

Elizabeth Weiss and James W. Springer. *Repatriation and Erasing the Past* (Gainesville: University of Florida Press, 2020, xii and 265pp., 24 figs, 5 tables, hbk, ISBN 9781683401575, pdf ISBN 9781683401858)

Repatriation and reburial of human remains is a practice that has been debated within American archaeology and biological anthropology more generally for decades. With the passing of the Native American Graves Protection and Repatriation Act (NAGPRA) in 1990, a shift toward productive problem solving and negotiation has gradually replaced the more heated tone that dominated the exchanges in the early years. Since 1990, repatriation has fundamentally affected archaeological and museum practices in the United States, and most would argue, for the better. But it remains a compromise with unresolved issues for many stakeholders. One could expect that decades after NAGPRA was signed into law, repatriation would have reached a stage of maturity that allows us to move the debate forward by critically examining aspects of it, while at the same time learning from experiences and acknowledging its crucial role in building sustainable relationships and democratizing archaeology and museum practices. With similar concrete actions to decolonise heritage in other fields on the rise, most notably with repatriation and return of human remains and artefacts from museums to communities worldwide, but also in activist movements to remove confederate (in the USA), and colonialist monuments, including the Rhodes Must Fall movement in South Africa and the toppling and removal of the Statue of Edward Colston in Bristol, it would seem that archaeology (for once) could play the role as a precursor in social movements and decolonisation. However, with the publication of the book *Repatriation and Erasing the Past* by Elizabeth Weiss (a professor of anthropology) and James W. Springer

(a retired attorney and anthropologist), it appears that we might be facing a backlash rather than a progressive way forward. It is significant to note the timing of the publication within a broader academic debate. We are currently witnessing a global culture war within academia. Activism on campuses is on the rise while reactionary movements against social justice related research fields, such as postcolonial studies, critical race theory, and gender and sexuality studies, grow stronger in the cultural debate. This is demonstrated by the recent developments in Denmark (Goldschmidt Pedersen, 2021) and Hungary (Enyedi, 2018), where the argument of protecting “academic quality” is used to squash intellectual critical theory that challenges conservative political ideologies. When seen in this context, the publication of this book by Weiss and Springer can be viewed as part of the same reactionary tendency inside and beyond academia today.

The book has already created a significant amount of controversy, and the authors have been subjects of attempts to deplatforming (i.e. boycott). I prefer to take them on in open debate. It must be stated clearly—in the name of academic freedom, and of freedom of speech more generally—that the authors have the right to both write and speak their opinion on the topic of repatriation. However, by doing so they must also expect to be criticized, and in this review, I will focus on the flaws in their foundational understanding of the topic and on the problematic tone with which they present their position, a tone that seems to indicate a fundamental lack of awareness.

The book is divided into three parts. The first is devoted to demonstrating the

value of research on human remains and what biological anthropology can teach us about Palaeoindians and human evolution. The second part focuses on human remains and USA law, including an overview of the legal instruments that pertain to these and the overview of key legal cases. The third and final part is a critique against repatriation, emphasizing a legal perspective of principles, evidence, and arguments, and the 'value' of the study of human remains. The presentation of the arguments does not pretend to be impartial and explorative in a scholarly and intellectual way but is explicitly crafted around the subjective position that repatriation is harmful to research. In short, the authors are not actually exploring the complexity of the topic, but are trying to build a case against repatriation, by citing case law and calling on expert witnesses (in this case Weiss, a biological anthropologist). It is clear to the reader, whatever position one might have, that the authors are seeking confrontation rather than dialogue with other stakeholders. This position is counterproductive, and worse, it is harmful, since it provides arguments in favour of a view of archaeology and biological anthropology as colonialist practices seeking to dominate Indigenous communities, a view many archaeologists and anthropologists have worked very hard to move past, through changed practices and attitudes (repatriation being one such practice). While this short review does not provide enough space to build a case against theirs, I will point to some of the basic flaws in the argument which I believe should lead us to dismiss their case altogether.

My first critique is that the book is remarkably devoid of any reflexivity or power analysis. For two anthropologists, that is extremely problematic and indicates a lack of professional preparedness. The authors do not appear to understand the

impact of the colonial history on the contemporary relationships between Native Americans and the academy. This attitude is revealed by multiple inflammatory and even oxymoronic statements, such as where they seem outraged that Native Americans could claim to 'own their own culture, including their own past, their own bodies, and their own artifacts' (p. 4). In other instances, the writing is devoid of the signals of awareness that we have come to expect from archaeologists and anthropologists writing about these topics. For example, the authors casually and uncommented use of English names given to Paleoindian remains when excavated in the nineteenth century (p. 53) and their use of images from world fairs without commenting on the context (p. 32). They repeatedly use the word and concept of 'race' in the argumentation without contextualizing clearly for the reader that human races are not biologically real (Wolpoff & Caspari, 1997). They even argue that, since traditional knowledge is given a place in the legal discourse on the right to the remains, Native Americans are given 'an unfair advantage' in the process (p. 94).

A second and related problem resides in the lack of respect for Native American culture which is repeatedly communicated through the dismissal of positions about myths, traditional knowledge, Native American cosmology, and so on. The authors' tone is often unnecessarily patronizing and Eurocentric. Their view that science is more objective and rational, could perhaps be defended, especially from their own position as radically anti-post-modern. However, they also repeatedly suggest that their scientific understanding of the world, including of Native American history, is *more valuable* for humanity. That is a different position and one that should be tried on its own terms, but they do not explore this issue, probably because they never questioned it.

Finally, the main thesis of the book is that repatriation is an ideology of victimization—born out of elitist postmodernism—that is opposed to the ‘good’ represented in the value of the study of human remains (p. 94). They claim that this ‘ideology’ is somehow inauthentic, and merely a ‘a modern, political construct and not a genuine reflection of historical Native American cultural beliefs’ (p. 3). As evidence for this they rely on archaeological evidence of Native American cultural practices with human remains, including of their enemies. How this addresses Native American views on the relationship to contemporary research is neither explored nor culturally contextualized. They also communicate that, by being ‘an ideology’, repatriation claims are less rational, and more problematic—something that clouds the scientific reasoning of researchers involved with it. The argument is eerily familiar to similar reactionary critiques raised against, for example, gender studies, often by conservative politicians and debaters. This argument that repatriation is an ideology is presented repeatedly but never intellectually explored or supported. It is simply a position that the authors take. But it is incorrect. An ideology is a set of opinions and ideas held by a group of people. Repatriation is a practice that is regulated by law and the product of years of negotiation between stakeholders. The authors are correct in pointing out that this practice has affected and continues to affect the discipline and methods of anthropology by setting new boundaries and shifting the power dynamics to some extent; but just because something is ‘in your way’ does not give you the right to cast it aside as ‘ideological’. There are multiple research practices (not least in psychology and medicine) that have been limited, regulated, or even abandoned because they are deemed unethical, harmful, and hurtful,

even if they may result in research that could benefit humanity. It is not clear that the authors realize that archaeologists and anthropologists do not have automatic and uncontested right to any materials they find interesting to study. Most countries today have legal systems that carefully regulate access to archaeological remains, excavated and unexcavated. When seen in that perspective, NAGPRA is not an exceptional measure threatening research, but rather a mechanism that includes the indigenous peoples of the United States into a regulatory mindset about who can do what with cultural heritage and human remains.

The biggest problem to me about this book is that, by taking such a polarizing and confrontational position, the authors undermine the value of some of the important points they are trying to make, and this in turn stands in the way of interesting conversations and debates about repatriation and knowledge production—academic and Native American. The authors do make several points that, were they to be approached in a more tactful way, could have been points of departure to having productive and exploratory conversations about the effects that repatriation has had on Palaeoindian archaeology in the United States, the role of descendants in decision making, the impact of aDNA research on communities, etc. Whether we think it is worth the price or not, it remains true that, by returning prehistoric and rare remains for reburial, archaeology and biological anthropology have lost important data and materials, and this will limit the kinds of research questions that can be asked or revisited in the future. It is also true that there are political risks in the process and that it may be important to examine these. I have explored the complexities and the challenges of discourses relying on essentialism and claims to culture, and in particular

what might happen when these ideas move from a colonial to a nationalist political and historical context (Nilsson Stutz, 2008; 2013). However, in order to get to that level of analysis we must recognize the obvious power dynamics that permeate the process and move toward mutual understanding.

Today, thirty years after the passing of NAGPRA, most archaeologists accept repatriation as a natural part of American archaeological and museum practices. Most of us can have thoughtful conversations about these matters. It is therefore perhaps not surprising that we now witness a backlash against this movement. In the end, we must question the publisher, University of Florida Press. Why did they decide to provide these authors with a platform in the first place? It is true that the authors have freedom of speech, but they are not entitled to a book contract. So why did an American University Press decide to invest in this book right now? Did they really think this would contribute to a productive debate? Critical self-examination moves archaeology and biological anthropology forward as we assess the power relationships in the discipline, our colonial and nationalist pasts, and our relationships with stakeholders in the past and present. And, just like everything else that is important, these aspects of our disciplines must always continue to be moved forward, examined, and debated. However, the tone and

argumentation represented by this book are counterproductive, and it is my hope that *Repatriation and Erasing the Past* will be a parenthesis in the progression of this debate and not a game changer.

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doi:10.1017/ea.2021.43

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Before starting *Repatriation and Erasing the Past*, I took a deep breath to open my mind and clear my heart. Being familiar

with the lead author's previous publications (e.g. Weiss, 2008) and the current controversies that swirl around her