological, anthropological, lin-

guistic, folkloric, oral traditional, historical, or other relevant information or expert opinion" (PL 101-601; 25 USC 3001-30013). Putting "anthropological" or "biological" with "folkloric" and "oral traditional" simply begs for the privileging of the scientific when the various spheres of evidence conflict.

“Repatriatables”: Ontological Twists and Turns

I would like, therefore, to consider how repatriation has changed the world of things (or thing-worlds) for both Native American people and physical anthropologists specifically. Although the following discussion could also apply to the cultural remains of interest to archaeologists, human skeletal remains—the stuff of interpretation for osteologists and bioarchaeologists—are particularly charged in repatriation discourses and were the flash points for the repatriation movement’s efforts for decades (Fine-Dare 2002; Mihsuah 2000). That is not to say that the many and varied human actors involved in and touched by repatriation subscribe to views that are invalid or that one set of perspectives will emerge victorious, either in this analysis or in real-world struggles over material and spiritual heritage. Yet I do wish to address the following questions. What can we learn from de-emphasizing different views about what is considered for repatriation or repatriated in favor of understanding what those things (or for Native Americans, ancestors or people) do in the cultural worlds they occupy? What distances may be bridged or even widened between indigenous and anthropological conceptions of repatriation when we examine the experiences of “repatriatables”? In short, what I attempt to delineate here is a set of possibilities for conceiving repatriation ontologically rather than epistemologically.

This should not require a massive leap of faith for physical anthropologists, who typically do not consider skeletons to be without a kind of agency—one, though that is produced through methods of “reconstructing life from the skeleton” (Işcan and Kennedy 1989). Admittedly my use of the word “thing” here to describe human skeletal remains has already tipped my hand toward a presupposition that the Western scientific view of bones is the correct one; however, I use “thing” here and “object” infrequently below, clearly recognizing that many Native American people conceive of human skeletal remains as ancestors or simply as people (e.g., Hemenway 2010:173). My characterization of the physical manifestation of Native American ancestors (human skeletal remains) in the next section (“Repatriatables and Physical Anthropological Subjects”), therefore, in no way indexes a preference for seeing skeletal remains as objects rather than subjects. On the contrary, I attempt only to faithfully represent a common physical anthropological perspective about human bones. Likewise, what I hope to accomplish is an analysis of the ways in which physical anthropologists construct and employ a kind of subjectivity for human skeletal remains in their interpretations of the lifeways of past peoples. Though beyond the scope of this particular analysis, there is much work that could be done in engaging or unpacking an object/subject divide in physical anthropological method and practice (see Boutin 2009 for an engagement of this issue). In the next section (“Repatriatables and Physical Anthropological Subjects”), then, I will only explore the varied subjects that physical anthropologists make and gather in their investigations

and how in the context of discourses about repatriation they interact with those conceived of by Native Americans.

First, however, if I can be allowed this presumption, before repatriation the bulk of tangible Native American human skeletal remains could be located in two general spaces: museums and academic institutions, and under the surface of the earth (or depending on their ritual treatments, above ground). Repatriation has opened the possibility for Native ancestral remains to occupy a whole different set of spaces and places: to be in transit across large geographic regions, to be in new tribally run curation facilities (Larsen and Walker 2005), or to be simply set apart from other bones, perhaps waiting for a repatriation claim to be made or settled. Further, repatriated remains not only travel in space but also perform a bit of cultural time travel, forming an uneasy bridge between the “prehistoric” and the contemporary. At one time they were buried or otherwise placed in a mortuary context. Then they are preserved, curated, and used for anthropological interpretations regarding their lived past. Perhaps last, they experience a certain “reuse” in the contemporary version of the communities from which they came as they are either reburied or re/stored in this new-to-them cultural context. Archaeologists commonly perform this sort of thought work about material remains:

If archaeology is concerned with fossilised remains from the past, they are nonetheless preserved in the present, and it is effectively in our present that they are manifest to us. . . . More deeply still, we are ourselves producers of archaeological materials, and when we practise the discipline, we do little more than add a new archaeological episode to the existence of places and things that have often already known a long series of functions and uses. (Olivier 2001: 180)

Following Olivier, repatriation has produced a new category of archaeological and contemporary material culture (Miller 1998), the “repatriatable”—a kind of remain that has the possibility to be returned to a Native American tribe or nation. This category is distinct temporally and affectively from the burial and institutional contexts where skeletal remains have typically resided. Repatriatables as such have significant power in the present and have stirred a whole set of complex and long-standing cultural and historical sentiments toward them from Native people and anthropologists alike.

For many Native American people, for example, repatriatables can embody ancestors, but they also give material evidence to the destruction, dispossession, and scientific objectification of their cultures and heritages (Dumont 2011; Riding In 1992; Thomas 2000). Additionally, the reception and ritual integration of repatriated human remains is often mournful, therapeutic, and empowering (Ayau and Tengan 2002; Hemenway 2009; Hubert and Fforde 2002; Johnson 2007). Some tribes even developed new ceremonies specific to reburials because that category of ritual never existed before the possibility of receiving remains for their care became a

reality. Repatriatables, even before any return, also marshal people to act differently around them (Latour 2005); they receive visits and ministering from Native ritual specialists as well as increased sensitivity from others, including museum or institutional staff and anthropological researchers.

At a larger scale of analysis, repatriatables have been reflections of historical and contemporary policies regarding who can be officially Native American in the United States. That is, until recently only tribes and nations that were federally recognized by the U.S. government were able to receive remains under NAGPRA (and only from public or federal lands). Federal recognition grants sovereign status, the special “government-to-government” relationship possible between the United States and tribes and nations, as well as access to grants and other funding for economic development. The process, however, for most tribes and nations has involved meeting a list of criteria related to “Indian” identity; these include historical and ongoing maintenance of a Native identity in a circumscribed community, “identification as an Indian entity by anthropologists, historians, and/or other scholars,” and “cultural patterns shared among a significant portion of the group that are different from the non-Indian populations with whom it interacts,” to name only a few.⁶

To add another layer of complexity to already complicated legal terrain, new NAGPRA regulations bearing on the disposition of culturally unidentifiable or unaffiliated remains went into effect last year (Department of the Interior 2010). These regulations officially open repatriation to groups not federally recognized who can prove linkages to human remains through ancestral residence on the land from which the remains came. Museums and other agencies holding culturally unaffiliated Native American remains may also now consult with communities not federally recognized about the final fate of these collections.⁷ There are over 200 Native groups not federally recognized who have official recognition

in their state of residence.⁸ There are also a number of Native communities who have neither state nor federal recognition. Although it was considered logical that NAGPRA, as a federal law, would only apply redress to federally recognized groups, state and unrecognized peoples—some of whom can trace their material heritages to museums and academic institutions—had previously been largely cut out of official policy, in part creating the category of “unaffiliated” or “unidentifiable” remains. Some groups not federally recognized mobilized in response to their original exclusion from repatriation legislation. The Muwekma Ohlone of the San Francisco Bay area, for example, continue to lobby for the repatriation of remains and artifacts from the Phoebe Hearst Museum at the University of California, Berkeley; before passage of NAGPRA, Stanford University in Palo Alto, California, voluntarily gave 700 skeletal individuals back to the Muwekma Ohlone, helping to set a precedent that encouraged tribes not federally recognized to advocate for repatriations (Ramirez 2007; Russell 2007).

There are some state laws, such as California NAGPRA (AB 978), that had provided state-recognized tribes access to repatriation processes. Additionally, and before approval of the new regulations, other unrecognized tribes and nations had been able to participate in repatriation via petitioning the NAGPRA review committee (e.g., Goodby 2006:98–99). Now that the federal law is open to communities not federally recognized, thousands of remains that were once considered “unidentifiable” may gain new cultural affiliations and be returned to tribes and nations that hitherto had few rights under law. NAGPRA and state laws that govern repatriation and reburial, then, have literally produced the categories of repatriatables to which Native Americans may have access and that museums and academic institutions may eventually de-accession to them.

From yet another scale of interaction, though, repatriatables also become a fulcrum for communication and cooperation between many different social and political actors, from individual consultations between tribal and museum representatives to large public meetings of the NAGPRA review committee, a body mandated by law, including both academic and indigenous representatives for the purpose of setting policy and mediating disputes, among other things.⁹ In these meetings, histories of anthropological and archaeological research of specific Native American peoples are brought into a public sphere larger than perhaps ever anticipated by these disciplines. The minutes of a single Native American Graves Protection and Repatriation Review Committee meeting (2001), which focused on a dispute over an ancient skeleton, are rich with dialogues over archaeological chronologies, Native perspectives, physical anthropological findings, questions

6. 25 C.F.R. Part 83.7.

7. The new regulations, however, do not apply to associated funerary objects (items buried with the skeletons). While the rules are controversial to many anthropologists because of the threat of losing previously unaffiliated skeletal collections, Native and non-Native repatriation activists are mobilizing to encourage the Department of the Interior to include associated funerary objects as well (Amy Lonetree, personal conversation, 2010). Furthermore, the terms “culturally unaffiliated” and “culturally unidentifiable” are not necessarily synonymous. “Culturally unaffiliated” is or was a term that applied to remains, under the law, that are either affiliated with a group not federally recognized or who currently do not have a clear cultural provenance. “Culturally unidentifiable,” as Dumont (2011:25) observes, effectively replaced “culturally unaffiliated” in repatriation discourses soon before the law was passed, and it has a rather different valence—that linking those remains to any living Native peoples is, and perhaps will always be, impossible. Finally, the politics around “culturally unidentifiable” remains are contentious indeed, with Native scholars and activists claiming that anthropological scientists have purposefully used only their own scientific criteria to trace remains to Native groups and that they have further not “identified” remains in order to keep them under their control (Dumont 2011; Lalo Franco, personal conversation, May 2010).

8. <http://www.ncsl.org/?tabid=13278#state> (accessed December 15, 2009).

9. <http://www.nps.gov/nagpra/REVIEW/INDEX.HTM> (accessed December 20, 2009).

of the utility of DNA study, and practices of determining cultural affiliation.¹⁰ Thus, repatriables also gather people and resources to action: they bring people from across the United States to the same meeting place, they marshal funding to mount federal lawsuits, they motivate tribes and nations to build or renovate museums, they bring anthropologists and Native people to the same consulting tables, and they help shape discourses about the past in the present. In the next section, I will focus on how human remains as repatriables have transformed physical anthropology in the United States and have challenged the very particular subjects that physical anthropologists work with as they bring meaning to skeletal remains in the present.

Repatriables and Physical Anthropological Subjects

It should be clear from the preceding sections that repatriables have effectively, if sometimes contentiously, bridged anthropological and Native American object worlds. Even in moments when the gaps between them are potentially rent wider—such as physical anthropological avoidance of North American research sites or calls for the wholesale repatriation of all Native remains (Riding In 1992)—their proliferation results in novel and compelling cultural work between previously isolated communities (McGuire 1997). In this section, I briefly perform one more ontological shift, turning to the process of subject creation in osteology and bioarchaeology. Before I begin, though, let me provide a brief history of bioarchaeological relationships to repatriables (for a wider discussion of the history of repatriation and bioarchaeology, see Buikstra 2006).

Over the last 20 years, repatriable Native American human remains have helped shape the arc of the disciplines of osteology and bioarchaeology. As discussed previously, many physical anthropologists, worried that their access to skeletal remains would be curtailed, responded to repatriation by publishing on the question of why human remains are valuable for learning about the past. Ironically, skeletal remains became both more and less accessible to osteologists and bioarchaeologists in the 1990s. Job positions became available to post-baccalaureate students to assist in NAGPRA-mandated inventories of culturally affiliated human remains (Kakaliouras

2008*b*). A volume of data-collection standards was produced to address methodological inconsistencies and anticipate further research (Buikstra and Ubelaker 1994). Arguably, an entire generation of U.S. osteologists and bioarchaeologists was trained through the NAGPRA inventory process. At the same time, however, more stringent permissions became required to access and study Native human remains for the purposes of osteological research. Weiss (2008:69–71) has documented that the number of professional publications and graduate theses in osteology and bioarchaeology using Native American remains as research subjects has dropped precipitously from 1990 to 2005. There is also related evidence, though anecdotal, that U.S. physical anthropologists have increasingly sought out research opportunities outside North America because of the implementation of NAGPRA. If Weiss's publication study reflects such avoidance, perhaps we can see repatriables as producers of disciplinary desires—to evade perceived constraints on research, interactions with empowered descendant communities, and the implications that scientific research is not the only way to “see” human remains.

The ways in which indigenous peoples make human remains as well as sacred and other cultural objects into active subjects in the present have enjoyed unprecedented attention in the repatriation and indigenous archaeological literature (e.g., Mihesuah 2000; Smith and Wobst 2005; Swidler et al. 1997). Scholarly work in both bodies of literature justifying the need for and justice inherent in the repatriation of Native remains has both stressed these affective relationships between remains and their descendants and critiqued if not excoriated the objectifying nature of nineteenth- and twentieth-century collection and curation practices. Similarly, the history of scientific racism in anthropology and the depiction of “authentic” Native Americans as “vanishing” and dying peoples is inextricably bound to these narratives (Bieder 2000; Hinsley 2000; McGuire 1997). Yet contemporary practice in physical anthropology is rarely engaged in these discourses except in work that has consciously attempted to explain the importance of what osteologists and bioarchaeologists do with human remains (e.g., Baker et al. 2001; Landau and Steele 1996). How osteologists conceive of bones and make them into subjects in the present, though, is key to understanding repatriation anthropologically. If there is one thing that physical anthropologists who work with human skeletal remains and Native American repatriation activists can agree on, it is that human remains are powerful—powerful manifestations of wrongfully disturbed ancestors in the present, powerful tools for interpreting the past, and/or powerful nodes of political struggle in the history of the repatriation movement. The nature of these very different conceptions of power, though, has been and will be a pressure point in repatriation discourses for years to come.

There are two broad experiences involved in osteological subject making: the tactile experience of the remains themselves and the placement of skeletal individuals and populations into larger (pre)historical social and environmental

10. The skeletal individual in question is called “Spirit Cave Man” and is of similar antiquity to Kennewick Man/The Ancient One. The Paiute-Shoshone claimed the remains as an ancestor, while the Nevada State Museum disputed the claim, asserting that the remains were culturally unidentifiable. The review committee eventually found Spirit Cave Man to be culturally affiliated with the Paiute-Shoshone (Minthorn 2002: 17463), but the Bureau of Land Management (BLM) made what would be the final agency decision and agreed with the Nevada State Museum. The Fallon Paiute-Shoshone later filed suit against the BLM. In 2006 the U.S. District Court of Nevada agreed that the BLM had not fully considered the tribe's evidence for affiliation and remanded the matter back to the BLM for further consideration (*Fallon Paiute-Shoshone Tribe v. United States Bureau of Land Management*, 3:04-cv-00466-LRH-RAM).

contexts where they address varied research problems or assist in the reconstruction of past behavior (e.g., Larsen 1997). First, osteology students are taught to interpret anatomical features, evidence of disease and stress, and particular morphologies in the context of an individual or group's lived experience (Baadsgaard, Boutin, and Buikstra 2011; Kakaliouras 2008*b*). The estimation of sex and age places a skeletal individual in a larger community or even a familial setting when mortuary contexts are available. A periosteal lesion on a bone, denoting some kind of infectious or traumatic process, marks that individual as someone who had experienced some kind of stress (Buikstra and Ubelaker 1994). Each step, for that matter, in the process of osteological data collection builds an osteological person; compiling "osteobiographies" has been a conscious and successful research method in bioarchaeology for over 30 years (e.g., Saul 1972). Some bioarchaeologists have gone even further, constructing fictional but materially contextualized life-history narratives from osteological and mortuary interpretations (Boutin 2008).

Second, when these osteological people are grouped together and generalized in space and time as populations or samples, they act in concert to answer or pose questions about past human lifeways. For example, burial populations with a given prevalence of caries (tooth cavities), evidence of iron-deficiency anemia and parasitism, and craniofacial shortening can index a group of people practicing organized agriculture (Cohen and Armelagos 1984; Larsen 1997). The transition from hunting and gathering to agriculture across the world has been documented by bioarchaeologists and osteologists through the interpretation of changes in bony markers. Numerous other examples, from documenting violent conflict to tracking certain diseases to evaluating kinds and intensities of labor, can make this point: the whole field of bioarchaeology depends on these osteological subjects as individuals or groups created through the interpretive skills of researchers and maintained through the publication of research results.¹¹

These osteological "subjects" bear little resemblance to those referred to in the repatriation literature, especially those from the nineteenth and early twentieth centuries that were put into the service of constructing racial taxonomies (i.e., Gould 1981); like all subjectivities, they have changed over time. Still, osteological subjects are generally incommensurable with Native ones especially because their construction often requires excavation and sustained physical contact, a situation of disturbance and disrespect perceived as dangerous to many Native people (e.g., Blom, Petersen, and Wiseman 2006:88–90). For example, when Vermont Abenaki and anthropologists from the University of Vermont worked to repatriate remains from an ancient cemetery disturbed by de-

velopment, Abenaki representatives made it clear that the exhumation and curation of their ancestors' bones "can cause illnesses involving both mind and body (generally called 'bone disease' by some Abenakis and their advocates)" (Blom, Petersen, and Wiseman 2006:83). Here, the authors explained the Abenaki perspective without judgment and used this experience to more respectfully and quickly carry out future repatriations (Blom, Petersen, and Wiseman 2006:89).

The abject reaction that some indigenous people have to the idea of interacting with the dead as skeletal remains is comparable to that experienced in the West in the presence of recent corpses (Buchli and Lucas 2001:10). Dry bones in a research or archaeological context have been largely desensitized in American and European culture; bones in other contexts, however, such as in mass graves or in places where they are not conceived to belong, may still produce distress and even horror. But supposedly bones do belong in museums, on lab tables, and at the end of an archaeological brush, as over a century of Western fascination with archaeology attests.

Osteological subjects also bear little resemblance to the imagined or remembered lives of indigenous ancestors. The past lives that osteological subject creation illuminates tend to be morphological, populational, and adaptational. They do not typically resonate with contemporary Native American concerns with the past because, in short, they were not meant to (cf. Reinhard et al. 1994). When they have crossed paths with each other—these indigenous and osteological subjects—they have usually done so in contested terrain, such as with Kennewick Man/The Ancient One. Osteological subjects serve a conception of a distant past that is filled with population migrations, cultural transitions, disease and skeletal trauma histories, and other features that tell the past in physical anthropological terms. Further, these subjects have been created and mobilized in similar ways in multiple research contexts (cf. Baadsgaard, Boutin, and Buikstra 2011; Reinhard et al. 1994); osteological analytic skills have typically been seen as transferable and not requiring a career-long single-region focus (Buikstra and Beck 2006). It is only recently that indigenous ancestors as subjects—those embodied in or synonymous with the same remains osteologists wish to study—have gained similar resonance in a larger public and of course legislative sphere. Native American people have been struggling for decades to discursively reclaim their ancestors as people, not just as collections, specimens, or data. The successful emergence of this perspective is most recently evident in the scholarly work of people such as Chip Colwell-Chanthaphonh (2009), Eric Hemenway (2010), and Clayton Dumont (2011). Hemenway, for example, richly describes both the practicalities and deep emotional trials of the repatriation work he performs for his tribe, the Little Traverse Bay Bands of Odawa Indians:

NAGPRA was created to see Indian peoples' beliefs as equal to others. When *people* are returned, sacred items repatri-

11. It should also be obvious that these are the same things so intriguing to Western publics in general. Cable television networks such as the Discovery and Learning channels regularly showcase what bones can tell "us" about the past and how scientists with special skills interpret the features on skeletal remains to illuminate the tales bones tell, so to speak.

ated, and Indian burials protected, it recognizes modern day tribes' beliefs about who they are and where they come from—their identity. (Hemenway 2010:173; my emphasis)

So although cooperation between Native Americans and anthropologists continues, as each reaches to claim or reclaim what they perceive as their rightful subjects, more struggles may emerge as well.

Like conceiving all repatriatables as similar things, picturing repatriatables as subjects is a generalization I am willing to make to highlight historical and contemporary differences and possible symmetries between indigenous and scientific anthropological ontologies. Repatriatables have effected cultural change and have created new identities as they have moved from hand to hand. Further, because repatriation has brought Native people and scientists together in many instances, new relationships between osteologists, indigenous people, and remains are emerging. To reprise the example above, Blom, Petersen, and Wiseman (2006) detail how the Abenaki people of Vermont they were working with reacted negatively to the scientific language used to refer to the skeletal remains eventually repatriated to them. In this instance and others (e.g., Appadurai et al. 2008;¹² Larsen and Walker 2005; Panich and Schneider 2006), anthropologists took the chance to reflect on their own disciplinary culture, and Native people allowed claimed remains to exist as osteological subjects—at least for a little bit longer—making the bridge between them that much more tangible.

Conclusion: Future Worlds of Repatriatables

Repatriation and repatriatables have forever changed relationships between physical anthropologists and Native Americans in the United States. Likewise, Canadian First Nations and Australian aboriginal peoples and anthropologists have been on similar trajectories. The systematized nature of repatriation in these countries stands in stark contrast to most of the rest of the world, a situation that seems particularly notable considering the last few decades of attention to and concern for global indigenous heritage and knowledges (e.g., Sillitoe 1998).¹³ To conclude, I will offer a few suggestions

12. In this conversation with Arjun Appadurai, Chris Witmore, Ian Hodder, and others discuss the productive “hybridization” (Appadurai et al. 2008:213) of archaeological and Native ritual practices accomplished by Otis Parrish of the Kashaya Pomo in Northern California and the University of California, Berkeley, and other California universities conducting these sorts of integrated archaeological field schools. This relationship, further elaborated in Panich and Schneider (2006), however, soured when the Pomo and other Native groups were not invited to take part in negotiations over the continuation of Berkeley’s NAGPRA committee (<http://nagpra-ucb.blogspot.com/2008/06/statement-by-otis-parrish.html> [accessed December 26, 2009]). This example testifies to the continuing contestations between anthropologists and Native people “on the ground.”

13. <http://www.unesco.org/new/en/natural-sciences/priority-areas/links> (accessed February 5, 2012).

about the future of repatriation and repatriatables outside of the English-speaking settler nations in the North.

Although I have presented a very U.S.-centric picture of repatriation in this discussion, repatriation is also a concern for indigenous peoples and nations worldwide (e.g., Endere 2002; Layton 1989). For example, the World Archaeological Congress has since its 1989 Vermillion Accord (Zimmerman 2002) been supportive of repatriation efforts in diverse countries. A good deal of this activity—and non-North American and non-Australian repatriation efforts on the whole—is concerned with the return of material cultural heritage from foreign museums (usually European and U.S.) to home countries, particularly in Africa and South America. For instance, in 2005, Peru (in the persons of the former president Alejandro Toledo and his anthropologist spouse, Eliane Karp) requested the return of artifacts and human remains from the monumental Incan site of Machu Picchu that are currently in the possession of Yale University (Lubow 2007). Although the Peabody Museum had initially claimed ownership, documentation was later found clearly establishing Peru’s title to the artifacts. Yale later reached an agreement with the Peruvian government to share use of the collection.

Repatriation of material heritage to a nation rather than to specific and politically sovereign indigenous peoples presents a whole sphere of different cultural as well as political concerns and challenges. After all, repatriatable objects/subjects will likely have different meanings and capacities in different cultural worlds. Archaeology, though, has long been a fruitful terrain for the promotion of nationalism, in particular in the history of European states (i.e., Kohl and Fawcett 1995). In cases such as the Benin Bronzes and the Rosetta Stone, though, it was the colonizing powers of Europe that collected the material pasts of their Others, either to demonstrate their power to do so or to assimilate other traditions into their own, respectively.¹⁴ Additionally, in Latin America, where many indigenous people were incorporated into their colonial states—as opposed to the separation and later establishment of sovereign dependencies in Native North America—indigenous identity (though not as *indio*) itself has often become synonymous with the nation (de la Cadena 2000; Stern 1982; Yannakakis 2008). In the United States, repatriation sets up sovereign and eligible tribal “individuals” to receive cultural property.¹⁵ In places where material heritage is conceived as national, it may be that disempowered indigenous or ethnic minorities will become further marginalized as the past is retold with repatriated remains and artifacts.

14. http://www.britishmuseum.org/the_museum/museum_in_london.aspx (accessed December 22, 2009).

15. Repatriatables also, and interestingly in this context, are markers for the economic systems in which they travel. In the United States, federally recognized Native American tribes and nations are treated like good neoliberal individuals, interacting and competing in the marketplace as they are able. NAGPRA, as legislation, supports a neoliberal perspective on cultural property, where preferably individual owners are identified and, if I may, compensated with the return of their property.

Alternatively, as is the case in Bolivia, new constitutional formations may bring indigenous ontological worlds directly into regulatory and legislative spheres (Van Schaick 2009). This may be welcome news to Condori, who 20 years ago said

The message of both archaeology and history in Bolivia is clear: the evidence of our past, the age-old historical development of our societies and the Indians are for them only prehistory, a dead and silent past. Prehistory is a Western concept according to which those societies . . . *have no history*. This fits perfectly into the framework of thought typical in Western culture. (Condori 1989:51; emphasis in the original)

Prehistory (Kehoe 1998)—a land of anthropological objects and perhaps subjects, or a term belonging to a certain worldview where the past is best understood under the lens of science—is increasingly under revision. After decades if not centuries of Western institutional ownership, the lives of past peoples have been regaining their power in the present as repatriatables and as indigenous rather than scientific subjects. Perhaps it is a brand new world, at least momentarily.

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