



Politics

Academic Freedom and Native American Reburials

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Thirty years ago, a federal law called [NAGPRA](#) (Native American Graves Protection and Repatriation Act) was passed. NAGPRA's purpose is to assist federally recognized Native American tribes with repatriation and reburials. According to NAGPRA, the committee that decides on repatriation and reburial must consist of seven individuals: three of whom must be nominated by Native Americans, including traditional Native American religious leaders. At least two committee members must actually be traditional Indian religious leaders. Oral histories are given as much weight in repatriation decisions as scientific evidence, such as DNA and craniometrics. NAGPRA also requires anthropologists to consult with Native American tribes, some of whose members are creationists. Research on artifacts and human remains is allowed only if the committee deems it to be of critical value to the US.

NAGPRA is the pinnacle of what we call *repatriation ideology*: a political movement that allows contemporary American Indians to control research. Repatriation ideology works against science and academic freedom, since the Native American religious leaders involved may require researchers to change their hypotheses, modify their methods or hide their results. As we detail in our 2020 book [Repatriation and Erasing the Past](#), repatriation ideology supports religious perspectives, while, from a postmodern perspective, it is about giving a voice to the oppressed and righting past wrongs, even at the cost of truth. James Clifford, for example, [argues](#) that infringing researchers' freedoms is justified because of America's colonial past.

Collaborating anthropologists may be motivated by guilt over their perceived connections to that past or anxieties over the mistreatment of Native American heritage. Victoria Warren-Mears, director of the Northwest Tribal Epidemiology Center, for example, [argues](#) that academics "have traditionally been members of colonial cultures," while the Society for American Archaeology's Bioarchaeology Interest Group has [urged](#) anthropologists to

cultivate “relationships with Indigenous groups” to counteract “a legacy of colonialist and racist research.”

Such academics often neglect to mention the religious factor—thus misunderstanding the reason for NAGPRA and repatriation that is most important to the people whose voices they claim should be heard: people like NAGPRA committee member Armand Minthorn, who asserts, “Our religion tells us so. Our oral history tells us so. All of those tell us that we were created here. We did not cross any land bridge like the scientists tell us. Our religion tells us we were created here. Period.”

This is difficult to reconcile with academic freedom, which is especially important when controversial topics are at hand. The scholarly search for truth is based on an empirical perspective, which rejects subjectivity and epiphenomena like miraculous tales or literal Biblical accounts of creation.

Academic freedom is about control of one’s research questions, methods and publications, while repatriation ideology is about wresting control over that research in order to control the narrative. For example, Larry Zimmerman, a key figure in the field, has argued that Native Americans should control research questions, methods and interpretations, while in her guidelines for collaborating Native American tribes, Victoria Warren-Mears states that “tribal members and representative bodies are within their rights in seeking to control all aspects of research and information management processes which impact them.” The term *decolonized archaeology* is often used. According to Ruth Van Dyke, this means that “Native American descendant communities control their own histories, materials, bodies and intellectual property.” In field schools run collaboratively with academics and Native Americans, such as the ones described by Sara Gonzalez and Briece Edwards, tribes often retain ownership of the materials and decide when and to whom to grant access.

Van Dyke outlines the different phases of collaboration that researchers undergo, as if they were the stages of grief: resistance; reluctance; embrace; and, finally, advocacy. These phases are depicted as goals. However, each phase requires researchers to give up academic freedoms.

Researchers may need to build trust: Michelle Lelièvre and her colleagues have described engaging in daily religious ceremonies “to build trust and connection between the members of our research team.” More importantly, however, they must convince the Native Americans that the research will lead to real benefits for the tribe: paid positions, donations, evidence for land claims. For instance, Peter Nelson, describes designing a botanical archaeological project that will “help create a case for including Indigenous land management practices in future restoration projects and ongoing maintenance within the park.” After all, as Van Dyke points out, “archaeological sites are literally sites of struggle over the right to be heard, and rights to political and economic resources.”

Prior to starting research, Native American consultants often require researchers to select what they see as appropriate hypotheses. For example, Gonzalez and Edwards note that, in their work, tribal preservation offices have to “approve of all research.” This hinders truth-seeking, since the only questions that can be asked are those that do not offend the Native Americans.

Scholars may also avoid controversial questions in order to gain access to collections. Many articles advise anthropologists to formulate only questions that help the tribe. Alison Wylie, for example, recommends addressing questions that help in land claims. If oral history exists in support of a question, it is likely to be rejected as contradicting the wisdom of the elders. As Lelièvre and colleagues point out, research questions are “guided by the concerns of community members” and help descendent communities “develop protocols that respect local prohibitions against disturbing human remains and sacred sites, and acknowledge the sacrifices of nonhuman subjects that may be disturbed in the process of this work.” The nonhuman subjects in this context are lands and waters that are tied to creation myths.

As Thomas Ferguson has shown, questions that may offend and controversial topics, such as religion, power, gender and the treatment of the dead are generally off limits. Tsim Schneider and Katherine Hayes even justify this, arguing against the “colonial ideology of the ‘universal good’ of knowledge.”

Researchers are also subject to rules on how to collect data. Native American consultants may require smaller samples or less excavation or place certain areas off limits because they are considered spiritually dangerous. The restrictions sometimes even extend to researchers’ off-hours behaviour. Collaborative field schools have prohibited students from going into the tribe’s casinos to use the Wi-Fi, because there is alcohol in the buildings. Gonzalez and Edwards write that the Confederated Tribes of Grand Ronde Community of Oregon’s Historic Preservation Office “held a formal discussion with tribal members and students in order to further clarify the spiritual and physical importance of sobriety for people” and—perhaps most egregiously—conducted random drug testing on all non-Native students, staff and researchers. Some Native American elders have banned females from certain sacred sites. Hopi Indians in the San Pedro Valley of Arizona, for example, have explained that certain sites are not appropriate for women to even visit, Van Dyke reports. Jennifer Putman recalls that, during her research, some remains, such as those of warriors, were not to be touched by females.

Collaboration efforts also shape the results of studies. Native American activists and pro-repatriation anthropologists often argue that to interpret data, we should consider the Native American perspective, which may include spiritual explanations. Nelson writes that the Federated Indians of Graton Rancheria would not permit “narratives and representations of Native American people that do more harm than good or are only self-serving” and reserved the right to “review and comment on all products of the research.”

Finally, Native American collaborators may prevent researchers from publishing their findings. There has been [a call](#) for journals to require authors to demonstrate that they have permission from tribal politicians and religious leaders and some journals, including *Bioarchaeology International*, have agreed to do so.

These ideas have all gained force since NAGPRA. For instance, Devon Mihesuah [has argued](#) that researchers should be required to allow Native Americans to determine whether research should be published and where. Tsim Schneider and Katherine Hayes [have argued](#) that academic publication is incompatible with Native American desires to safeguard esoteric knowledge by keeping it secret.

All this has led to self-censorship, which can take mild forms, such as apologizing for supposedly offensive terms, like *cranium* and *burial* or more fundamental ones like avoiding the study of controversial topics or oppressed peoples. For example, Sharon DeWitte, [has revealed](#) that she chose to study disease in European medieval skeletons to avoid dealing with exploited and marginalized groups—ignoring the fact that the medieval poor were both exploited and marginalized. Is this the kind of tame, timid anthropology that we want to leave behind?

Academic freedom has been handed over; truth seeking has been replaced by asking questions that will not offend Native American activists. Looking for knowledge in pursuit of the common good has been replaced by looking only at perspectives that benefit one specific group of people. Publication and sharing have been replaced by censorship. This is not the result of a colonial past, but of a postmodernist, politically correct present. By relinquishing control to those who are perceived as victimised or oppressed, stories become tainted by propaganda.

Although NAGPRA specifically and repatriation ideology in general may seem to affect only a small slice of academia, it shows how academic freedoms can be chipped away by a combination of postmodern academics, religious creationists, federal laws and self-censorship. The postmodernist belief that membership in an oppressed group makes a person's opinion more valid and the concomitant failure to value objectivity and academic freedom are spreading. But academic freedom and the search for truth without interference from race, religion or politics must be protected if we want to advance our understanding of the world.

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