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Reburial Ethics: Svestad's Analysis of the Neiden Sámi Case

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self-determination but also efforts for decolonization of the human mind. Empowerment and knowledge are essential aspects in the struggle for self-determination among indigenous people and access to the historical cultural heritage is an important part of this. Symbolic acts can be of importance for reconciliation and empowerment. However they can also be destructive and reduce the search for knowledge and access to the cultural heritage.

REFERENCES

Aronsson, K-Å., 2012. Research on human remains from indigenous people: reflections from an archaeological perspective (with an example from Rounala). *In*: H. Fossheim, ed. *More than just bones: ethics and research on human remains*. The Norwegian National Research Ethics Committees, 65–79.

Ekström, S., 2006. Samiska frågor i Svenska kyrkan. *Svenska kyrkans utredningar*, 1.

REBURIAL ETHICS: SVESTAD'S ANALYSIS OF THE NEIDEN SÁMI CASE

Lynne Goldstein

With a focus on a specific reburial case in Norway (that of the Neiden Sámi), Svestad examines some of the complexities of reburial ethics. Svestad's study is important for several reasons: 1) it is *not* a Native American Indian case (thus helping to broaden the scope of repatriation practices, as well as the kinds of analyses and kinds of issues examined under the rubric of repatriation); 2) Svestad tries to sort out the conflicting and complex documentary record that accompanies this reburial request and many others; 3) he carefully examines and questions the positions and actions of each of the parties involved in the case; 4) he understands the limitations of and differences between descent and ethnicity; and 5) Svestad employs philosophy (in particular, the work of Heidegger) to try and parse the meaning of actions and actors in the past, thereby opening a path for additional theorizing in this area of study and practice. In other words, Svestad is sincerely trying to determine what 'the appropriate action' is in a situation that is complex historically and today.

While I enjoyed reading Svestad's analysis and agree with many of his conclusions, there are several portions of his discussion that, while both logical and interesting, largely miss the point of repatriation, at least in the way repatriation is understood in North America. To begin, Svestad states that the crucial question of his study is: '*in what way do repatriation/reburial issues involve the care and concern for the dead and their belongings themselves and their being dead?*' (emphasis in original).

This is a different way of framing the issues since the focus of most repatriations – beyond those of direct, named ancestors – is on the living and their views and beliefs, how the dead were treated by archaeologists and physical anthropologists, and how the continued curation of remains will affect both living and dead. Indeed, mortuary practices in general are for the living, not for the dead.

One reason that repatriation of human remains and sacred objects is not a simple process – and is not always about the individual who died – is that the motivation for these requests is about people in the present and their perception of the past in the present. Repatriation claims are often associated with politics, ethnic identity and other debates or problems in contemporary society that have or claim to have a historical link to the object or human remains. Although Svestad may argue that such motivation is problematic, such motivations do not make the claim less valid or less appropriate. The

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context of the request is important to understanding the request. Archaeologists, physical anthropologists and museum directors do not generally approach repatriation in this way; they try to contextualize the materials based on archaeological and historical knowledge and science. It is a discussion that has often led to misunderstandings and differences because the parties involved are focused on entirely different matters.

In their broad discussion of the ethics of bioarchaeology, Larsen and Walker (2004, p. 114) outline three ethical principles for the study of human remains, whether in the US or internationally: 1) human remains should be treated with dignity and respect; 2) descendants should have the authority to control the disposition of their relatives' remains; and 3) because of the importance of human remains for the understanding of our common past, human remains need to be preserved when possible so that they are available for scientific research. In North America, Norway and many other places, there is not universal agreement on these principles. However, except in the case of named individuals and specific relationships, repatriation is generally not about individuals; the focus is on the community and the cultural collective. Individual beliefs and practices may be considered, but that variability is not part of the repatriation process. In his study, Svestad argues for the individual, differences among individuals, and what a person wanted or believed or did. But, individuals do not determine repatriation – the cultural collective does.

Lambert makes an important point that US repatriation laws mark a real 'shift in archaeology law from the protection of archaeological resources to the legal acknowledgement of private ownership (or rights of stewardship) by a sector of the American population of a component of the archaeological record' (2012, p. 21). Lambert further notes: 'These laws reveal significant changes in attitudes concerning the scientific value of archaeological human remains over the course of the 20th century, and illustrate the complexities that can arise when secular and religious ethics collide in the conduct of scientific research' (2012, p. 20).

Colwell-Chanthaphonh and Ferguson suggest that, instead of principles and rules of ethics, archaeologists should promote the idea of 'virtue ethics'. 'Instead of beginning with questions of obligations and oughts, Virtue Ethics begins with questions of character, focusing on relationships and the subjectivities of social interaction' (Colwell-Chanthaphonh and Ferguson 2006, p. 118). Rather than a focus on single acts, they argue for a focus on agents and sustained actions. Colwell-Chanthaphonh and Ferguson (2006) promote a more complex, layered discussion about archaeological practice, noting that archaeologists have a series of unique relationships with multiple interactions, and these interactions have consequences for ethical standpoints.

Larsen and Walker (2004) discuss the ethics of bioarchaeology and their view of the future. For them, compromise is the key to reaching an ethical solution to skeletal studies of ancient ancestors. Compromise can be legislated, as it originally was for US NAGPRA (Native American Graves Protection and Repatriation Act), or it can come about through working together. They close their discussion with the comment that 'compromise is developed when there is trust between two parties who have invested time and effort in reaching solutions that may not be perfect, but nonetheless attempt to [address] competing interests of different groups' (Larsen and Walker 2004, p. 118).

The notion of trust is an important one, and will continue to be so in the future in repatriation negotiations. Colwell-Chanthaphonh and Ferguson (2006) outline and discuss 'virtue ethics', citing Baier's (1994) contention that goodwill is an essential component of trust. Colwell-Chanthaphonh and Ferguson (2006, pp. 122–124) list the complex web of categories of trust relationships in archaeological practice, noting that there are not only relationships within categories, but also

relationships among them. Trust requires goodwill, but each group has to interpret acts of goodwill as benevolent (Colwell-Chanthaphonh and Ferguson (2006, p. 127). If we wish to develop trust among archaeologists and museums and indigenous groups, all parties must move to a focus on people and actions over time, rather than things and single interactions at one time.

Svestad has done an excellent job outlining some of the major ethical and theoretical issues involved in what might initially seem to be a straightforward repatriation. He cites Masterton (2010) and others as promoting the 'interests of the dead', the idea that the dead should be recognized as moral persons in their own right. Even in his application of Heidegger to these issues, Svestad suggests that there are important individual issues that need to be discovered or disclosed. While his arguments have intellectual merit, they are of an entirely different nature than the concerns and ethics and politics of the people requesting repatriation. Cultures change over time, and there is not a single right or correct path towards repatriation. Maybe in a world without politics, one could argue for the interests of the specific dead, but that world has really never existed, and mortuary practices are really for the living and not the dead.

In his discussion of the various aspects of the Neiden reburial, Svestad makes it clear that he understands the range and variability of the ethical issues involved. He is particularly concerned with being mindful towards the dead and their belongings. While, at least at this stage in archaeological history, it may not be possible to achieve his goals, he is correct that we might all be better served if everyone fully understood the entirety of situations and avoided 'distortedness, concealment and carelessness'. That goal may be sometime in the future, and we first have to learn mutual respect and trust.

REFERENCES

Baier, A., 1994. *Moral prejudices*. Cambridge, MA: Harvard University Press.

Colwell-Chanthaphonh, C. and Ferguson, T.J., 2006. Trust and archaeological practice: towards a framework of Virtue Ethics. *In*: C. Scarre and G. Scarre, eds. *The ethics of archaeology: philosophical perspectives on archaeological practice*. Cambridge: Cambridge University Press, 115–130.

Lambert, P.M., 2012. Ethics and issues in the use of human skeletal remains in paleopathology. *In*: A. L. Grauer, ed. *A companion to paleopathology*. Malden, MA: Wiley-Blackwell, 17–33.

Larsen, C.S. and Walker, P.L., 2004. The ethics of bioarchaeology. *In*: T. Turner, ed. *From repatriation to genetic identity: biological anthropology and ethics*. Albany: State University of New York Press, 111–119.

Masterton, M., 2010. *Duties to past persons: moral standing and posthumous interests of old human remains*. PhD thesis. Uppsala: Acta Universitatis Upsaliensis, University of Uppsala.

A NEW ETHICAL PATH FOR ARCHAEOLOGY?

Håkan Karlsson

'What happened in Neiden? On the question of reburial ethics' is a thought-provoking and, from my point of view, a most welcome text. Its reflexive and critical standpoints raise crucial questions concerning the issue of ethics in archaeology on a number of different levels. The text reflects critically on the Neiden reburial case in particular, but also on the ethics of reburial/repatriation in general. At the same time, with its theoretical anchorage in Heideggerian reasoning, the text also widens the discussion concerning archaeological ethics beyond the issues of reburial/repatriation in highly interesting and important directions.

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