

REPATRIATION and Erasing the Past



Elizabeth Weiss and James W. Springer

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Repatriation and Erasing the Past

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Rarely do book reviews begin with a condemnation of the work in question. But there can be no equivocation when it comes to a book that disparages Native American worldviews and rails against equal rights for Indigenous people. In Elizabeth Weiss and James W. Springer's latest endeavor to dismantle collaborative archaeological practice (a similar polemic by Weiss was published in 2008), they offer a shallow,

poorly constructed argument against repatriation and the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA, 25 USC §§ 3000-3013). Ultimately, Weiss and Springer come across as out of touch and their claims would be laughable if they were not so dangerous.

The authors operate from the assumption that Western science is neutral (p. 218), and in pursuit of “objective knowledge,” ethical practice can be disregarded. Moreover, scientists are entitled to knowledge regardless of how it affects descendant communities and other stakeholders. Weiss and Springer contend that efforts by Native American tribes to seek equal rights for the treatment of their ancestors under the law is victimization but, in a bizarre twist, the authors argue they are being discriminated against as scientists and anthropologists—neither of which is a protected class under the law.

Weiss and Springer make their position clear from the start when they offer their definition of repatriation as “any ideology, political movement, or law that attempts to control anthropological research by giving control over that research to contemporary American Indian communities” (p. 6). The legal definition is much simpler: transfer of legal control to lineal descendants or culturally affiliated Indian Tribes and Native Hawaiian Organizations. NAGPRA does not dictate how research is carried out, except to state that new research is not required under the act to establish cultural affiliation. The authors decry Indigenous control over interpretation and publication of data as censorship. But, as archaeologists working in the public sector are well aware, many federal agencies have similar restrictions for publishing work carried out on federal lands.

Weiss and Springer have yet to reckon with the colonial and racist past of bioarchaeology—or, perhaps more accurately, they have chosen to adopt an apologist viewpoint for the discipline. In Chapter 3, the authors introduce the history of craniometrics and characterize its practitioners as motivated by nothing other than wanting to understand human variation. Yet at no point do they acknowledge these scientists wanted to organize races into a hierarchy based on cranial features believed to reflect ideal traits. (A discussion of craniometrics without citing Stephen Jay Gould's *The Mismeasure of Man* is a red flag.) Aside from mentioning

inter-observer error, the authors fail to address the interpretive nature of analyses and instead harp on their dedication to finding the (absolute) truth.

The authors feel comfortable taking a stance against repatriation because they believe there may be no “biological continuity” (p. 6) or “skeletal affinity” (p. 81) between ancient skeletons and contemporary Native Americans, even though biological evidence is but one of the many types of evidence used when determining cultural affiliation. A particularly gross type of disenfranchisement is promoted when Weiss and Springer state that First Peoples in the Americas are not necessarily Native American (pp. 80–81, 93). This disconnect between the past and the present is what ultimately underpins their argument: a Moundbuilder Myth for the twenty-first century. There is a deep-seated aversion to considering that Indigenous knowledge and worldviews are legitimate sources of Indigenous history—despite established federal law that recognizes the authority of this type of evidence.

The authors take umbrage with NAGPRA as federal law and argue it is unconstitutional as it violates the Establishment Clause of the First Amendment. Similar public comments were anonymously raised leading up to the publication of the Final Rule on Culturally Unidentifiable Remains in 2010. The drafters of the regulations responded to these allegations in the *Federal Register*, stating NAGPRA does not entail special treatment for one religious view over another (Native American Graves Protection and Repatriation Act Regulations, 2010).

Language choice throughout the volume suggests the authors are oblivious to current anthropological practice. This includes terms for cultural groups that are out of date, and sometimes outright offensive. Citations are cherry-picked and include non-peer reviewed and hard to come by references of questionable origin, while significant contributions by Indigenous researchers are overlooked. It is difficult to believe that more than thirty years after NAGPRA's passage, a book lacking in any anthropological understanding of the issue could be peer reviewed and published by a renowned academic press. The backlash from the archaeological community following publication was swift and public, culminating in an open letter to the press and the authors (Halcrow et al. 2020).

In their concluding chapter, Weiss and Springer prophesy that “when remains are gone, collaborations will end” (p. 211). I sincerely hope this is not the case. Cooperative efforts may often start with NAGPRA compliance, but I can attest that building trust with Indigenous colleagues has opened paths for richer and more gratifying collaborative endeavors. I do not recommend this book; instead, I recommend educating oneself on NAGPRA practice, reading Indigenous scholars, and listening with intention to Indigenous voices.

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