

**Perceptions of Repatriation: An anthropological examination of the meaning
behind repatriating human remains in Canada.**

by:

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DECLARATION

I hereby declare that I am the sole author of this thesis. This is a true copy of the thesis, including any required final revisions, as accepted by my examiners. I understand that my thesis may be made electronically available to the public.

ABSTRACT

The repatriation of Aboriginal human remains is still a debated issue in some forums. However, among many Canadian museums and other institutions, repatriation of ancestral remains is no longer a debate. It has become part of an obligation institutions have to ‘decolonize’ their collections. While the question concerning whether repatriation is ‘the right thing to do’ has been recognized in most North American museums, trying to decide the best method to return the remains is still undecided. In examining how perceptions of human remains have changed in the Anglo-European, Haida and Ojibway cultures, an explanation of the importance of repatriation emerges. This thesis analyses how changes in perception have impacted the acceptance of repatriation among museums and other institutions and produced a discourse concerned with returning all Aboriginal remains back to Native communities. By analysing the experiences and opinions of 14 stakeholders in repatriation (collected during in-person and telephone conversations as well as open-ended questionnaires) I was able to garner a general opinion on the status of repatriation in Canada. It was found that the current method Canadian institutions employ to repatriate Aboriginal human remains adequately addresses the issue. Flaws are found in all methods of repatriation; however, presently, negotiations based on mediation and not litigation produce more valuable consultation relationships, more cooperation between institutions and Native groups, and a more beneficial repatriation experience.

Key words:

Repatriation, Canadian Repatriation, Aboriginal Rights, Perceptions of Human Remains.

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DEDICATION

My family.

My Mom, Dad, John, Tanya, Catherine and my lovely Aunt Jane
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CHAPTER ONE

Introduction

This thesis is concerned with examining how repatriation has been perceived by those who are invested in Aboriginal skeletal research; such as those in researching positions, museum curators and First Nations. Through doing this, I wanted to gather opinions on whether repatriation in Canada could be improved (with federal laws for example) or if it is currently adequate. As well, I examined why repatriation had become a controversy and some benefits associated with repatriation in Canada.

Repatriation of Aboriginal ancestral remains is the return of human remains from institutional collections (museums, and universities) back to their related Aboriginal communities, usually for reburial. These institutions together have accumulated thousands and thousands of Aboriginal remains because of collection by colonizing forces, ethnographic study, and scientific research. Today repatriation is seen by many as a necessary step in decolonizing the museum and Aboriginal heritage in Canada (AFN & CMA 1992; CCMC 2011; Hanna 2003; Lonetree 2009; Myles 2010).

In many ways, the repatriation of ancestral remains was an unavoidable outcome in North America (Fine-Dare 2008:39,49); Hurst Thomas 1991:10). After centuries of marginalization and degradation, the Aboriginal population in Canada has begun to recover from some of the effect of colonization. This is partly because of a renewed interest in preserving traditional heritage, language, and art (Wesley-Esquimaux & Smolewski 2004:1). The interest and the ability to participate in cultural renewal has stemmed from the growing political power that First Nations in Canada hold. In the past, Aboriginal people were silenced because of racism, and marginalization due to colonial pressures. Especially starting in the 1980s, Aboriginal Canadians

decided they needed to reassert the ownership of their heritage (Jenkins 2008:105). In doing this, cultural material and ancestral remains that were held in museums or other institutions were demanded back by many Aboriginal groups in North America. Today, repatriation of ancestral remains in North America has grown into a professional necessity for many institutions that hold collections of Aboriginal human remains (Kakaliouras 2012:210; Klesert and Powell 2000:204). Although there is a mutual desire among both museums in Canada as well as Aboriginal communities to rebury the ancestral remains, there still exists a level of controversy over the act of repatriation.

In many respects this controversy stems from the concept of European colonialism and its power over Aboriginal culture. Use of the term ‘colonization’ is found throughout the literature mainly as a catch-all for wrongs done because of European expansion into their colonial territories. The process of colonization however, is not universally similar. In Canada for example, the attempted assimilation of Aboriginal Canadians was meant to erase Aboriginal culture from Canada (Cunningham et al. 2008). While in the United States the process of maintaining the dominant European culture was established by segregating the Aboriginals from the rest of the population through relocation and establishing reservations (Cornell 1988: 6-7, 81). As argued by Ronald J. Horvath in his 1972 publication *A Definition of Colonialism*, “colonialism is a form of domination-the control by individuals or groups over the territory and/or behaviour of other individuals or groups” (Horvath 1972:46). Horvath acknowledges the difficulty of creating such a definition given the variability of the term. He notes that definitions of colonization are often “insufficient in cross-cultural perspective[s]” (1972:46) and they are usually only attributed to the Western nations’ expansion into Third World territories. However this is not true as many societies through time have participated in colonization efforts (Horvath

1972:48). With the complexity of the term “colonization” in mind, I will use it to illustrate the methods of domination that European settlers used to subjugate the Aboriginals in North America; this can include assimilation techniques such as Residential Schools, and outlawing cultural events to stifle traditional culture.

In North America and other regions colonized by Europeans, the Aboriginal populations have voiced their discontent with museums presenting their heritage without their consent or input. Although there is still public interest in curating human remains for study and presenting the information to the public in museums, the stigma associated with possessing Aboriginal human remains in North America is quite strong (Sayer 2010). It is this struggle for control over their heritage and the right to reburial of their ancestral remains that places the repatriation of Aboriginal human remains into the light of a public issue in anthropology. Not only is this subject ongoing and relevant, but it is also very complex. As I have illustrated in Chapter Two, the perception of human remains has changed through time, and today repatriation and cultural renewal greatly impact the lives of Aboriginal Canadians. An examination of the status of repatriation among stakeholders in the repatriation effort will provide a foundation to review the current efforts being afforded to the issue.

i) Introduction to Repatriation

Despite changes in both policy and public perceptions, there is still a debate surrounding the repatriation of Aboriginal ancestral remains. Most museums in Canada agree that repatriation is essential, yet there remain some hold-out facilities that prefer not to accept the increasingly common understanding that there are benefits to repatriation for both native groups and the institutions housing the remains. Even in Canada where museums and other institutions (such as

universities, colleges) have generally accepted and often embraced the return of Aboriginal skeletal remains to First Nation, Inuit and Metis communities, there still remains a level of reluctance. This reluctance is found among both the institutions as well as the Aboriginal groups. There are a number of factors that contribute to this hesitation to repatriate human remains, including a lack of funding and a lack of clear procedures for both Aboriginal groups and institutions. However, it is a generally agreed upon fact among many institutions in Canada that repatriation should occur when possible.

In Canada, there are laws protecting recently uncovered aboriginal skeletons, yet there are no laws that necessitate the return of Aboriginal remains which were collected in the past. Many museums follow guidelines set out by organizations such as the Task Force on Museums and First Peoples (1992) that dictate protocol to ensure the decolonization of museums and the incorporation of the First Nation voice in interpreting heritage (AFN & CMA 1992; Young 2010:9). The argument for repatriation of ancestral remains is not only based on the obligation museums and other institutions feel in order to decolonize the profession, but also the beneficial relationship it creates with Aboriginal people in consultation, or coordinating information.

ii) **Organization**

In Chapter Two a brief history of how repatriation developed in Canada and an examination of how policies on repatriation of human remains were influenced by both national and international events will provide context for understanding the current Canadian repatriation system. An examination of the attitudes of government and institutions towards Aboriginal peoples in Canada through history can also contribute toward understanding the issues involved.

. Because the United States' repatriation legislation has impacted the world stage so

heavily, I will next examine the history and impact of the legislation mandating repatriation in the USA. To understand the environment surrounding repatriation of Aboriginal remains in Canada, the perceptions of what ‘human remains’ mean to different people is essential; I will present different perceptions about human remains using the Anglo-European, and the Haida and Ojibway First Nations of Canada as examples. I have chosen these cultures for a few reasons. First, English European culture dominates the Canadian population; therefore impacting institutional policy and popular opinions on matters such as repatriation (Shah 2003:106). While there are many Aboriginal cultures that could be studied throughout Canada, I choose the Haida because they are a people defined by their repatriation efforts, and the Ojibway were included because they are one of the most populous First Nations groups in Canada. These two groups also represent two very different Aboriginal cultures in Canada with regards to the systems of class, perceptions of human remains, and the afterlife. By comparing these three different cultures an understanding can emerge of why a debate existed in the first place, and why First Nations peoples are so determined to restore human remains to the ground (or why they would prefer not to touch them).

The literature review will also present aspects of how repatriation and cultural renewal can be beneficial to Aboriginal mental health and well-being. I will present the argument that repatriation (which is an aspect of cultural renewal) can heal some of the societal problems caused by the attempted assimilation and marginalization of Aboriginal Canadians, and how repatriation can be used to strengthen social cohesion. The chapter will finish with a section based on why cultural differences exist and why Aboriginal communities need ancestral repatriation.

The third and fourth chapters outline the method used in gathering, and analysis of the data. This includes why repatriation of human remains is a public issue in anthropology and how I chose my participants. The analysis consists of 14 stakeholder interviews. Using these, I have established an argument reflecting current opinions about Canadian repatriation efforts, methods, and policies.

CHAPTER TWO

Literature Review

i) History of Repatriation in Canada

The colonization of Canada by Europeans and the associated marginalization of Aboriginal people, were products of their time. Although many can argue that facets of colonization are still prominent today, there is a general acknowledgment that equality and unity are growing among Canadians, for example, with the growing field of indigenous archaeology, (Colwell-Chanthaphonh et al. 2010:233; Cunningham et al. 2008: 442; Watkins 2005: 434-435)). Within the past century, the world has come a very long way in terms of human rights; while I am not arguing that Canada and other colonial countries have fully achieved equality for aboriginal populations, I do believe that given time, attitudes and perceptions will continue to change for the better.

Nevertheless, it is important to keep in mind that in the context of today, tremendous wrongs were committed through the guise of exploration, science, and the diffusion of “civilization.” Through exploring a brief history of the colonization of Canada, the fallout from colonization, and the subsequent decolonization and repatriation efforts, this chapter lays the foundation for understanding and analysing the opinions and perceptions of the repatriation of human remains in Canada.

a) Colonization

Colonization of North America by Europeans has been occurring since the time of exploration, beginning in the 15th century (Butzer 1992: 543). Although many European nations raced to expand their empire, England and France were the main contenders for much of North

America. Although they experienced a severe drop in population and life expectancy due to the devastating spread of European diseases, many Native people also formed alliances with European powers in order to establish and maintain trade (Cunningham et al. 2008:444-445; Francis 2011: 37-38; Simpson 2004). Native peoples were also involved in the many European wars that spread to the colonies. During the French-English war (1754-1763) battles raged between the two colonial powers in order to define land boundaries and both powers utilized native warriors (Cunningham et al. 2008:444-445; Hamilton 2010:86). Almost 50 years after that war ended, the War of 1812 (1812-1815) had both the Americans and the British enlisting Aboriginal groups to fight. By the 1830s, however, the military use of Native peoples had largely ceased as the colonial powers settled their conflicts. As a result accommodating Native culture and traditions became unimportant. It was replaced by a desire to “civilize” Aboriginals grew as European settlements expanded, making many Europeans and First Nations neighbours, or pushing some Aboriginals off of their land (Francis 2011:24; Cunningham et al. 2008:445). While the British developed legislation pertaining to treatment of Aboriginals, the main intention was to “civilize” the population using Christianity as the mainstay. In addition, many Europeans had come to view Aboriginals as a burden on society (Francis 2011:24, 181, 213).

Throughout all of these phases of European expansion, cultural items and human remains were being taken from Aboriginal communities. In Europe there was a curiosity concerning foreign cultures. Returning with stories, art, and relics, travellers entertained homebodies with tales from North America (Trottier 1985:7; Tythacott 2011:133). The belief that Aboriginal cultures all over the world were disappearing prompted a myriad of collectors, anthropologists, and ethnographers to gather as much material culture as possible before the

societies disappeared forever (Simpson 2008:65). These pieces sometimes made their way to museums or personal collections in England. Often, the items collected were used to emphasize the dichotomy between the “civilized” world, and the world of the un-advanced, savage and barbaric people (Francis 2011:22-23; Trigger 1980:663-664; Tythacott 2011). For example, illustrating the primitive nature of the Indian pot to the shining brass European equivalent, this culminated in the display of Aboriginals themselves as evidence for cultural superiority (Francis 2011, Tythacott 2011).

b) The Imagined Indian

The concept of the indigenous North American has evolved through time from the stereotypical “Indian” to the politically savvy, culturally minded Aboriginals we see today. To understand why repatriation was a debate and how perceptions of repatriation of human remains have changed one must look at how the definition of Native people in North America has also changed. This section briefly examines how and why an inaccurate image of the American “Indian” prevailed in the minds of many non-Aboriginals until the mid-1900s.

According to author Daniel Francis in his book *The Imaginary Indian: The Image of the Indian in Canadian Culture* (2011), Europeans and Euro-North Americans manufactured the American Indian. Not only by providing the Aboriginal people of North America with the inaccurate name “Indian,” Europeans also created and maintained the idea that the “Indian” was a unified identity across the continent (Collins Cook 2006:35; Francis 2011:20). Wearing a headdress, a quiver of arrows, and a pair of tan raw-hide fringed slacks, the Indian gallops atop his pinto on the sun-baked plain looking for cowboys to challenge or dancing to make the rain come (See Figure 1: Francis 2011:133). This false, yet widespread image of the American Indian

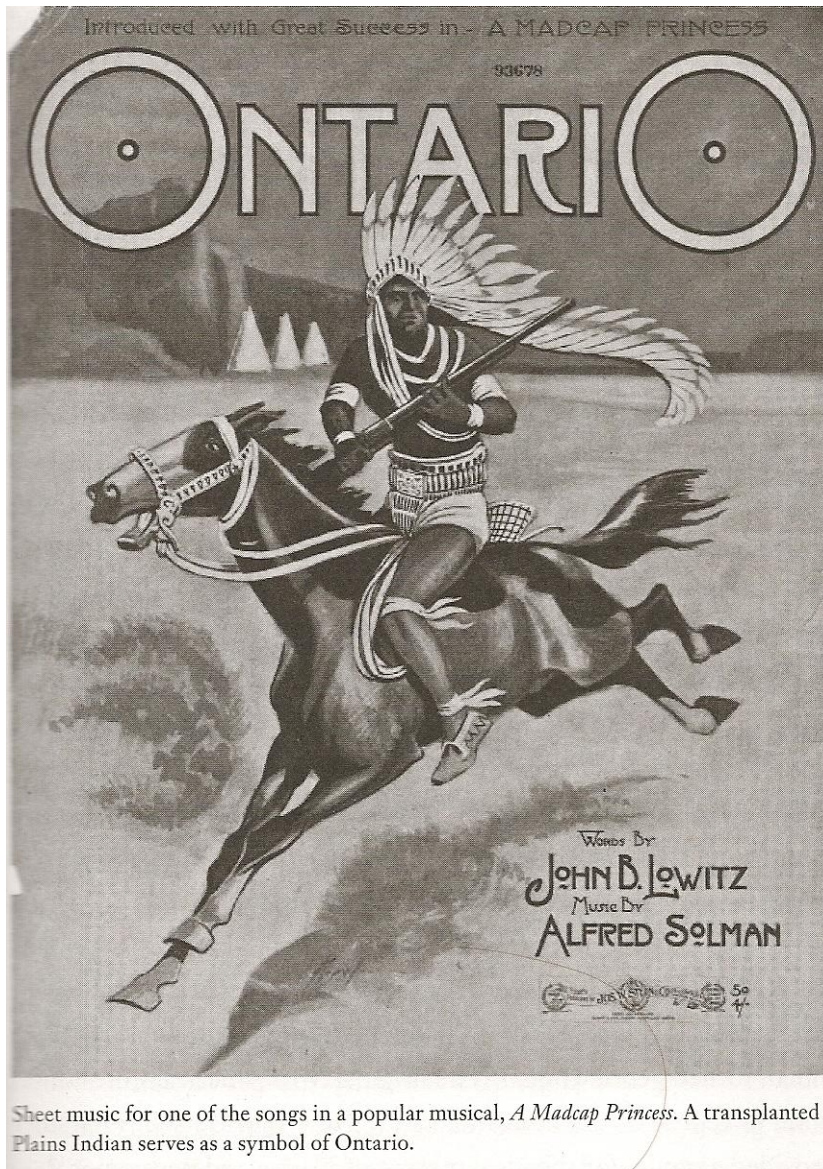


Figure 1: The typical image of the “American Indian” can be seen on this music book. The unvarying image of the “Indian” is found even in depictions of Ontario (Francis 2011:133).

has persisted through hundreds of years of various artworks (e.g. *Death of General Wolfe* by Benjamin West, 1770), poems and stories (e.g. *Last of the Mohicans* by James Fenimore Cooper, 1826 and the various legends of Pocahontas), and what were often staged photographs (Francis 2011: 20; Trigger 1980: 663).

After the military use of North American Aboriginals ended in the mid-1800s, the Canadian government decided that Aboriginal people must be assimilated into a “civilized” way

of life (Bell, Raven & McCuaig 2008:43, 53; Cunningham et al. 2008:443-451). Although by that time, most First Nations and Inuit people had converted to Christianity, many still spoke their native tongue and embraced their culture. In order to assimilate Aboriginals totally into European culture various Christian missions established programs as early as 1820, in which Aboriginal children in Canada were forced to attend what would later be called Residential Schools in order to provide a European style education and to separate them from their home culture. These schools are recognized as the main reason that Aboriginal culture and language in Canada has diminished (Bell, Raven & McCuaig 2008:43, 53; Cunningham et al. 2008:447-451; Francis 2011:80; Jacknis 2000:267). When Canada was declared a nation in 1867, the existence and maintenance of Residential Schools was put into the Indian Act, which mandated the compulsory attendance of Indian children (Bell, Raven & McCuaig 2008:59; Cunningham et al. 2008). To further destroy the traditions of First Nations people, in 1885, the federal government outlawed the Potlatch and the Sundance, two very important ceremonies among some First Nations communities (Bell, Raven & McCuaig 2008:43, 53; Cunningham et al. 2008:443-451; Francis 2011:80; Jacknis 2000:267).

During the first half of the 20th century, the population of Aboriginals in Canada steadily improved and began to recover from the devastation caused by European diseases and damaging assimilation policies (Shah 2003: 164). As human rights issues came to the fore in the 1950s and 1960s, the anti-potlatch law was dropped (1951) and attendance and support for Residential Schools decreased significantly (Jacknis 2000:268; StatsCan 2011). Nevertheless, the “American Indian” stereotype persisted into the 1960s, until political awareness and a romanticised idea of the Native American began to draw attention to the adverse effect of such views (Fine-Dare 2002:73). However, for the children who were educated in Residential Schools, the damage had

been done. Many were not fluent in their native language and found it difficult to understand oral narratives and the purpose of some traditional practices (Bell, Raven & McCuaig 2008:59).

c) *The Call for Decolonization*

During the First and Second World Wars, many Aboriginal men and women fought for the Allied forces of Canada and the US. When they returned from the war effort they brought with them a new commitment for asserting Aboriginal rights and equality (Fine-Dare 2002:68; McMillan & Yellowhorn 2004:322). This, along with the 1948 United Nations Universal Declaration of Human Rights, which stressed the importance of equality and maintenance of human dignity in member nations, spurred a demand for equal treatment by Aboriginal North Americans (Fine-Dare 2008:41). The UN document marked a transition in many Western countries; an acknowledgment of rights to freedom and equality became a hallmark of a united country. For the first time, First Nations people felt that they had the right to speak out against colonization and assimilation, which prompted others to sympathize with their plight and invoke legislation and policy for the protection of Aboriginal heritage (Ubelaker 2006). In North America, legislation concerning Aboriginal heritage sites and material remains produced guidelines on how to treat Aboriginal material heritage in archaeology and within museums (Fine-Dare 2008).

Although some form of cultural relativity was practiced previously, the 1960s and 1970s created an environment where many anthropologists and archaeologists adopted the postmodern/post-processual method of interpreting culture. In these methods, cultural relativity is highlighted and consultation with Aboriginal individuals is encouraged (Hurst Thomas 2008:59; Killion 2008:6; Zimmerman 2008:95). Even though many concessions had been made

between Aboriginals and researchers, by the end of the 1970s some archaeologists still described their relationship with First Nations as being barely tolerated (Trigger 1980:680). There was a distinct feeling among many Aboriginals that burial archaeology desecrated sacred burial grounds and further disregarded Aboriginals (Krmpotich 2010:160). They often accused archaeologists of racism. For example, in 1971 a burial site that was filled with both Euro-Americans and Native Americans remains was unearthed in Iowa. Controversy developed when the remains of the Euro-Americans were reburied and the remains of the Native Americans were sent to museums (Sayer 2010:109-110).

In the 1970s, the postmodern/post-processual methodology was openly supported by a growing number of anthropologists and archaeologists who were using Aboriginal contacts to aid in finding, interpreting, and diffusing data (Klesert and Powell 2000:200). As well, Aboriginals were encouraged to pursue anthropology in their own right, spawning the branch of archaeology known today as Indigenous Archaeology (Colwell-Chanthaphonh et al. 2010:229). With consultations becoming the norm in anthropological interpretation, internal policies encouraging this trend appeared in many museum, university, and professional archaeological associations. The Aboriginal voice in North American archaeology had become important.

Through the 1970s and into the 1980s the repatriation and reburial debate became a more pertinent discussion. As the Aboriginal voice grew louder in anthropological forums and in politics, the reality of establishing policy and/or law for repatriation became more likely (Collins Cook 1996:81; Kakaliouras 2012:210; Killion 2008:6). While many physical anthropologists were contesting the idea of returning ancestral remains from research collections during this time, Aboriginals and other professional in the USA were in discussions over how best to approach the impending legislation (Lonetree 2009:323).

In 1989, the World Archaeological Congress met in South Dakota to discuss the treatment of human remains in archaeology, the Vermillion Accord was produced (Jenkins 2008:113; WAC 1989). This was the first internationally accepted guideline that dealt with the archaeological treatment of human remains. The Vermillion Accord called for the necessity to respect human remains and the wishes of the community associated with those remains. While it embraces reburial, it also establishes that remains of scientific importance can be considered special cases in which reburial might not apply (Jenkins 2008:113; Turnbull 2010: 118; WAC 1989).

In many ways repatriation operates as a form of apology for actions of the past (Jenkins 2008). The actions of past generations are products of their time, but whole cultures were alienated and nearly destroyed as a direct result of these past actions. Today's ethics inform us that harm done in the past is still affecting present Aboriginal populations. Recognition of this, as well as participation in efforts of cultural renewal, such as repatriation, can aid in revitalizing what has been lost because of past practices (Buikstra 2006:394; Goldstein and Kintigh 2000:181). While the Vermillion Accord and other international policies such as the UN Declaration on the Rights of the Indigenous Peoples (2007), call for the protection of artifacts and human remains, more specific national policies and laws also emerged in the late 1980s and early 1990s (Coombe 2009:395).

The repatriation efforts in the United States were codified in 1989 with the National Museum of the American Indian Act (NMAIA), and in 1990 with the Native American Graves Protection and Repatriation Act (NAGPRA) (NAGPRA 1990; NMAI 1989). Although influenced by the USA's NAGPRA, Canada has maintained a non-litigious approach to repatriation of human remains. Although some legal procedures have been established for

recently-found Aboriginal human remains (such as with Ontario's Cemeteries Act, 1990), most organizations follow guidelines for repatriation set out by the Task Force Report on Museums and First People (1992). In this report a list of recommendations were established based on detailed consultations between the Assembly of First Nations and the Canadian Museum Association between 1990 and 1991. In their results they state that:

“while not ruling out the possibility of the creation of legislation in the future it was agreed that it was preferable to encourage museums and Aboriginal peoples to work collaboratively to resolve issues concerning the management, care and custody of cultural objects” (AFN & CMA 1992:16).

The call for decolonization in Canada has been taken in stride. While most museums and institutes have embraced the policy, some have yet to adopt such changes.

ii) **The Native American Graves Protection and Repatriation Act (NAGPRA) and its Effect on Canada**

a) *Origins*

Coinciding with the human rights legislation and changes in the public mindset of the 1960s, the stereotype of the American Indian began to fade. Aboriginals in North America were encouraged to study their own heritage and participate in Cultural Resource Management (CRM) work. With these new forums for archaeologists and Aboriginal people to consult and collaborate, a “new applied anthropology” began in the 1970s and gained steam in the late 1980s. The processual method of analysing archaeological data which was popular in the late 1950s-60s was dismissed as being “anti-Indian” (Zimmerman 2008:93, 95). Because of the new focus in archaeology and anthropology, there was a call to overhaul the colonial style museums in Canada; one step in achieving this was repatriation (Ervin 2005: 23; Nilsson Stutz 2008: 91; Phillips 2005:86; Trigger 1980:670,671).

The 1980s marked an increase in the number of requests for repatriation as well as a demand for decolonization of the North American museum (Buikstra 2006:395, 411; Jenkins 2008:105; Shultz 2011:1). Throughout the 1980s in North America, archaeologists, physical anthropologists, and museum directors strongly disagreed with the reburial option. For example, in a 1983 opinion piece for the *Society for California Archaeology Newsletter*, Jane Buikstra, a prominent American bioarchaeologist who is involved with the repatriation issue, passionately argued to maintain skeletal collections for future study.

“If we are truly educated in our discipline, we must realize that methods and theories have and will continue to change... Our responsibility to preserve data sets for future generations of scholars assumes paramount importance in this regard” (Buikstra 1983:4).

The dichotomy between her previous position on reburial compared to more recent articles is a good example of the changes in professional acceptance of repatriation. In 2006, Buikstra stated that the “ethics of today should supersede the ethics of yesterday” (Buikstra 2006: 394). This shift partly came about through museums and other federally funded institutions coming to terms with the inevitability of repatriation legislation (Fine-Dare2008:39, 49; Hurst Thomas 1991:10).

Although there were anthropologists and archaeologists who supported the need for reburial early in the debate, there were many who did not (see Brauer 1992). The legislation produced in the United States during the height of the reburial debate (mid 1980s-mid 1990s) resulted in a heated discussion among all the stakeholders involved with repatriation. In 1989 Public Law 101-185 was enacted which applied only to the Smithsonian Institution and its facilities, including the National Museum of the American Indian (NMAI). This law was the first law to deal specifically with repatriation in the United States. The NMAIA outlined requirements

for repatriation of human remains and associated funerary items, and in 1996 the Act was amended to include unassociated funerary goods, sacred objects, and objects of cultural patrimony (NMAIA 1989). Soon after the NMAI Act was created, the Native American Graves Protection and Repatriation Act (NAGPRA) was passed and applied to all other federally funded museums and institutions in the USA.

Signed in 1990, the NAGPRA called for the proactive inventory of all Native American and Native Hawaiian human remains, associated and unassociated grave goods, sacred objects, and items of cultural patrimony in federally funded institutions (besides the Smithsonian) (Nilsson Stutz 2008:92). When these objects could be culturally affiliated with a federally recognized American Aboriginal group, the institution had to promptly notify the appropriate Aboriginal group and return the remains for reburial (NAGPRA 1990: Sec.5). NAGPRA also provided guidelines and regulations for excavations on Native American land and federally owned land (NAGPRA 1990; Nilsson Stutz 2008:92; Ubelaker 2006:80).

During the planning of both the NMAI Act and NAGPRA, Native Americans were consulted as a means of integrating Aboriginal Americans into the interpretation of their culture to decolonize the traditional museum (Lonetree 2009:323).

NAGPRA while heavily contested by researchers, has been cited as the “most important piece of legislation affecting museums” (Nash & Colwell-Chanthaphonh 2010:99). The sweeping changes NAGPRA forced upon federally funded institutions and archaeology in the United States later spawned an acceptance for repatriation and reburial, sympathy for the Aboriginal argument, and increased consultations (Fine-Dare 2008:31). Although many still hold fears of what the future might hold for physical anthropology, the large majority of academics

have come to realize that repatriation benefits anthropology (Buikstra 2006:395; Killion 2008:5; Rassool 2009:106; Ubelaker 2006:81; Verna 2011:12-13).

There were a few key differences between the NMAI Act and NAGPRA. For example, unlike NAGPRA, the NMAI did not include a time limit on holding the affiliated remains. Although, this can force institutions falling under NAGPRA to have a fast turn-over rate, there is often far less information, if any at all, yielded from the remains. Therefore, there is usually less certainty of affiliation when returning the remains. In relation to this, another difference between the two laws is that NAGPRA removed the mandate to utilize the “best available scientific information” when determining affiliation, because of this, NAGPRA institutions can repatriate ancestral remains to whoever the historic description indicated. For example, if the description said the remains were merely “Iroquoian” (not specific to any Iroquoian group), then the institution could repatriate to any one of the Six Nation tribes (Jacobs 2009:83; PC-IA3: Sept. 27, 2012). Although this is not an ideal situation, it allows for institutions falling under NAGPRA to skip a detailed analysis of affiliation.

It was not only internal factors that established a need in the United States for federal legislation concerning repatriation. There were also international policies which were spurred on by the rights revolution and the acknowledgment of Aboriginal freedoms. For example, the United Nation’s Universal Declaration of Human Rights was issued in 1948 and the Vermillion Accord in 1989(Fine-Dare 2008:41; Jenkins 2008:113; Turnbull 2010: 118; WAC 1989).

b) Impact Internationally

After NAGPRA was establish in 1990, it also had an effect in many other countries dealing with issues of colonialism. This included the United Kingdom, where objects and human

remains collected through centuries of colonization were kept to be studied and displayed. In many countries repatriation was not a new issue; and, NAGPRA introduced the idea that repatriation should be a legal obligation.

NAGPRA also acted as a catalyst for discussion and policy making. Australia was one of the colonial countries in which repatriation was an issue. Like North America, Australia's Aboriginal population was marginalized and degraded by the colonizing English. Especially during the 1980s, Australian Aborigines demanded back their ancestral remains from museum collections (Jenkins 2012:1; Turnbull 2010:121). It was during this time that federal and state laws were introduced in Australia to protect Aboriginal burials and ancestral remains (Hemming & Wilson 2010:189). For example, the Aboriginal Cultural Heritage Act (2003) of Queensland indicates under section 15,

“Aboriginal people who have a traditional or familial link with Aboriginal human remains in existence immediately before the commencement become the owners of the human remains if they are not already the owners. (2) Subsection (1) applies regardless of who may have owned the Aboriginal human remains before the commencement of this section” (Aboriginal Cultural Heritage Act 2003).

The wording found in this Act, is replicated in other state legislation such as the Aboriginal Heritage Act (2006) for the Parliament of Victoria, Australia. These countries, along with the United States and Canada, are ahead of other countries in terms of repatriation (Smith 2004:405). For example, prior to 2004, the United Kingdom's British Museum Act (1963) did not permit the British Museum system to de-accession their holdings (unless under “exceptional circumstances”). Section 3(1) of the old law reads,

“Subject to the provisions of this Act, it shall be the duty of the Trustees of the British Museum to keep the objects comprised in the collections of the Museum within the authorised repositories of the Museum, except in so far as they may

consider it expedient to remove them temporarily for any purpose connected with the administration of the Museum and the care of its collections” (British Museum Act 1963).

Until 2004, the British Museum was not legally allowed to repatriate human remains. When the Human Tissues Act (2004) was introduced, however, this was reversed. Under section 47(2) the Tissue Act indicates that any human remains that are less than one thousand years old can be removed from the museum holdings.

“Any body to which this section applies may transfer from their collection any human remains which they reasonably believe to be remains of a person who died less than one thousand years before the day on which this section comes into force if it appears to them to be appropriate to do so for any reason, whether or not relating to their other functions” (Human Tissues Act 2004).

Because the United Kingdom does not have a resident minority Indigenous population, there is far less pressure to agree to repatriation. (Jenkins 2008:106). Although, the United Kingdom was a decade behind North America and Australia in repatriation, with the Human Tissues Act they have laid the foundation to establish a good program for repatriating ancient human remains (Smith 2004:405).

c) Impact on Canada

Canadian culture is closely tied to that of the United States, which is why Canadian museums, archaeologists and physical anthropologists were influenced by the effects of NAGPRA. Sharing many of the same Aboriginal tribes, Canada not only had to take consideration of the reaction of the Native American population, but also be prepared for similar demands on Canadian museums. Although some Canadian institutions took an official stance against reburial in the 1980s, most altered their position soon after the American laws took effect (Buikstra 1983:5; Phillips 2005:86). This was primarily due to the recognition that repatriation

had benefits (consultation and more accurate interpretations) and the understanding that the repatriation process would not eliminate physical anthropology as a discipline (Colwell-Chanthaphonh et al. 2011:39).

The difference in approach to repatriation in Canada and the United States is clear. While Canada lacked any policy, the United States enacted a federal law. There could be a number of reasons for the variation in methods. For example, the United States was built on a foundation of statutes, whereas in regards to common law, Canada has a more flexible and negotiable legal system (PC-IA3: Sept. 27, 2012; Verna 2011:5). Through these legal traditions, the countries' repatriation policy is reflected.

Prior to the 1980s, there were some instances in Canada where repatriation occurred. For example, the case of the Kwakiutl people of British Columbia. Although they were not concerned with repatriating human remains, their case dealt with the cultural material confiscated because of the illegalization of the potlatch, which is an infamous event in Canada. In celebration of the 1967 centennial, the Kwakiutl people requested the return of all the material confiscated by the federal government between 1885 and 1951.. The majority of artifacts had ended up in the Canadian Museum of Man (now the Museum of Civilization) and the Royal Ontario Museum. After decades of discussion and negotiations, two Kwakiutl museums opened in 1980 for the purpose of housing the material repatriated from the Museum of Man. The ROM did not agree to repatriation until 1987, when they returned part of the collection (Fine-Dare 2008:43; Jacknis 2000).

Another instance of early repatriation efforts is illustrated with the Northern Flood Agreement which came into force in 1971 and involved an agreement to cooperate and repatriate

between First Nations, the Manitoba Museum and Manitoba Hydro (Hanna 2003:249). This came about after flooding caused by the Manitoba Hydro's diversion of the Churchill River Basin affected a number of First Nation communities. Not only did this disturb the living First Nations, but it also exposed a number of archaeological sites. Under Article 7.1 of the Northern Flood Agreement, "Hydro shall make available a sufficient sum of money and/or equipment and supplies necessary to protect the remaining cemeteries from flooding attributable to the Project" (NFA 1971).

This agreement is still active today and is cited as one of the most successful instances of repatriation in Canada (PC-IKB: Aug. 15, 2012). According to two American anthropological researchers, archaeologist Joe Watkins (2005) and bioarchaeologist Jane Buikstra (2008), Canada has had a better relationship with the Aboriginal Canadian population because of the country's concern with the living descendants. They argued that, rather than the antagonism faced in the United States, Canadian archaeologists found collaboration in archaeological endeavors earlier than their American counterparts. Buikstra (2008) bases her argument on events in Canada such as the 1976 symposium hosted by the Royal Society of Canada which explored "New Perspectives in Archaeology." During a presentation, Laurent Girouard the former Secretary-General of the Consultative Council of the Indian Association of Quebec stated:

"Whether we like it or not, the archaeologist who studies the ancestors of the Amerindian must bear the burden of the colonial past which was forced upon this continent's first inhabitants by the whites. He must choose one of two alternatives. Either he continues to study the Amerindians' past as something which has no political meaning, no relationship with the present and therefore with the life of the Indian and Inuit communities today, or he can study this past by consciously placing it in a historical continuum. If he does this, he must take into account the situation of the Amerindian today" (from Buikstra 2006:409).

This quote illustrates the emphasis placed on attending to the living communities. Although there were many working collaborative efforts with Native people and archaeologists, according to Canadian archaeologist Bruce Trigger, their relationship in Canada was not always as friendly as it appeared in Buikstra (2008) and Watkins'(2005) discussion. In his article, Trigger (1980:670) refers to the status of First Nations and the Inuit in the political arena where Aboriginal Canadians accused Euro-Canadian archaeologists of desecration and disrespect of their ancestors and heritage. While some Native groups had requested repatriation in the 1980s some had to wait decades before the case was handled. Prior to the establishment of protocol and law (such as NAGPRA) one of the factors that created such a delay was the unprecedented nature of repatriation. Because there were relatively few instances of repatriation in North America, no one knew exactly how to go about completing it. While laws like NAGPRA and NMAIA in the United States eventually created a structure for repatriation, Canadian institutions lacked guidelines until policies were developed in the 1990s.

When NAGPRA was enacted it prompted an analysis of the Canadian system of repatriation and raised the question of whether or not Canada needed federal legislation. National organizations such as the Canadian Museum Association, the Assembly of First Nations, and the Canadian Archaeological Association began discussions on drafting policies on treatment of Aboriginal people in terms of heritage resources, and encouraging consultation and collaboration through repatriation. Today, many museums across the country have internal policy for repatriation requests, and Parks Canada is currently reviewing a more complete and detailed policies on burials and human remains found on Parks Canada land, or in residing in Parks Canada collections (Management Directive 2.3.1: Human remains, cemeteries and burial grounds; Myles 2010:52). Although federal legislation was not enacted, NAGPRA's

introduction was a very important step in creating policy and guidelines in Canada. As well, it opened the doors for discussion of repatriation and a reduction of the fear held by physical anthropologists that repatriation would destroy the profession (Nash & Colwell-Chanthaphonh 2010:99).

iii) **Historical Perceptions and Cultural Impacts of Human Remains**

To facilitate my analysis of the stakeholder interviews and questionnaires, I reviewed a number of literary sources including various policy, guidelines, and legislation. In these sources a number of opinions were voiced both for and against repatriation of human remains. In the process of decolonizing the museum, many professionals have adopted the postmodern view that no one can assume to know what is considered “right” or “wrong” for other cultures. There is an emphasis in anthropology and among those in museum positions, on equality, recognition and acceptance of variation in beliefs and lifestyles.

Variations in cultural belief systems create different perceptions of what human remains mean. An example of this variation in belief can be illustrated by examining the concentration many European nations had on medical studies in the 19th century which produced a distinct disconnection of person and object. In distancing the person from a corpse, an anatomist was better able to complete his tasks. Later, this disconnection escalated into a professional necessity (Krmpotich et al. 2010:380; Posel & Gupta 2009:305). The perception of the body as an object is more in-line with European and Euro-Canadian faiths in which there is only one spirit that does not remain with the body after death (Mihsuah 2000:98; Thagard 2012: 44). Yet, many First Nations believe that multiple spirits inhabit the body, after death one of those spirits remain with the bones and thus the bones are conscious beings (Carlson 2010:71; Mihsuah 2000:98-99).

These two contrasting attitudes towards how human remains should be treated are both recognized in postmodern and post-processual theory.

In order to understand the reasons why people find the repatriation of human remains such a sensitive topic I have incorporated a level of psychological analysis. By examining the processes of death, the afterlife, and one's own mortality among a group of people I have established a basis for why different belief systems are at odds with one another over the treatment of human remains. Not only are we looking at the fundamentals of one's belief in death, but also, and perhaps more importantly, how threats to the traditional model of a belief system can spark a diaspora of identity (Kastenbaum 2000:15,35-36).

a) Cultural Differences in Perceptions of Death and the Body

In examining different perceptions of death, dying and human remains I hope to uncover some of the reasons why a debate existed surrounding the repatriation human remains. I will be exploring how the perception of human remains has changed through time among English Europeans and the Canadian Aboriginal cultures of the Haida, and the Ojibway.

Across the country Aboriginal beliefs about death and the afterlife vary. However, some consistencies do present themselves. For example many First Nations in Canada believe that multiple spirits inhabit the body (Carlson 2010: 71; Hamilton 2010: 85-86; Landes 1968:190; PC-IKN: June 19, 2012). When a person dies one of the spirits travel to the Creator, while others parish with the loss of life, and one spirit forever remains with the physical remnants of the person (Hamilton 2010: 85-86; PC-IKN: June 19, 2012). Unless reincarnated into a baby, this spirit can wander the land it was familiar with in life. It is this "ghost-like" spirit whose presence is known and whose discontentment is feared; if angered, a spirit can cause ill-health and death

in a community (Carlson 2010: 71). To ensure the spirits of the dead remain content, rituals such as the Feast of the Dead among the Wendat, and other celebrations are held in honour of the deceased.(Carlson 2010: 71; Hamilton 2010: 85-86; PC-IKN: June 19, 2012). As well, it is a fairly universal concept that the physical remains of the First Nations' ancestors have a consciousness and are, in many respects, living (PC-IEF: June 14, 2012; Hamilton 2010:85; PC-IKN: June 19, 2012; PC-ICP: July 9, 2012).

Historically, and to some extent today, it is this permanent connection of the spirit with the human remains that many Euro-Canadian's have difficulty accepting. Author Michelle Hamilton (2010:84) attributes this disconnection from the physical dead to the importance of medical studies in European culture, as well as the prominent Christian belief in a divide between body and soul. In the traditional sense, the majority of Christian Europeans believe that individuals have only one soul that ascends to heaven (or hell) after death, leaving the shell of the physical body as only a reminder of the individual's legacy (Mihsuah 2000:98). It is this disconnection with the dead that many Euro-Canadians have inherited. By examining the different cultures I will underline some reasons why the repatriation effort can become heated. First, I will be looking at the Anglo-European perception of human remains by exploring the history of treatment of the dead in the United Kingdom and how it has changed. I will then look at the Haida and Ojibway perceptions of human remains and the changes brought by European colonization.

Anglo-European View:

The United Kingdom was built on the Christian faith, where the importance of following the Christian dictum was essential not only for spiritual felicity, but also a good standing in the

community. The Christian faith promotes the spirit or soul as the most important aspect of a human. Preservation of the soul and maintenance of its virtue should be the prime concern in an individual's life. While the soul is primary and eternal, the human body is temporary and disposable (Miheuah 2000:98). Although some Christians have disagreed with exhumation based on the need to respect human dignity, it is not often that they argue on spiritual grounds (Hamilton 2010:19).

Changes in how human remains are perceived among Anglo-Europeans are complex and mainly driven by secular changes in society. There was a progression from a perception of detachment between human remains and individuals, to a fear of death, to today's curiosity of human remains and the sense of immunity to death in the United Kingdom (UK). In the late 1960s Edwin Dethlefsen and James Deetz examined old Euro-American cemetery headstones in New England in order to establish the changes in attitude towards death based on societal advances (Dethlefsen & Deetz 1966). In the 17th century, headstones depicted carved images of "skulls, cross bones, snuffed candles, fallen trees, bells, hour glasses, and other *memento mori*" (Parker Pearson 2001:47). These images established the finality of death; the acceptance that once dead, the remains are no longer connected to the soul.

The lack of land for burials has been a huge problem in the United Kingdom since the 1500s because of their increasing population (Parker Pearson 2001). Exhumation and multiple-individual burial plots became a standard in much of the UK. This was especially true following epidemics of sickness and death or town expansion (Parker Pearson 2001:47-49; Sayer 2010). Cemetery imagery changed in the 18th and 19th centuries, when sensitivity to death and dying produced tombstones relating death to sleep or the continued existence in the afterlife. This can

¹ *Memento mori*: Remember you are mortal.

be seen though the epitaphs, which can read “rest in peace” or depict images of cherubs, angels or angelic hands reaching towards to sky (Dethlefsen & Deetz 1966; Parker Pearson 2001:47). Once the profession of undertaking was established in the mid-1800s , family and friends further distanced themselves from the reality of death and did not have to handle or see the dead body (Parker Pearson 2001:47).

In the late 19th century the cremation of remains became an option in the United Kingdom, and today more than 70% of deaths request cremation (Cox 1997:9; Parker Pearson 2001:41). The acceptance of cremation was argued by Parker Pearson (2001:47) as being partly because of cost, sanitation, and a limitation of burial space. Even prior to the legalization of cremation however, the United Kingdom began to move away from being a religion based empire towards a more secularised country, focused on expanding the scientific record. The atmosphere in the UK during the mid-19th century was ideal for this turn around. While the culture was becoming less religion based, human bodies were piling up in many town cemeteries, and scientific endeavours were requiring anatomical specimens. This led to another instance of the Anglo-European disconnection of the individual from the body. Britain (and particularly the University of Edinburgh in Scotland) was a prominent force in producing text about the human body derived from research performed with human remains. The popularity of these studies as well as the accompanying classroom dissections created a professional need for human bodies and soon led to the infamous cases of body snatching (MacGillivray 1988).

Although often associated with the United Kingdom, body snatching was also widespread in North America. In fact some of the oldest universities in Canada relied heavily on stolen corpses during the mid to latter half of the 19th century. In Ontario, students at the medical schools in Toronto and at Queen’s University in Kingston found it necessary to acquire their own

cadavers. This often resulted in digging up newly buried bodies from local cemeteries (MacGillivray 1988).

While many people felt that disturbing the dead was disrespectful, and in some regards a form of trespassing, it was not until 1892 that interfering with a dead body became a federal offence in Canada. Yet, it was another 15 years before disturbing an archaeological burial site without the proper permits became a crime (Hamilton 2010:81). Even as a federally recognized crime, grave robbing of archaeological sites was not heavily enforced (Hamilton 2010:81; MacGillivray 1988:55, 56).

In the second half of the 19th century, the laymen had very little contact with the dead body. The dead have become “professionalized” argues Cara Krmpotich, Joost Fontein and John Harries (2010) and only “exist in the highly specialized domains of health workers, coroners, forensic scientists, and funeral directors” (Krmpotich et al. 2010: 374). Only through rare or controlled circumstances does the public see human remains. This is even more pronounced today, when death is seen as a “medical failure,” not a consequence of living (Cox 1997:8; Sayer 2010a:483). Because of medical advances, life expectancy has increased to a point that death is not an experience that everyone is familiar with. Although we are bombarded by images of violence, gore, and death through the media, a real death is something many people are unprepared for.

With the exception of the Body Worlds exhibit², British burial archaeologist Duncan Sayer (2010:107-108) found that people visiting British museums believe that the recently dead (less than 100 years old) should not be displayed, however the large majority also felt that

² Body Worlds: (1996-2009) a popular travelling exhibit that housed hundred of “plasticised” human bodies in various positions. Although it was a fairly contentious exhibit, approximately twenty-nine million people around the world visited the show (Sayer 2010:98-100).

museums should have older human remains on exhibit. A reason cited for the disapproval of recently dead on display was because most of the remains housed in British museums are ancestors of the English people themselves (Cox 1997:8). Tiffany Jenkins (2011:3) claims that of 61,000 human specimens that are currently held in British museum collections, 46,000 are from the British Isles, leaving 24.5% of the human remains in museums being from overseas. One hundred and thirty two museums in England hold human remains, 89 of those displayed “most or all” of the human remains in their collection. However, it is clear that North American museums do not have the same acceptance for displaying human remains. It is uncommon for a public museum in Canada or the United States to display human remains. Even if the institution has a collection of human remains, they do not promote the collection nor do they display them. Although there are a few exceptions to this (medical/pathology exhibits, for example), especially in Canada it is unusual to see permanent displays of human remains (see the ROM, CMC or the CMA C.3).

The Haida View:

Traditionally, the Haida people of the Queen Charlotte Islands (Haida Gwaii), British Columbia believed that after death the “soul” travels to an “intermediate plane” (Stevenson 1975:372). Here the soul remains for an indeterminate amount of time until the individual becomes reincarnated into a baby (Stevenson 1975:372). Reincarnation presents itself in many Aboriginal narratives across North America and persists even today among the Haida (Stevenson 1975:364). Like many cultures, the Haida felt that when a member of the community died, the individual’s looks and/or attitudes³ would be inherited by a newborn baby. That baby would then

³ An individual could also indicate who the parents of the reincarnated baby would be, as well as certain characteristics that they desired to have in their new life, such as better looks or more strength (Stevenson 1975).

take on the dead member's personal characteristics and relationships in the society, because of this, the Haida family tree can become complicated and confusing (Stevenson 1975; Krmpotich 2010:163).

After death, the deceased would usually lay in their house for a number of days while community members would bring gifts to put with the corpse. Depending on the individual's rank, the body would be interred in a number of ways, one of which was to be placed in a hollowed out mortuary pole near the house.

The first contact with Europeans occurred in the late 18th century. During the 19th and 20th centuries, many Haida partially converted to the Christian faith. As Christianity became more common place, a good deal of the Haida traditional life and knowledge was lost (Simpson 2008:72). In the second half of the 19th century, many Haida began to be buried in the ground, and gravestones replaced mortuary poles, as per Christian belief (Blackman 1973:48-49). However, while Christianity is present on Haida Gwaii, there are still strong beliefs in some traditional aspects of life and death (Stevenson 1975).

In a nearly universal trend, the Haida fear angering the dead (Parker Pearson 2001:25). Spirits, in Haida belief, play an active role in everyday life. According to Cara Krmpotich (2010:120) who has studied the Haida for a number of years, spirits are welcomed among the Haida. They are members of the community and "lose neither their sense of humour nor their sense of compassion in death" (Krmpotich 2010:163). However, Haida are still very aware of upsetting a spirit, for example, if their body is removed from its place of rest. Recently it has been the Haida's obligation to appease their ancestors which has led them to begin repatriation efforts. In the last 20 years there has been a resurgence of traditional knowledge and the need to

protect Haida culture. Although the Haida have been impacted by Western beliefs and religion, their ability to adapt to aspects of Christianity while maintaining a distinctly Haida culture has allowed them to thrive in the context of repatriation (Simpson 2008:72).

Ojibway View:

Human remains among the Ojibway of Ontario and Minnesota, take on a different role than human remains among the Haida. Depending on the season, traditionally after death the body would be either wrapped in birchbark and placed in the high branches of a tree, covered with debris in the forest, or burned. Alternatively, it was buried, which became the custom in the early 1900s because of the persistence of Christianity among the communities (Landes 1968). The Ojibway feared angering the spirits, but also feared the presence of ghosts. In the Ojibway belief, all Ojibway have multiple spirits (up to four, but no less than two), upon death, one spirit goes to the Creator and one remains with the body and “makes the grave its abode” (PC- IKN: June 19, 2012; Landes 1968:190). The others will either depart or are destroyed with death. The spirit which remains with the body can come and go as it pleases, however, community members will attempt to stop the spirit from entering their village by placing food and tobacco at the grave (Landes 1968).

Today, some Ojibway feel that the time in which the ancestral remains have been disturbed and removed from their burial site is merely a hiccup in their journey, a slight diversion that can be corrected through reburial (PC-IKN: June 19, 2012). Like many communities across Canada, the Ojibway feel that if removed from their resting place, the spirits of their ancestors will not find peace no matter how scientifically important the remains might seem (Mihesuah 2000:98-99). The ancestral remains among the Ojibway not only represent the memory of the ancestor, but are

also the physical representation of the ancestor's spirit who maintains a consciousness. The remains must therefore be respected as one might respect an ancestor (Landes 1968; PC-IKN: June 19, 2012).

b) Perceptions of Human Remains/Comparison

One theory concerning why perceptions of human remains differ so greatly between Euro-Canadians and Aboriginal Canadians is the concept of *time* passed after death. Unlike many indigenous Americans, in the United Kingdom the majority of the indigenous English feel that ancient human remains are fascinating and fulfil a curiosity about death (Jenkins 2011; Sayer 2010; PC-ICK: Aug. 16, 2012). However, there is general agreement that the display of more recent remains is inappropriate. One reason for this differentiation between recently dead and the long dead is described by Parker Pearson (2001:49, 142). Since the mid-1800s, English Europeans have distanced themselves from death; first through the comforting idea that the dead were merely sleeping when they would go so far as to attempt to preserve the body to reflect this (e.g. lead coffins, rouge on the deceased cheeks), and later with the professionalization of death. A second reason for the differentiation is that although today there is a curiosity surrounding death and human remains, there is also the delusion many people have that death is avoidable. Because no one thinks about death as an option, seeing the recently dead reminds them of this inevitable fate, thus causing anxiety about their own mortality (Sayer 2012a).

As illustrated by Laurajane Smith (2004:407), there is a “depth of time” among English Europeans that renders the long dead (more than 100 years) acceptable to display and study, whereas many Aboriginal societies do not possess this concept. Rather, the recently dead and the long dead are together in the same timeline. Take for example the Haida belief in reincarnation.

The spirit is continuously reincarnated, it does not matter how recently that spirit's latest reincarnation died, the remains of the old reincarnations are as important as the recent remains (Stevenson 1975). In this argument, all ancestral remains should be repatriated in order to bring peace to the displaced spirits; time does not bestow one set of remains more importance than another. Instead, there is a sensitivity to all ancestral remains and a disapproval of any of their remains to be disrespected (Stevenson 1975). While English Europeans distance themselves from the actuality of death, the process of repatriation among Aboriginals of North America is in fact embracing death. In preserving the spirits of their ancestors through repatriation, Native peoples are accepting death. Perhaps hoping that through the obligation they felt in repatriating their ancestors, when they die, future generations will feel obligated to protect their remains and spiritual well-being (Kastenbaum 2000).

Presentation of Human Remains in the Museum:

Canada, the United States, and Australia have all been flagships for the repatriation movement (Smith 2004:404). This is due to their resident Indigenous communities who have often made it their mission to regain control of their heritage through requesting consultations and repatriation. In Canada Aboriginal culture has become part-and-parcel of Canadian culture (McMillan & Yellowhorn 2004:317). There are reasons to believe that the Euro-Canadian relationship with Aboriginal culture has had an impact on how museums have chosen to regard the display of human remains. Since the 1990s in North America, Indigenous views on human remains have played a part in the development of the museum. Many in the museum community do not wish to have human remains on display. They feel that many visitors to their exhibits would be shocked to see such a thing, especially if the remains presented were Aboriginal (PC-IA1: July 25, 2012; PC-ISJ: June 14, 2012). Although the reaction to seeing human remains is a

very personal response, in Canada, it seems that more harm than good would come from displaying human remains.

The need to treat human remains differently is clearly seen through the examination of perceptions toward skeletal remains in the United Kingdom when compared to the Haida and Ojibway in Canada. Because of the sensitivity to the dead, there is a taboo associated with the display of human remains in Canadian museums. In England, human remains are openly displayed and the public are often enamored by the presence of the dead bodies (Jenkins 2008:109; Sayer 2010:96-97). Human remains are not only seen as a draw for visitors but also as a hallmark of a good museum (Sayer 2010:101, 107). However, it cannot be assumed that other cultures will find the same curiosity, intrigue, and amusement in the long dead. .

The question of cultural authority over heritage is also a substantial problem for museums in Canada. The vast majority of human remains in Canadian museums are of Aboriginal origin (PC-ICK: Aug. 16, 2012; Verna 2011:12). Unlike the United Kingdom, Canadian museums are presenting an ethnographic history of Aboriginal cultures, of which most Euro-Canadians have no claim. This contrasts with Britain where English ancestors are being displayed with far less public pressure to challenge the museums' authority to display human remains (Jenkins 2008; 2012; Parker Pearson 2001:185).

It cannot be denied that all around the world human remains represent something unique from other objects. Remnants of the dead are consistently seen as sources of both respect and fear (Parker Pearson 2001:25). Not only do they represent the unavoidable demise of all humans, but they also symbolize the unknown. Through their connection to both the world of the living and that of the dead, human remains become liminal objects-representing the inbetween-

ness of human states (Parker Pearson 2001:24-25). The discomfort many people feel when in the presence of human remains supports this. Defining both death, as well as life, human remains are not mere objects and many feel they should not be treated as such. However, the degree to which one feels discomfort around human remains depends on concepts of time, the location of the remains, and the cultural traditions that the individual identifies with.

iv) Health Benefits Associated with Repatriation

Many have argued that the repatriation effort is an act of decolonization. However, there has been strong evidence showing that repatriation, which is a form of cultural renewal, can be beneficial to the mental well-being of First Nations people (see Chandler & Lalond 1998; Duran & Duran 2000; Shah 2003; Simpson 2008; Wesley-Esquimaux & Smolewski 2004). In this section, I will be outlining how the health of Aboriginal Canadians was affected by colonization; why they are so over-represented in suicide rates, the prison system, and ill health; and why the maintenance of Native language is so important.

Effect of Colonialism:

Since North America was founded, the Indigenous peoples have been used by the colonizing European forces as guides, traders, and military allies, often to the point of being taken advantage of. As well in the 1800s and early 1900s there was a belief that Aboriginals around the world were dying out. This prompted many ethnographers, anthropologists, grave robbers, and artists from all over the world to venture forth and gather as much data and material culture as possible before the Aboriginal societies would disappear forever (Simpson 2008:65). Often, the items collected were used in museums to emphasize the dichotomy between the

“civilized” world, and the world of the “un-advanced,” “savage” and “barbaric” people in order to demonstrate cultural evolution.

As Canada became a country in 1867, legislation such as the *Indian Act* (1876), addressed the concern many Euro-Canadians had in living among Aboriginals. It became the government’s duty to “civilize” the Natives. When the Government outlawed important events such as the Potlatch and the Sundance in 1884, they removed an element of community cohesion from many Native groups. During this time, the mandatory attendance of First Nations children at Residential Schools produced a whole generation of Aboriginals who were not entirely familiar with their culture and who could not fully understand their Native language (Bell, Raven & McCuaig 2008:43, 53; Cunningham et al. 2008:447-451; Francis 2011:80; Jacknis 2000:267). Even after the 1960s, elements of the assimilation process, especially the Residential Schools, created a rift between traditional lifestyle and the European ideal. Many Native children were caught in the middle of this rift; being pressured to speak and act English in the schools and yet having their family following a more traditional lifestyle. Although no Residential Schools exist anymore (the last one closed in the 1997) the loss of culture that resulted from the Residential Schools remains (TRCC 2008).

The psychological impairment that disassociation with one’s culture can cause is severe. Aboriginal people in Canada are over-represented in the prison system, in suicide rates, in chronic disease frequencies (such as diabetes), and in mental institutions (Shah 2003:163-172; StatsCan 2007). Although there have been many studies on why this group of people might be in such a dilemma (see for example the National Aboriginal Health Foundation), often the problems are said to be the cause of their socio-economic status (Chandler et al. 2003:62-63; Corrado & Cohen 2003:12). No doubt this is a factor, but not the only one contributing to many of these

mental health problems (Kirmayer et al.2007:9; Shah 2003:172). While factors influencing Aboriginal mental health are the same as those influencing any other member of society, the prevalence of negative factors tend to persist in Aboriginal youth and often increase the likelihood of mental illness associated with suicide and behavioural problems (Kirmayer et al.2007:33). In a report on Aboriginal suicide by Laurence Kirmayer et al. (2007) the number of risk factors that Aboriginal youth are exposed to is often an outcome of the social, cultural, political and economic problems faced in many communities. These factors can often be viewed as inescapable by the affected youth.

Chandrakant Shah (2003), a Canadian doctor and healthcare researcher who is interested in the Aboriginal community, indicates that for centuries Canadian First Nations people have been victims of colonization and subjugation which has, “stripped [them] of their land, religion, culture, language, and autonomy [and has] taken a toll on their physical, mental, emotional, spiritual, and cultural health” (Shah 2003:163). The disconnection that many families experienced because of assimilation processes was strong. Language barriers between family members made communication difficult, the removal of a generation of children produced a number of individuals who grew up confused as to where their place was in the world, and the roles of traditional Native communities were threatened (Duran & Duran 2000:97).

When a culture is threatened, it can unhinge many vital aspects of community. Individuals begin to question ritual, values, security, justice, and the self (Chandler & Lalonde 1998:194; Cunningham et al. 2008:150). There is a fundamental need for cultures to provide life necessities and support for the people identifying as members of that culture. For the First Nations who were split between the traditional world and the European world, there was a

problem identifying with either culture, thus basic life necessities and support were not adequately provided (Lindholm 2007:89).

Of course, it must also be recognized that racism and naivety concerning other cultures played a part in the disconnection of many First Nations people. Euro-Canadians (especially children) barely knew Natives existed outside of stories, and knew little to nothing about their actual living situation (Francis 2011:185). Through the threatening of culture and the marginalization of the people, colonialism has had devastating effects on Aboriginal self-regard and mental well-being.

The Aboriginal population in Canada is a very fast growing group. As a result there is a large percentage of young people in Aboriginal societies, with 47.74% of the Aboriginal population in Canada under 25 years (StatsCan 2006b). The median age of Canada's First Nations population is 25, while the non-Aboriginal Canadian's median age is 45 (StatsCan 2006; StatsCan 2012). Because suicide is the second leading cause of death in young people (14-34), it affects Aboriginal populations all the more (StatsCan 2012). Following accidental deaths, suicides comprise approximately 16% of deaths among Aboriginal youth (Chandler & Lalonde 1998; Health Canada 2002; Kirmayer et al. 2007:21). First Nations youth are 5-6 times more likely than non-Aboriginal youth to commit suicide; while Inuit youth are 11 times more likely (Kirmayer et al.2007:1). These dramatically higher rates of suicide among Aboriginal youth coincide with the increased likelihood for depression, alcohol/substance abuse, and isolation (Kirmayer et al.2007:38-40). Kirmayer et al. (2007:48) notes that suicide risk in Canada increases as latitude increases. Reasons for this increased risk might include the fluctuation of daylight, Seasonal Affective Disorder (SAD), sleep disorders, and isolation. The impact these

risk factors have on the Inuit could explain why the rate of suicide is so much higher in the north than the country's average (Kirmayer et al. 2007:48).

It has been argued by Laurence Kirmayer et al. (2007) that the large Aboriginal population in the prison system could be contributing to these high suicide rates. In 2010, 45% of all "self-injury" incidents in the Canadian correctional system involved Aboriginal individuals (Sapers 2012). The isolation and powerlessness that accompanies correctional internment can contribute to the loss of a sense of self identity (Kirmayer et al. 2007:57), and, in many ways, this mirrors the Residential School experience. Unfortunately, the Aboriginal population is over represented in the Canadian correctional system. While people who identify themselves as Aboriginal make up about 3% of the Canadian population they constitute 17.3% of individuals sentenced in federal institutions across Canada, decreasing slightly since 2006 (18.5%) (CSC 2010; OCI 2010). As the Aboriginal population has a large and growing youth population, who are prone to boredom and mental health problems, it is no surprise that Native youth (under 25) make up just over 41% of the Aboriginal population in federal prisons. Not only this, but they are also more likely to be sentenced for violent crimes at a younger age (OCI 2010; Perreault 2009). Marginalization, lack of support systems, boredom, and disrespect for their traditional cultures have all been cited as reasons for this criminality (Chandler & Lalonde 1998; Kirmayer et al. 2007).

Although there are many reasons that suicide might become an option for an individual, a study by Michael Chandler and Christopher Lalonde (1998) argue that "self-continuity" is a huge factor. Self-continuity is the ability to regard your own presence in the future (Chandler et al. 2003:6, 19; Chandler & Lalonde 1998:192-193). When an individual loses this sense of self-continuity, then that person would "have no functional value in the operation of any human

social order” (Chandler & Lalonde 1998:195). The lack of self-continuity often occurs in times of change, when the present “self” is threatened (Chandler & Lalonde 1998). Adolescence is a time of great physical and mental change, during which time the “self” is changing and continuity becomes questioned. The doubt of one’s continuity is emphasized when support systems are lacking. Like that of the self, *cultural*-continuity is also vulnerable in times of transition. Colonization and modernization, for example, changed the “traditional” Native way of life to a point where the culture’s continuity through time was questioned (Chandler & Lalonde 1998:193; McMillan & Yellowhorn 2004:316). It is during these times of change and transition that beliefs, values, languages, and spirituality must be protected to maintain a community and a cultural identity (Bell & Napoleon 2008:1; Chandler & Lalonde 1998; Jacobs 2009:82).

By strengthening the sense of cultural-continuity, the ability to regard the “self” existing through time becomes more ingrained as individuals can connect with others and find support within the community (Chandler & Lalonde 1998:198). Many have argued that repatriation acts as a source of rejuvenation for Native cultures (Jacobs 2009; Parker Pearson 2001:23; Nilsson Stutz 2008). For example, reburial ceremonies bring people together through a communal sense of mourning and closure (Kakaliouras 2012:214; Parker Pearson 2001:23). Repatriation also embraces connected-ness through remembering the shared past. Performing death rites for the ancestral remains and examining items returned from museums can establish a discourse of tradition and a revitalization of traditional knowledge (Krpmotich 2010:165-166). According to Cara Krmpotich (2010), the act of repatriation produces an intangible shared experience that transcends generations. In studying the Haida people of British Columbia, Krmpotich says that traditionally a member’s lineage would contain knowledge of achievements from past generations, which can add to the pride and power that a family group might hold. Repatriation is

an achievement that many Haida lineages will carry and be proud of for generations to come (Krpmotich 2010: 161). Repatriation not only works to respect the dead, or to provide retribution in the present, it also works towards a better future; strengthening the cultural-continuity. The revitalization of culture that accompanies repatriation has been seen to improve aspects of First Nations communities, such as self-identification (Chandler & Lalonde 1998).

Although cultural revitalization can aid in self-identification among Native youth, another contributor to the prevalence of suicide and criminality is mental illness, which is also over-represented among Aboriginal people in Canada. For example, only 18% of Aboriginal youth who commit suicide do not have any discernible mental disorder (Kirmayer et al. 2007:34). Although many Aboriginal people who suspect they have mental problems seek professional help, they often stop treatment prematurely because of the lack of cultural sensitivity the treatments often employ (Duran & Duran 2000:89; Kirmayer et al. 2007:34; Shiraev & Levy 2007:274). A report put together for the *Aboriginal Healing Foundation* of Canada (Kirmayer et al. 2007:24-35), stated that the “cycle of suffering” must be stopped among Aboriginal communities in order to prevent the mental health problems associated with the marginalization experienced by Aboriginals in the past. To do this, the impact of Residential Schools, racism, loss of land, and the disrespect of Native culture must be acknowledged as reasons for the majority of the mental health problems faced by Aboriginal communities in Canada. According to a First Nations Health Canada worker, it is maintained by First Nations leaders and communities that the legacy of colonization has “had an impact on the resilience of [physical and mental health] -a loss of land, language and culture, and has had an intergenerational impact from Residential Schools” (PC-IA2: Oct. 2, 2012). In acknowledging

this impact, more effective treatments (for example the *Indian Residential Schools Resolution Health Support Program*) can be produced to remedy the current situation.

As stated by Bonnie and Eduardo Duran (2000), there is an attempt by the “colonizer” (Euro-Canadians) to understand the Aboriginal plight. Duran and Duran believe that the assumption that Western medicine and Western understanding of mental illnesses can be applied directly to cultures with no European foundation is faulty. Organizations such as the *Aboriginal Healing Foundation* have taken measures to analyse the mental health problems faced by First Nations, Inuit, and Métis in a framework which combines Western and Aboriginal thought processes. For example, they regard many of the mental illnesses affecting Aboriginal populations as being the result of Residential Schools and general colonization processes, the consequences of this are various forms of post-traumatic stress disorder (PTSD) (Corrado & Cohen 2003).

PTSD is a long term psychological reaction to a disaster that includes flash-backs, severe distress when something associated with the disaster is introduced, or feelings of emotional numbness (Corrado & Cohen 2003:18). Although this is incredibly disabling to the individual affected with this disorder, when applied to a whole culture it is devastating. Some of the effects of PTSD include ignoring the disaster stimuli, or avoiding any emotions that are associated with the disaster. If this is the case with survivors of the colonial process (mainly Residential Schools), then it is likely that those who experienced colonization disassociated themselves with the assimilation process, effectively erasing this past (Wesley-Esquimaux & Smolewski 2004).

Having multiple generations of Aboriginal people disassociate themselves with the past because of emotional trauma, can not only be damaging to the individual’s mental state, but can

also prevent future generations from knowing what disasters befell their people. A “collective non-remembering” of a whole community’s past can prevent social cohesion (Wesley-Esquimaux & Smolewski 2004:iv). Therefore, through a collective remembering of their past, Aboriginal people can re-establish a connected-ness to their identity and strengthen social structures.

Language Revitalization:

In the past 20 years there has been a push by Aboriginal people to engage their community members in traditional culture. This can be seen in the various language programs, ceremonies, and modern media that act to encourage Aboriginals of all ages to get involved with their traditional culture (Wesley-Esquimaux & Smolewski 2004:1). Although their effectiveness is minimal at present (Ignace & Ignace 2008:427), a culture of proud and knowledgeable individuals will hopefully emerge in years to come.

An example of the importance of cultural renewal can be seen in examining traditional languages. Aboriginal groups in North America are distinguished not only by their geographic boundaries, but also the language and dialect they speak. Because many First Nations and Inuit groups would traditionally migrate, intermarry, and have overlapping territories, each group would be distinguished based on the language family they spoke (McMillan & Yellowhorn 2004). For example, from the language family of *Athapaskan*, includes 13 individual dialects and covers much of Northwestern Canada and Alaska (Natural Resources Canada 2009). As of the 2011 Canadian Census, 60 Aboriginal languages were spoken from 12 different language families (StatsCan 2012a). Native language is also important because Native people in North America did not have a written language. They relayed all their people’s history and mythology

via oral narratives. Without the maintenance of traditional languages, this information will be lost (Ignace & Ignace 2008:420-421). Although many of these narratives have now been recorded, a significant part of historic Aboriginal culture remains as oral tradition. Residential Schools played a large part in the near-destruction of Native languages in the early part of the 20th century. More recently globalization and technology has impacted the attractiveness of learning Native languages for the younger generations (McMillan & Yellowhorn 2004:315). Some mediums have tried to encourage youth to learn Native languages, such as immersion programs, recorded music, television shows, and internet resources (e.g. FirstVoices.com). Yet, despite these programs there has been a steady decrease in the number of Aboriginal people speaking Native languages (as a second language or mother tongue) from 1996 to 2006 rates have fallen from 35% to 30% (Ignace & Ignace 2008:419; StatsCan 1998; StatsCan 2010). Although legislation is in place to protect minority languages, it has had little to no effect on increasing the number of Native language speakers (Ignace & Ignace 2008:427).

In 1996 about 25% of the Canadian Aboriginal population reported a First Nations language as being their mother tongue, as of 2006, only 12.28% of Aboriginal reported a First Nations language as their mother tongue (StatsCan 2006a). This is a drastic drop that indicates many families are primarily speaking English (or to a lesser degree, French) at home (See Figure 2). While there are many factors that contribute to the aspects of identity much of the Native identity is derived from the languages they speak, a decline in traditional language use can be viewed as an indicator of declining personal/cultural identity.

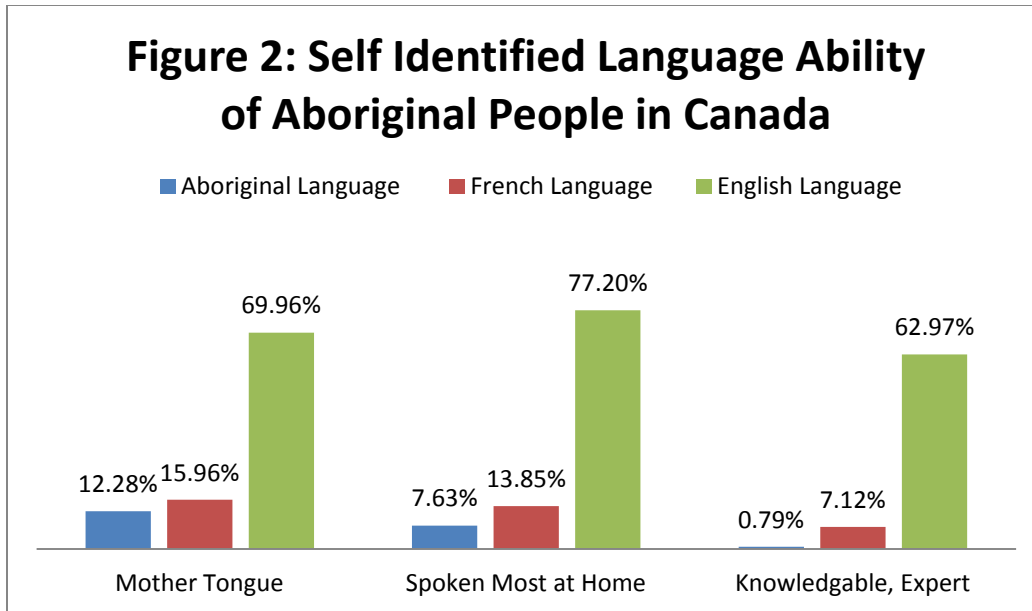


Figure 2: Language Ability in Aboriginal Population in Canada. Approximately 30% of Aboriginals speak some amount of Native language. Of this, 12.28% identify with speaking an Aboriginal language as their mother tongue, 7.63% speak an Aboriginal language at home, and 0.79% identify as speaking an Aboriginal language expertly (StatsCan 2006a).

Being able to self-identify as being a member of a strong and proud culture can provide an understanding of one’s self, and create a community of individuals who share that identity. Removing language, a foundation of Aboriginal identity, weakens the traditional culture of Native people; which in turn weakens community and community support.

Cara Krmptich (2010; 2011) argues that social cohesion is tethered to the ability of a community to demonstrate shared memory. In speaking with Dr. Krmptich, she noted that through repatriation, communities (namely the Haida of British Columbia) can create memories of traditional culture while solidifying community cohesion. She describes, “[Repatriation] has become something that Haida use to describe themselves, it is an accomplishment that people turn to; to illustrate the history that they want known and told, and brought into the future” (PC-ICK: Aug 16, 2012). To establish this, a museum exhibit was set up to show the culture’s shared

achievements. The Haida have been very successful in their repatriation efforts, boasting that they have reburied every one of their ancestors in North America (PC-ICK: Aug 16, 2012; UBC 2008:18). The population of the Haida was severely impacted by European disease in the 1800s, during which time European explorers and ethnographers collected a vast array of material from the community (Simpson 2008:71). When a community engages in repatriation of ancestral remains, members of the Native group come together to share in a communal therapy in which pride, guilt, and grief are experienced (Kakaliouras 2012:214). These repatriation events encourage shared memory which allows individuals to establish the context in which to self-identify, and better provide individuals with the ability to sense self/cultural-continuity (Krmpotich 2010:175).

Studies by Chandler and Lalonde (1998; Chandler et al. 2003) of British Columbian First Nations groups indicate that when a community has control over aspects of society, such as education (especially in heritage and language), policing, self government, and culturally regenerative programs such as repatriation, the frequency of suicide is reduced. Having control over programs that act to prevent devastating outcomes of mental instability such as suicide, can provide Aboriginal societies a platform to promote cultural revitalization and repatriation.

Although funding for Aboriginal initiatives is often a huge issue there are some possible avenues that could be taken by Aboriginal communities in Canada. Many of the mental illnesses that plague Aboriginals in Canada stem from the influence of colonization. In 2008 the Canadian government set up the *Truth and Reconciliation Commission of Canada*, which promises \$60 million over 5 years to aid in recording and acknowledging Residential School history (PC-IA2: Oct. 2, 2012; TRCC 2008). It provides some funding for events that will act as a forum for sharing Residential School memories (TRCC 2008). Also, fundraising for

repatriation has benefitted communities such as the Haida. By selling apparel and accessories, hosting dinners, raffles and performances, the Haida have made repatriation not only a priority for their own people, but also an identity and a way to engage their community in traditional culture (Krmpotich 2010; PC-ICK: Aug. 16, 2012; Simpson 2008:73).

In summary, First Nations and Inuit groups have consistently higher rates of mental health problems than non-Aboriginals in Canada; as well First Nations and Inuit groups have very high rates of suicide (Chandler & Lalonde 1998; StatsCan 2007). Mental health problems that are associated with suicide in Aboriginal populations have become a concern for Canadian Aboriginal health advocates. As part of their *Indian Residential Schools Resolution Health Support Program*, Health Canada has established an on-line resource that is aimed at helping Aboriginal individuals cope with the memories of Residential Schools (Health Canada 2011). The website emphasizes “topics that may cause trauma invoked by memories of past abuse...the Government of Canada recognizes the need for safety measures to minimize the risk associated with triggering [memories]” (Health Canada 2011). With the government’s acknowledgment of the effect Residential Schools had on mental well being, Aboriginal individuals in Canada can also acknowledge the past abuses and hopefully end the cycle of suffering faced by communities.

v) **Discussion**

Structural Violence within the Museum:

While there are debates over ownership of material remains and the right to display heritage, there have also been arguments that support museums as arenas of exploitation that facilitate a form of structural violence (Jenkins 2012:3). According to Paul Farmer (2004:307), “structural violence is violence exerted systematically—that is, indirectly—by everyone who

belongs to a certain social order.” Although structural violence is usually attributed to a whole society, museums as the purveyors of cultural and historic information can be viewed as a microcosm of contemporary attitudes towards marginalized Aboriginal populations (Verna 2011:3).

Farmer (2003) argues that structural violence creates an environment that promotes detrimental health conditions for the victimized social class. As argued in the previous section, the mental health and general well-being of many Aboriginal people in Canada is far from ideal. This ill-health was in part caused by the the government’s disregard of events surrounding the Residential Schools and other assimilation processes. The ability the museum had in deciding to present this history indicated the power museums had in creating history. Historically, museums not only demonstrated their power through exhibiting what they felt was important, but also through their ability to take advantage of a marginalized group of people, such as the First Nations, to benefit financially. According to Tiffany Jenkins (2012), capitalist society is reinforced by the museum, she states, “... development of museums in Western societies actively supports the dominant classes, conserving the social order” (Jenkins 2012:3). While the exploitation of Indigenous heritage for the benefit of others can be seen clearly in many examples across the world, an example from South Africa is best to depict the changing atmosphere in museums. After decades of government sanctioned structural violence in South Africa (Farmer 2003:319), an agreement was reached to remove elements of oppression from the national museums even though it would negatively impact the museums’ revenue (Rassool 2009).

During much of the 19th and 20th centuries, Europeans visiting South Africa wished to see the traditional African lifestyle (Rassool 2009:108). As a nation impacted by European

colonization, native South Africans had to endure the relentless curiosity of the European colonialists poking at their heritage (Parker Pearson 2001:171). The demands to place Aboriginal heritage on display led to a number of long-enduring and stereotypical exhibits which capitalized on the traditional lifestyle of indigenous Africans. It was not until 1999 that the World Archaeological Congress⁴ of Cape Town discussed the return and reburial of 2,500 Khoisan skeletal remains housed in museums (Parker Pearson 2001:177). In 2001 the South African Museum Association finally agreed to take down the San Bushman exhibits after a number of Khoisan communities raised concerns about the negative impact the displays caused their people. After removing the exhibits, the museums noted a measurable drop in attendance (Rassool 2009:106).

Although South Africa has made strides to decolonize the museum after years of apartheid, some countries (such as some in Latin America) have yet to take action (Rassool 2009:106-7; Watkins 2005:436). By using Indigenous heritage to draw visitors to a facility takes advantage of the curiosity many tourists have to encounter a foreign culture. “Cultural tourism” can have benefits to a community when appropriately managed (when the indigenous communities profit), however, it can also be very detrimental (Nicholas 2010:11; Rassool 2009:108). As seen in the South African example, as well as historically in Canada, creating an atmosphere where one group is placed on display, unchanging, and often presented in such a way as to emphasise the ‘enlightened’ civilization in the dominant social position can create a negative self-image for the traditional culture.

⁴ The World Archaeological Congress is an international non-profit organization that meets every four years to discuss advances in archaeological sciences and promote ideas of conservation and human rights (WAC 1989).

In the past, Aboriginal negative self-image has been exacerbated by the enforcement of laws to make illegal traditional First Nations events. As well, Residential Schools removed any authority Aboriginal parents had to educate their own children (Bell et al. 2008:53-59; Jacknis 2000:268). By preventing any Aboriginal input in creating exhibits, structural violence was exercised within the museum (Farmer 2004; Kirschner and Martin 2010:8; Watkins 2005:430). Joe Watkins (2005:431) defines Aboriginal cultures (such as those found in Canada and the United States, Australia, and Mexico) as having a “Fourth World” status, and “whose culture is often erased by the dominant culture.” The “erasure of history” is something Paul Farmer (2003:319,321) attributes to the oppression, demoralization, and resentment that many living among the “fourth world” feel (Kirsch 2011:93).

“Erasing history is perhaps the most common explanatory sleight-of-hand relied upon by the architects of structural violence. Erasure or distortion of history is part of the process of desocialization necessary for the emergence of hegemonic accounts of what happened and why” (Farmer 2004:308).

Historically, this is illustrated among the First Nations of Canada though examining how effects from Residential Schools erased memories because of the pain, sickness, and mental anguish they caused in the survivors. In Canada, this form of violence has been acknowledged. This took place when the Government of Canada agreed to provide funding to record and disseminate the narratives of Residential School survivors. As well, museums, institutions and archaeologists have accepted and encouraged Indigenous voices, because of this Canada has provided a means to prevent any more structural violence within the museum, and hopefully within the country.

Who Can Present an Accurate Culture?

In North America and other western and colonial countries today, museums and other institutions have to continue changing in order to keep-in-pace with other international museums (Curtis 2008). Tiffany Jenkins (2012:12) argues that even in today's modernized institutions it is still the dominant class who is picking and choosing the artifacts and remains that are "too important to repatriate," and in essence, they still hold the authority over heritage (Jenkins 2012:12; Watkins 2008:100). This brings us to the notion that even attempts at being objective can still be subjective (Bray 2008:84). Although museums are trying to bring Aboriginal voices into the presentation of heritage by giving them the right to repatriate and consult, there is still a dominant authority in the museum telling them what is okay and not okay to present. However, the growing popularity of Indigenous archaeology might minimize this authority (Colwell-Chanthaphonh et al. 2010:230-232; Kakaliouras 2012:211).

It is claimed that one can never be truly objective given that "neutrality ...represents the expression of a specific cultural value" (Bray 2008:84). Even Canadian archaeologist Bruce Trigger, believes that no matter the subject studied the conclusion reached by the researchers will have been influenced by "the attitudes and opinions that are prevalent in the societies in which they live" (Trigger 1980:662). When objectivity is denounced as impossible, a "true" interpretation of a culture is also impossible. Often times, the subject community is viewed as producing bias accounts of history whereas any outside interpretation is inherently subjective (Harré 2010:35). It is for this inability to present the "truth" of a culture that Larry Zimmerman (2008) argues that anthropologists and archaeologists must endeavour to research the *validity* of cultural claims. To do this, one must acknowledge the postmodern concept that no point-of-view

is more accurate than another, and therefore the most accurate way to represent history is to adopt a multi-vocal interpretation (Zimmerman 2008).

Beginning in 1970, but flourishing in the 1980s, postmodernism (or similarly post-processualism among archaeology) reasons to dismiss one-sided interpretations of the “Other.” Instead, it embraces the multi-vocal interpretation of culture which acknowledges that no single opinion is more truthful than any other (Hurst Thomas 2008:59). One of the primary concerns held by some Aboriginal people was the inability for the “Other” to come forward and represent their culture, leaving only one side to determine how the “Other’s” culture should be presented (Hamilton 2010: 16; Hurst Thomas 2008:58; Zimmerman 2008:92). Today however, many Aboriginal societies have the means to both represent themselves and to ensure that others do not incorrectly present their culture. In many ways globalization has introduced many risks to upholding traditional knowledge and the right to represent a culture. Yet, globalization has also created a platform for Aboriginal communities to refine and reintroduced traditional cultural life to community members as a means for presenting *their* culture to the world. In essence, globalization provides an audience to cultural traditions; although some see this as a form of “cultural tourism” that it can be detrimental to the community (see Fine-Dare 2008; Nicholas et al.2010; Rassool 2009), given the proper circumstances and leadership, an avid audience for the presentation of culture can be beneficial (Lohman 2008:24).

The threat of globalization to the sanctity of Aboriginal culture is another possible reason that repatriation and the desire for cultural renewal presented itself when it did (Kastenbaum 2000:227). The accessibility of media from cultures around the world has changed how people communicate, live, and gain information. The appeal of some foreign cultures can be detrimental to the maintenance of traditional cultures. As discussed in the previous section, Aboriginal

language in Canada is threatened. Youth in many Aboriginal communities are not interested in learning the traditional tongue. As language defines many aspects of traditional Aboriginal heritage, this is seen as a detriment to the culture. As globalization touches every society on earth, the possibility that some cultures will become “swamped by the overpowering cultural force of others” has become part of anthropological discourse (Lohman 2008:29). Like adolescence and other transitional times, as the world becomes a global village the transitory period is a time of confusion, anger, and panic.

“Cultural entities, especially those in transition, require continuous edification through symbols and tradition, and the material past provides valuable symbols for this purpose... to distinguish themselves from others, to demonstrate legitimacy through cultural continuity, [and] to contribute to a sense of communal pride” (Jacobs 2009:84).

While some view repatriation and culture renewal as a community holding on to vestiges of the past, others interpret it as a resilience to conform to the ideals of another, as a means of maintaining diversity and embracing culture (Simpson 2008: 67,72).

Museums and other institutions can be arenas of social order and possess the ability to “erase” historic events, but the inclusion of a multi-vocal interpretation of cultural heritage can create an arena of valid historic information. As illustrated by the popularity of cultural tourism in the past, people are curious about cultures that are not their own. Through promoting an identity to the global audience, traditional cultures can convey accurate information about their culture.

CHAPTER THREE

Methodology

Why Should Repatriation be Studied in Canada?

There are many factors that influence the outcome of a repatriation request in Canada. It is a complex issue with many arguments. Although examining case studies offers essential information about how repatriation works, I believe that providing a broader view of the process and opinions on repatriation as a whole in Canada will contribute to understanding the subject more fully on a national level. According to Catherine Bell and Val Napoleon (2008:5), "...case studies do not represent a generalized First Nations' perspective. Indeed all participants have emphasized the uniqueness of every First Nation in Canada." My work in pursuing information on repatriation in Canada supports this. No single overarching policy or law will ever please every Aboriginal group in Canada. The purpose of this thesis, however, is not to recommend any specific policy or law that would benefit every group. Rather, I am looking at what professionals and stakeholders in the repatriation effort think should happen in this country. For example, is there a belief that a federal law should be introduced to regulate repatriation of ancestral remains? Or, what are the main problems faced in repatriation in Canada? Through asking these essential questions I have established a broad, yet well-informed analysis of repatriation in Canada which may assist future application of repatriation systems.

i) **What is the Purpose of the Study?**

This study is concerned with Canadian policy towards repatriation of Aboriginal human remains. I will be examining whether the current guidelines for repatriation are adequate, and if Canada should adopt a federal law. I will also be analysing the general opinions and experiences

that stakeholders had in repatriation and how this has impacted their attitude towards the Canadian system of repatriation of human remains.

ii) **Method**

This is a qualitative study in which the perceptions of selected repatriation stakeholders will be showcased to glean a general feeling about the repatriation of Aboriginal human remain in Canada. The participants were selected because of their experiences in the repatriation effort, I will expand on the selection process below. Because of the complex nature of this subject, the data collected for this thesis is not suited for an empirically based quantitative analysis. Although it is possible to create a simple “do you agree with repatriation of human remains” yes/no survey, I believe that the majority of people would feel uncomfortable answering such a question without the ability to justify their answer. It is this reason why I spoke with a small number of repatriation stakeholders in Canada, gathering a detailed account of their perceptions of repatriation in the country. During this research I interviewed 14 stakeholders from across Canada and one in the United States. The qualifications for the participants included past work on repatriation cases, direct work with ancestral Native remains, or close work with Aboriginals in a museum setting.

General Methods Used:

By using in-depth qualitative interviews of a group of people who share the experience of dealing with repatriation, I planned on using a quota method of sampling in order to maintain a balanced view. The quota method would be applied to three different categories of individuals whom I wished to speak with; these being museum personnel, researchers/instructors, and First Nations people. However, because I did not always receive a response or because the

stakeholder's busy schedules prevented them from participating I shortly realized that I should "take what I can get," and I did not dwell on the need to equalize the quota in each of my categories. I also found that many people overlapped the categories, for example, a First Nations individual who worked in a museum and worked in the field during summer months. For this reason I changed my sampling technique to that of purposive sampling. In determining how many participants were appropriate to include in this study, author Russell Bernard (2011) suggests that a qualitative study only needs to include a detailed interview from 10 to 20 key individuals; this will allow you to "...uncover and understand the core categories in any well-defined cultural domain..." (Bernard 2011:154). This, I believe, has been achieved through my selection, and conversation with the participants. Through collecting my 14 interviews, I am able to accurately gauge the atmosphere of repatriation.

My research entailed a meta-analysis of Canadian literary sources on repatriation of human remains. Unlike the USA, the research literature I have encountered about repatriation in Canada has mostly been solitary case studies where the main focus (and often sympathies) was with the First Nations (See: Bell & Napoleon 2008; Jacknis 2000; Krmpotich 2010; Krmpotich 2011; Smith 2004:405). I wished to examine this subject on a national level, specifically looking at the possible differences in opinion between the museums, researchers, and First Nations in each region. In doing this, I wanted to focus on why they are motivated to repatriate remains, what their feelings towards repatriation are, and whether they believe repatriation in Canada has been successful or why it should be changed.

This information could only be acquired through a series of interviews with the individuals in the respective categories. Because I had gathered qualitative data, my sample size was limited. I interviewed one individual in-person, nine individuals who were interviewed via

phone interview and four who answered an open-ended questionnaire tailored to each participant. Acknowledging that the individuals who I interviewed were doing me a favour, I tried to limit the interviews to a single, detailed dialogue (besides the email exchanges) ranging from 20 to 30 minutes, however several lasted 40-70 minutes.

As a means of developing a list of potential interviewees, I utilized a number of resources. Through examining current newspaper articles about repatriation efforts and discussion in Canada I found a number of potential interviewees. As well, through an internet search of museums and universities that indicate holdings of their human remains online I found a number of prominent professionals who obliged my request for an interview. The final means by which I acquired contacts was through faculty at the University of Waterloo.

The Participants:

I was able to interview individuals from across Canada, although nearly half of the individuals are from Ontario (6/14). Four of the participants are from British Columbia, one from Manitoba, one from Alberta, one from the Northwest Territories, and one from the United States.

One of the difficulties in finding participants came with the fact that many institutions in Canada do not advertise that they have human remains in their holdings. Due to debates about cultural authority, and colonial practises, human remains in institutions can create more problems for an institution than benefits (Jenkins 2011:121). In Canada (like other countries such as Australia and the United States who have Aboriginal populations) archaeological human remains are often viewed as items of contention and act as a reminder of the colonial past (Smith 2004:405; Verna 2011:15). Although some of the larger institutions have formal repatriation policies (see ROM, CMCC, and UBC) many smaller museums and other skeletal collections lack

guidance of what to do in the case of Aboriginal human remains being in their collection (PC-EF: June 14, 2012; PC-ISJ: June, 14, 2012). It was this lack of knowing where to look for human remains that led me to contact a few individuals who had no actual experience dealing with the repatriation of human remains (PC-IA1:July 25, 2012). However, these individuals still wished to contribute their opinion and had proved helpful in gaining insight into the Aboriginal perspective.

The risks to informants of this study are minimal. However, the subject of repatriation is politically charged and could prove risky to the participant's reputation in their field. Because of the potential for backlash, three of my interviewees opted to remain anonymous.

The Questions and Interviews:

I delivered the questions to the participants through telephone interviews, e-mail questionnaires, as well as an in-person interview. The questions centred on what repatriation of human remains meant to them. Although I asked each interviewee similar questions, I constructed the questions around the participant; for example, drawing on activities in which they had personal experience (a list of the questions can be found in the Appendix (page 101). It was mainly these personal experiences in repatriation that informed their answers, especially when detailing the shortfalls of the repatriation process. The questionnaires were constructed similarly; however without follow-up interviews I did not have the opportunity to inquire further about their answers, which proved a limitation. Through the interviews, my goal was to gain an understanding of how my participants dealt with repatriation requests. The questions that I asked were constructed as a means of identifying experiences and anecdotes the stakeholders had. As well, the questions were meant to highlight any problems that the institution's system of

repatriation encountered and why. Through the course of my interviews the majority of my questions were met with enthusiastic answers. However, there were times when the interviewee struggled to find an appropriate response. Often I attributed this hesitation to the question being too broad to answer easily. When this was the case, I changed the wording of the question, or the context in which I was asking it for the next participant. Although I kept many of the questions similar between the interviewees, the question set did evolve through the interview process.

For the individuals who participated via interview, I used a semi-structured dialogue. Because this can be a fairly passionate subject I would have ideally interviewed all of the participants in-person, however distance as well as the participants' schedules often prevented such a meeting. Yet, through asking a number of in-depth pertinent questions as well as producing a detailed transcription I believe I acquired enough information to address this topic. In order to analyse the information more fully at a later time I audio-recorded all of my interviews. This also allowed me to ask relevant follow-up questions during the interview and pay attention to the direction the conversation was going (and correct it if need be). I later transcribed the interviews and analyzed the results.

Analysis:

To analyse the participant interviews I utilized a narrative analysis, which drew on reoccurring themes found in the dialogues (Bernard 2011:416-417). These themes were identified by examining the anecdotes, experiences, and the recommendations communicated to me about repatriation. Using these patterns I was able to highlight the differences and similarities between stakeholders. It was mainly the personal experiences of each participant that formed their opinion on repatriation. Although many had good experiences with the Canadian system of

repatriation, every interviewee experienced a problem or a set-back because of the system currently in use by Canadian facilities. In doing this research I have found that the literature often departs from the actual practice of repatriation. Although the premise of repatriation can appear deceptively simple, in actuality there are too many variables in repatriation to analyse legislation, policy, and legal cases alone. The analysis of these experiences and themes provide understanding of how Canada is performing in terms of dealing with repatriation of ancestral remains.

CHAPTER FOUR

Analysis of Interviews

i) Introduction to the Participants:

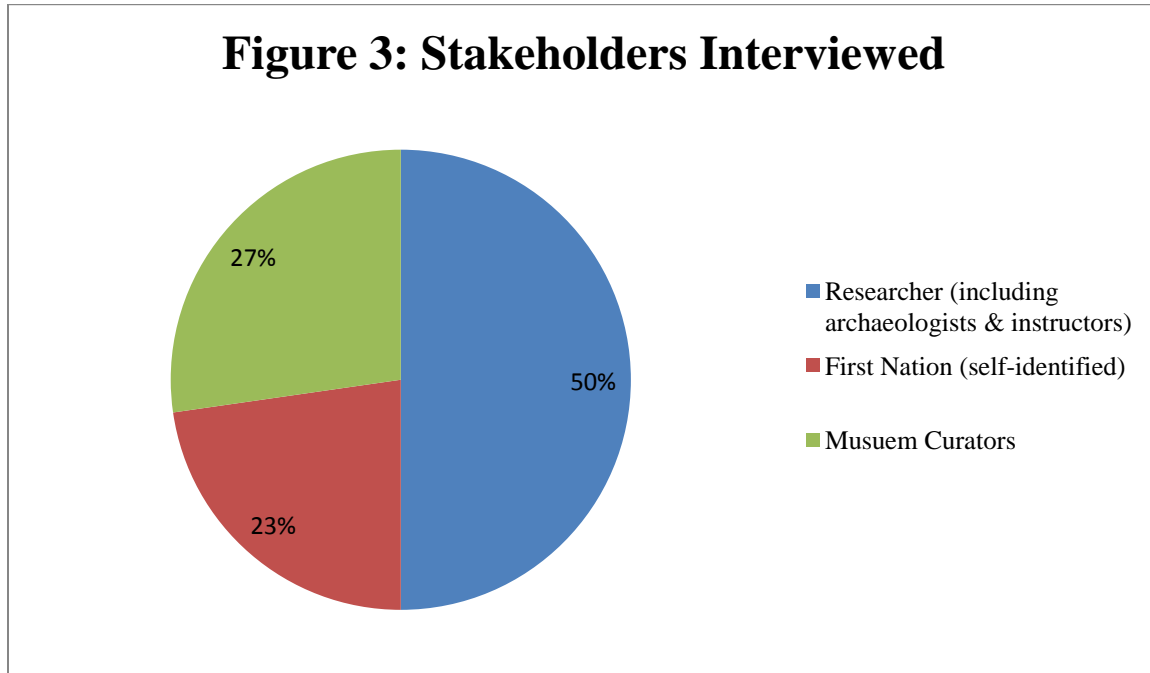


Figure 3 shows the percentage of each type of stakeholder interviewed. As mentioned in Chapter 3, the experiences of many of the participants placed them in multiple categories. In total, seven individuals defined themselves as being part of more than one of the categories. Eleven of the participants fell under the “researchers” category; three of whom identified themselves as First Nations people, and four of the 11 researchers also worked as museum curators. The remaining four people were identified as “researchers” exclusively. Also in the sample, two individuals worked exclusively in the museum setting, whereas one individual fell wholly under the “First Nations” category. Unlike most of the other “researchers” who worked as instructors, archaeologists, or anthropologists, one of the participants listed under “researcher” was a lawyer familiar with the repatriation debate and policy surrounding repatriation in Ontario.

As well, all but one of the stakeholders work in Canada. The lone other was from the USA whose experience in the American system of repatriation provided an opportunity for comparison between countries one cannot find in the literature alone.

While my study has separated “researcher” from “First Nation” and “museum curator,” I would like to note that this distinction was made in order to highlight the primary reason for contacting the individual. Each participant was contacted based on their experiences and position. Although some participants self-identified as being member of a specific category, I assigned others as falling under the specific groupings based on the experiences they shared through their interview.

The individuals I spoke with were identified as stakeholders in the repatriation effort because they each work closely with matters of heritage and human remains, or are particularly invested in the outcome of repatriation (as many First Nations people are).

In analysing the responses I received, I will be presenting the arguments, opinions, experiences, and recommendations provided by each stakeholder . This chapter begins with various experiences with Native groups and proactive museums in dealing with requests for repatriation. The chapter will then describe the hesitation and sense of obligation described by participants, and how certain experiences shaped their view of repatriation. I will then explore how the participants feel their provincial governments are handling repatriation of human remains and matters of heritage. The chapter concludes with a discussion of whether Canada should have a federal law dictating the return of Aboriginal human remains. Throughout the research the participants described their experience in dealing with repatriation in Canada, outlining the benefits and detriments of the Canadian system; although many felt there were

serious problems with the current way the country practices repatriation of human remains, the majority felt that something resembling NAGPRA would do more harm than good.

ii) **Requests for Repatriation**

A large number of museums, universities, and other collections responsible for the curation of ancestral remains in Canada have embraced repatriation and reburial in one way or another. Some museums have supported repatriation through conceding to the repatriation requests put forth by Native groups, other museums wholly encourage repatriation through engaging band members to visit their collections and look over their inventories. While this is mainly seen as a general courtesy and the “right thing to do” (PC-ISJ: June 14, 2012), it is also a way to avoid the museum’s capability to become an arena for structural violence. Although institutions are proactive in informing Aboriginal communities of ancestral holdings, there can sometimes be restrictions that prevent the group from taking possession of the remains. As stated by Dr. Brian Chisholm at the University of British Columbia,

“LOA [Laboratory of Archaeology] was proactive in repatriations- sending out information to the various bands whose ancestral remains we are / were holding; informing them of what remains we had in our facility. Responses from the bands varied from a high level of interest and concern to a low level of interest at the time- due mainly to the lack of funds and facilities for management of such remains on the part of the band” (PC-IBC: July 12, 2012).

In Dr. Chisholm’s experience, the cost of properly repatriating remains prevented some groups from taking responsibility for their ancestors. As a prohibiting factor for Native groups, funding is often cited as the main reason why a group does not claim the remains.

As well, in one of my interviews, Dr. Pamela Mayne Correia, a professor at the University of Alberta, and curator of their osteological collection indicated that although they have

approached First Nations groups for repatriation before, they now wait until the groups contact them with a request for repatriation.

“Sometimes it is a request that has come out of a historical offer [for repatriation by the University of Alberta]...there was one instance, I believe, when we approached first, but then it sort of sat for 20 years and then the group came back to us...We’re pretty adamant to return [the remains], and they’re pretty adamant to have them back. And usually the slowing-down process for us has been the politics in the middle....You know, who owns the land, where are they going to go, can everyone agree on where they’re going to go...Everyone I’ve talked to is very much behind dealing with [repatriation]. Being proactive, maybe not. But when it comes up in our faces, we’re dealing with it. Like I said, it’s a money issue” (PC-IMC: June 6, 2012).

Although many institutions wish to be more proactive in repatriating Aboriginal remains, time constraints, and funding prevent such an effort. The desire to be proactive in repatriation stems from the stigma many museums receive today. There is a certain level of embarrassment for museums, especially in areas with a high Aboriginal population (for example Simcoe County Museum, Museum of Manitoba, NWT, BC). As discussed in Chapter Two, there are some theories why North American museums have this overt distaste for displaying human remains, whereas European museums are quite the opposite. This is not to say, however, that North American museums and researchers do not believe there are benefits to studying human remains (Aboriginal or otherwise). All but one individual felt that there was still plenty to learn from ancient Aboriginal human remains, as long as the remains were studied with the utmost respect for the individual. If the affiliated group asks that no analyses be conducted, then that request will be observed.

In every case in which I spoke to a researcher or museum curator they indicated the need to show respect for the beliefs of the Aboriginal individuals. In the majority of cases, this meant putting aside a professional desire to keep the remains for future study in favour of the moral

obligation to return the remains. Janet Young, the coordinator for the Human Remains Repatriation Program at the Canadian Museum of Civilization indicated that “there is a loss to the scientific record, of course, and to future generations of scholars who will no longer be able to learn from these ancestors.” Although she believes that it is important to study ancient human remains, she goes on to say, “they are individuals who had lives and I appreciate the opportunity to learn from them, I feel privileged to have a glimpse into their worlds” (PC-IJY: June 12, 2012). One cannot take for granted the privilege of study these remains; to fully appreciate the information being derived from the ancestors you must acknowledge that they should be treated differently from other physical remnants. Through respecting the wishes of the Native group and by appreciating the information that could be gathered from the remains, a mutually beneficial relationship can emerge. Although some Aboriginal groups might be hesitant to take responsibility for ancestral human remains, the option to repatriate should be presented to the appropriate band. Currently, it is fairly rare for a Canadian museum to strongly disagree with repatriation of human remains (PC-IBC: July 12, 2012; PC-IMC: June 6, 2012).

iii) **Hesitation: Museums**

However, there are occasions when the museum’s proactive return of First Nations remains is blocked because of a lack of instruction. In the case of the Simcoe County Museum, for example, curator Kelley Swift Jones and her predecessors tried to establish a dialogue to facilitate repatriation of a few skeletons they had in their collections. Because they did not have a precedent for returning Aboriginal remains, nor any existing policy, they did not know whom to contact or what to do. The museum last accessioned an Aboriginal skeleton in the 1970s. Since that time, museum staff were not sure how to handle returning the remains. Any attempts made to begin discussions for repatriation were unsuccessful. “Because it was sensitive and people

didn't really know what to do or who to go to. There wasn't really any clear documentation that says, 'okay, if you have First Nations remains in your collection here's what you do'" (PC-ISJ: June 14, 2012). Even in contacting various government agencies no instruction was provided. It was only after a member of a local First Nations group began working at the museum in 2004 and directed them to the appropriate individuals did the repatriation effort begin. In 2010 all the Aboriginal remains housed in the Simcoe Museum collection were repatriated. Today there are a number of guidelines that can be referred to for repatriation of human remains (the Task Force recommendations, or any of the publically accessible repatriation policies – Royal Ontario Museum, Canadian Museum of Civilization, University of British Columbia, or the University of Toronto). These provide general guidelines that can be applied to most cases of repatriation. Including: who can be considered for repatriation, how to establish affiliation, what can be requested for repatriation, how to go about requesting repatriation, and how consultation relationships can be formed.

Many museums in Canada want to empty their collections of Aboriginal human remains. However, some do not wish to participate in repatriation because they choose not to become involved. The reasons for their avoidance of the issue can stem from personal prejudice to embarrassment. One reason why some museums might avoid engaging in repatriation efforts is because of the fear the institution has of stigma based on their incomplete or inadequate records (PC-ICK: Aug. 16, 2012). Many of the Aboriginal remains in museums were collected prior to the 1950s, therefore many of the records are not up to current standards. By inviting repatriation requests these incomplete records could be discovered and cause embarrassment for the institution (PC-ICK: Aug. 16, 2012).The insecurity these museums have concerning their old records combined with the lack of proper repatriation procedure can reinforce the institution's

desire to stay away from repatriation efforts. As well, because they might not have any specialized employees to determine affiliation, they would rather not risk being wrong, and would therefore avoid repatriation entirely (PC-IKB: Aug. 15, 2012). One other reason why a museum or institution would be hesitant to repatriate was if the Native group was relying on the institution to pay for the reburial. Lawyer, David Donnelly found that some institutions cited that the “cost of time and reburial was beyond the means of the academic institution involved” (PC-IDD: Sept. 11, 2012).

Hesitation: Aboriginals

Funding can be a huge problem for both Aboriginal groups and institutions. On few occasions, some funding has been provided by various agencies, (Simcoe County, The Department of Education (NWT), Manitoba Hydro), however, it is usually the responsibility of the Aboriginal group to provide the funding.

Researchers and museum staff usually cover the cost of identifying affiliation, processing the body, and readying it for the Native groups.⁵ Providing evidence to prove a relationship with remains can be difficult and time-consuming. Although the need to prove affiliation is key in repatriation efforts, there are some pitfalls with this technique. Because many First Nations groups do not wish for any destructive analysis to be performed on the remains, DNA and isotope testing is often out of the question. These analyses can help to establish if a certain group of people are genetically linked to a living group of individuals, or to assign a geographic area to a set of remains that are otherwise un-identifiable (such as with stable isotope analysis). Although these destructive analyses have become a cheap option to determine

⁵ However, an important step in preparing the ancestral remains for travel is sometimes *only* witnessed by a select few Aboriginal people (the process of wrapping and blessing the bones) PC-ICK: Aug. 16, 2012

genetic/geographic relationships, there is the need to respect the wishes of the First Nations group. Therefore affiliation must be based on provenience. This can be faulty too, since depending on how long ago the remains were collected, the record might be totally inaccurate or even non-existent. On top of this, some First Nations boundaries overlap. For example, because there are over 250 non-treatied Nations in British Columbia, many of which overlap, territories and jurisdictions are difficult to define. Assigning remains to a specific band based solely on geography is risky. In the same vein, members of warring Nations would die on their enemies' land. If that individual was to be misidentified as a member of their opposing Nation, the spirit might not be at rest (PC-IKN: June 19, 2012; PC-IEF: June 14, 2012). Therefore, it is very important to spend the time and money needed in order to accurately determine affiliation based on whatever means is appropriate.

Additional research or testing as requested by the Native group is sometimes *pro bono*, otherwise funding for testing is expected from the requesting group (PC-IEF: June 14, 2012). The process of reburial itself is quite expensive. Depending on how many individuals there are to rebury, the cost of the materials, ceremonies, feasts, and transportation for repatriation can reach upwards of \$10,000 (PC-IMC: June 6, 2012; PC-IKN: June 19, 2012). Eric Forgeng of the Government of British Columbia-Archaeology Branch, indicated that some communities require costly and elaborate ceremonies in order to rightfully put the ancestors' spirits back in the ground. As an example,

“...The Coastal peoples,⁶ they do the Burning Ceremony, which is a sort of purifying offering. Often there are feasts involved, which are quite expensive. So, for First Nations to take remains back and rebury them- it can sometimes run into the thousands of dollars” (PC-IEF: June 14, 2012).

⁶ The Coastal peoples, located on the Pacific coast of British Columbia, opposed to the “interior” First Nation groups of British Columbia.

The size of reburial ceremonies vary across the country. They can be elaborate feasts, or they can be intimate affairs in which “elders will do a ceremony for the bones, redress them in cloth, dig a hole, lay down tobacco, lay the bones in the cloth on top, put down more tobacco and then cover everything with dirt” (PC-IKN: June 19, 2012). Although funding can still be an issue for these smaller reburial ceremonies, many of the essential items are donated and time is volunteered.

Regardless of all other factors affecting repatriation efforts, there is one huge problem that some Native ceremonies face—the fact that there is no procedure for reburial among First Nations cultures. The ancestral remains were never intended to be exhumed, and therefore, no traditional ceremony exists to return them to the ground. Elders use their knowledge of traditional ceremonies, reworking them to apply to reburial (PC-IKN: June 19, 2012). In some communities, the lack of a proper traditional ceremony has hindered them from engaging in repatriation efforts to recover ancestral remains (PC-IEY: Sept 17, 2012; PC-IA3: Sept. 27, 2012). Additionally, there is a death taboo that some communities must overcome in order to deal with these remains (PC-IEY: Sept 17, 2012). In speaking of the Piikani First Nations of Alberta, Eldon Yellowhorn an instructor at Simon Fraser University in British Columbia, and member of the Piikani Nation says, “[they have] refused requests to bring home the remains of our ancestors because there is no protocol in Piikani tradition for taking possession of bones that were once buried. There is a strong cultural belief in avoidance of the dead” (PC-IEY: Sept 17, 2012).

iv) **Obligation and Politics**

In many cases, as soon as First Nations groups are informed of the whereabouts of their ancestor's remains, they feel obliged to act. While two participants did not indicate whether they believed the motivation for repatriation to be more political or spiritual, the majority of the remaining stakeholders indicated that the main reason for requesting repatriation was for religious/spiritual reasons. This was often owing to the obligation the communities felt in returning their ancestors to a peaceful afterlife. Of the 12 participants who answered this question, six indicated the main (or even exclusive (two individuals)) reason for repatriation was for spiritual reasons. Another five indicated that although the main reason was often spiritual, it very much depended on who you were speaking with (Chief verses Elder). Only one individual stated that repatriation is motivated by political agendas.

Although situations can arise which lead to the inevitability of politics becoming involved, in speaking with the various stakeholders I have drawn the conclusion that political agendas do not initially drive repatriation. Instead the sincere hope that ancestors will be respected and heritage will be protected and maintained for future generations is the main concern for most Aboriginal groups.

Political Aspects:

This is not to say that politics are not involved with repatriation. On the contrary, they are nearly always present in some regard; whether inter-tribal negotiations, political statements of cultural authority, or blatant ownership disputes, politics in repatriation are hard to avoid (PC-IKB: Aug. 15, 2012). Dr. Brownlee believes that once politics are settled and understood by

both sides, a more focused and mutually beneficial outcome can emerge from repatriation (PC-IDD: Sept. 11, 2012; PC-IKB: Aug. 15, 2012).

Politics are not cited as main motivators for repatriation, however, they are often working in the background. The Chief and Council are the political leaders of Native groups, while the Elders dictate the spiritual and often more traditional elements of life. While both groups are involved with the repatriation efforts, each have different approaches to it (PC-ISJ: June 14, 2012). Because it was usually the elders who were working with the participants interviewed, the majority of stakeholders noted a more spiritual motivation.

While there is an obligation to restore and respect ancestor's remains, there also exists a number of benefits for future generations. As many have argued in the literature, repatriation can act as a means of decolonization. The notion that a community might request repatriation as a political move to gain standing in museum has been suggested in the past (Coombe 2009:394; Kakaliouras 2012:216; Kirsch 2011: 94). The power that human remains have as political pawns has been interpreted as both a move for equality and decolonization as well as a means of gaining a political "step up" within their community (PC-A3:Sept. 27, 2012).

Museums are argued to be areas of marginalization and inequality. However, they are also understood as cultural repositories; they are spaces where cultural identity and historic knowledge are emphasised. In the past, this meant distinguishing between different "levels" of cultures for the purpose of enlightening the audience as to which culture is more civil than the other (Tythacott 2011). However, today this is not the case. Although many find it difficult to part with historic items, especially human remains (which hold interest to many people), the fact is that having Aboriginal human remains in an institution, without the descendants' consent, has

become almost intolerable in the North American museum. When Native groups become politically charged institutions can become threatened and are apprehensive to continue the process of repatriation (PC-IKB: Aug. 15, 2012; PC-IDD: Sept. 11, 2012). As stated by Dr. Brownlee and Mr. Donnelly, the fewer politics and less litigation that is involved the better. When people know their place, what to do, who to contact, and what to expect in repatriation efforts, a better working relationship emerges for all involved.

While a political agenda might steer repatriation efforts, when it clouds the whole process it can create a level of agitation and annoyance for all parties. In speaking with Dr. Brownlee, a First Nations person, he illustrated his annoyance at the First Nations groups who use heritage protection and repatriation as leverage for their own political gain. It is a problem, he says,

“when [repatriation] is used as a pawn for political agendas. You know ‘Oh, you can’t put a hotel up there because there might be human remains up there!’ but then, ‘Oh! But we, as a First Nations community can put a hotel up there? Well no problem then!’ It really disgusts me when we see the heritage, and past, and ancestors used as pawns for immediate political gains by any individual or community” (PC-IKB: Aug. 15, 2012).

Not only do politics in repatriation engage external institutions and legal counsel, it can also create rifts between different groups of Aboriginals (PC-IDD: Sept. 11, 2012; PC-IKB: Aug. 15, 2012; PC-IKN: June 19).

Spiritual Aspects:

In arguing that motivations for repatriation of human remains are more spiritually based, I refer to the need that many Canadian Aboriginals feel to rebury their ancestors. Rather than the motivation being politically charged, repatriation is mainly required to restore ancestors to their proper environment. Many traditional First Nations cultures have a belief about the spirits and

afterlife that emphasises the need for remains to be properly buried with their compatriots. Chief Kris Nahrgang, an Ojibway archaeologist and artist says,

“The biggest thing, you know, is that people don’t believe in bringing them out of the ground. The Huron especially believe that the body has two souls. They believed that one soul stayed with the body and one went to the Creator. So that’s why they created these ossuaries and these places to bury these people, so the souls would stay together in a *City of the Dead*” (PC-IKN: June 19, 2012).

By protecting the burial sites and reburying those who were removed from these “Cities of the Dead” the souls residing in the physical remains can stay connected to their community. After the historic exhumation of the remains, there is some debate amongst Aboriginals whether or not it is proper to rebury them with the Nation of closest cultural affinity, or if they should be reburied in the same geographic area.⁷ When the ownership rights are given to the closest culturally affiliated group and they are removed from their “City of the Dead” they will no longer be part of the community they knew in life. However, if stewardship is granted to the closest geographic group they stay in the same area, but they might be improperly laid to rest, or among potential enemies. David Donnelly, legal representative for the Huron-Wendat people of Quebec, believes,

“The only criteria that should be used to establish who should have authority over the remains is to establish the closest cultural affiliation. And that’s not rocket science...With the sophistication of radio-carbon dating and archaeological analysis, you can establish with pin-point accuracy the cultural affiliation” (PC-IDD: Sept. 11, 2012).

While it is quite true that DNA analysis and other techniques to determine affiliation have become much more accessible in terms of price and time, there remains the problem of those Native groups who do not wish for any destructive analysis to be performed on the ancestors. In

⁷ For example, the Huron-Wendat traditionally resided in Ontario and migrated about 350 years ago to Wendake, Quebec, where they currently reside (PC-IDD: Sept. 11, 2012).

British Columbia, for example, “most First Nations do not want you to engage in destructive testing of remains.” Although not true of *every* case, destructive analysis to establish affinity is not often the normal procedure. In association with the University of British Columbia, the Laboratory of Archaeology’s director, Brian Chisholm notes that “locations where the remains were found are the main means for establishing affinity. We have not involved DNA or similar methods.” Although scientific testing is reliable to determine affiliation, because of the limitations of destructive analysis, geographic affiliation is usually the best that can be done. Dr. Chisholm goes on, “At present there have been no major problems in relating remains to present day communities – any overlapping claims have been jointly repatriated” (PC-IBC: July 12, 2012). Especially in British Columbia where territorial boundaries and traditional land are unclear and overlapping, there is a likelihood that using geographic affiliation can include multiple groups vying for ownership of the remains. While the desire for no destructive analysis must be respected, there is often little else to do than combine the ceremonies to ensure proper burial (PC-EF: June 14, 2012; PC-IBC: July 12, 2012).

There is an undeniable obligation that many First Nations and Aboriginal people feel towards their ancestors who were disinterred and placed in collections. For some First Nations communities the discovery of human remains or the existence of ancestors in collections has been interpreted as a message from the spirits. This message, as Dr. Brownlee suggests, is that the “ancestors [are] showing themselves to this generation because, the Elders felt, that today’s youth [event took place in the 1990s] were losing touch with their past, their heritage, and their community” (PC-IKB: Aug. 15, 2012). This spurred the Native group to take advantage of the opportunity and gather as much information of their ancestors as possible. They used the data to educate students and adults alike on the people who “revealed” themselves. This allowed the

community to “re-establish a connection with their past.” As Cara Krmpotich (2010) has argued both in her publications as well as during her interview, a re-connection to traditional lifestyle and ancestors can create a more cohesive group of people.

Using repatriation as a catalyst, the Haida people of the Queen Charlotte Islands, British Columbia, have recreated an identity for themselves. Successful repatriations have provided the opportunity for youth to participate in traditional ceremonies, and skills (such as making bentwood boxes for the ancestors) (Krmpotich 2010; PC-ICK: Aug. 16, 2012). Along with the obligation to the ancestor’s spirits, some groups have found repatriation helpful in educating youth and protecting traditional heritage. In some communities, such as the Inuit who are more concerned about returning the knowledge of the past than the physical remains, “repatriation of knowledge” has become a primary endeavor. This enables them to not only learn forgotten skills (such as how to carve a certain item, or sew a traditional piece of clothing), it can also preserve “old language terms that are not being used anymore” (PC-IA1: July 25, 2012). The obligation that many Aboriginal Canadians feel in repatriating their ancestors is both towards returning ancestral spirits to their community, as well as promoting cultural knowledge among the younger generations which creates a stronger sense of community.

v) **Experiences –Successful**

There are good reasons why repatriation has been called a “debate” in the past. However, as Dr. Mayne Correia of the University of Alberta understands, “I don’t really think, for us, there is a debate.” She felt that most people have put the “debate” aspect of repatriation behind them, agreeing that the return of ancestral material should be completed if requested by an Aboriginal group (PC-IMC: June 6, 2012). In Manitoba, many institutions, including the provincial

government have identified repatriation as a necessity for cooperation between those institutes holding remains and the Native groups. Although they have no direct funding for repatriation efforts, they do have individuals who work with communities to both inventory the remains, and help Native groups with negotiations. Dr. Brownlee worked as an “Aboriginal Liaison” for the province of Manitoba in the past. During his time there, he recalled some instances when successful repatriations led to working relationships between museums and First Nations, as well as development of educational tools that catered to certain Native communities. In 1977, for example, an agreement was reached between the Manitoba Museum and Nisichawayasihk First Nations that dealt with historic artifacts and human remains that were being uncovered by erosion resulting from the Churchill River Diversion Basin. The agreement promoted a cooperative effort which was funded by Manitoba Hydro, and where the Manitoba Museum and First Nations worked together to study and learn from the artifacts and remains. Any artifacts or remains that were uncovered in the basin were processed and analysed by researchers at the Manitoba Museum (if analysis was requested), and then returned for re-interment to the Native group. This cooperation has led to one of the best repatriation relationships in Canada. A large part of its success is due to the funding provided by Manitoba Hydro. Without the worry of funding, The Nisichawayasihk First Nations were given the unrestricted ability to gather as much information as they wished about the pieces and people who were exposed during the river diversion (Hanna 2003:249). According to Dr. Brownlee, the northern Manitoba First Nations communities who were impacted by this agreement believed that the ancestors wished for their remains to be studied in order to re-connect the youth to their heritage. They therefore took advantage of the funding provided by Manitoba Hydro to enlighten the community about the individuals who were found, as well as providing replicas for students to handle and learn from.

He states, “this became so successful that many other communities wanted to see the same level of analysis, and unfortunately, without a developer to foot the bill...it’s a fairly expensive undertaking” (PC-IKB: Aug. 15, 2012). Although this opportunity was extended to First Nations communities affected by the flooding of the Churchill River, many others were left without such funding. Also, the funding was only provided for artifacts and human remains that were recently uncovered because of the river diversion, not remains already in museums. Although the success of the Northern Manitoba Flood Agreement is evident, when examining the relationship forged by the lengthy and ongoing cooperation between developer, museum, and Native group, it is a rare case.

In another case Dr. Krmpotich, who studies the Haida of the Haida Gwaii (Queen Charlotte Islands) in British Columbia, explains why these people have had such success in repatriation. Although they have experienced many cases of resistance from museums and other institutions when requesting inventories or repatriations, they have been successful in reburying all the ancestral remains from collections in North America (Krmpotich 2011:145).

The Haida people have been repatriating human remains since 1990 (UBC 2008:18). They have reburied over 400 ancestors and intend on continuing until they have acquired the remainder of their human remains from the outside of North America, as well as associated grave goods, and ideally, all artifacts. While the ancestral remains will be reburied, not all of these pieces will be put into the ground. The Haida have established museums to exhibit their traditional roots to the public. They believe that they should be in control of their heritage, not a museum on the other side of the world. However, acquiring all the Haida physical remains from around the world might prove difficult. Some museums believe that the pieces that have been in their possession for decades have become part of their cultural identity (Smith 2004:408). In one case

mentioned by Dr. Krmpotich, a French museum director argued “that they are not an ethnographic museum who are trying to atone for colonial wrongs” and has no intention of returning Aboriginal artifacts (PC-ICK: Aug. 16, 2012).

Whether or not the Haida will be successful in obtaining all their ancestral remains and artifacts is yet to be seen. However, their success in North America is clear. Another reason why the Haida repatriations have been so successful is the fact that they have methods in which to fund the process. Through grant writing,⁸ and fundraising⁹ the Haida have produced enough money to properly bury all their ancestors. In describing the current relationship between the Haida people and museums, Dr. Krmpotich says “[Haida] definitely characterise their experience with museums as being tense at first, but getting better” (PC-ICK: Aug. 16, 2012).



When a Native group has the financial means to appropriately repatriate the ancestors, a sense of pride is exhibited after a successful repatriation. Both the Nisichawayasihk First Nations communities of northern Manitoba and the Haida have learned a great deal from their repatriation efforts. Both communities have embraced cultural renewal through repatriation and have created an identity through learning their heritage from their ancestors.

Experiences-Problems

Successful repatriations do not happen straight away. There are always a number of problems which need to be overcome. Unfortunately, every case of repatriation is riddled with

⁸ There are no grants specifically for repatriation. The Haida have use grants from Canada Council of the Arts, for example, and combined repatriation efforts with finding artistic inspiration in museums. PC-ICK: Aug 16, 2012.

⁹ The Haida have hosted dinners, raffles, and other fundraising initiatives, as well as selling apparel and goods with the “repatriation butterfly” - a symbol created to represent Haida repatriation efforts (image above)

these problems and quite often there are no solutions. An example provided by Eric Forgeng involved an old First Nations skeleton that was picked up by a hiker and kept for decades in a British Columbia private residence.

“Years later the man reported it to the RCMP and dropped it off with them. The RCMP contacted us [at the British Columbia Archaeology Branch], and based on the very loose report of where the remains came from we contacted four of the First Nations in that area and asked them for direction. It took about a year or so to sort out who would take responsibility. The remains ended up being mailed to one of the Chief of Council. Then, I get a call 6 months later from the Chief asking for more detail of where the remains came from” (PC-IEF: June 14, 2012).

Because they could not provide the information that the Chief wanted, the Council decided that they could not take them and sent the remains back to the RCMP. After years of negotiation, the remains were returned back to the RCMP where they started. In this case, a problem arose when accurate information on the original site of discovery was lacking. This is the case with a large portion of the human remains found in museums of which many lack appropriate provenience (Jacknis 2000:267; PC-ICK: Aug. 16, 2012). Before the early 1900s, record keeping was fairly lax. For example, rather than indicating the precise region in British Columbia where remains were found, they merely stated that the remains were gathered from the Northwest Coast (PC-ICK: Aug. 16, 2012). When combining the inexact records, with the fact that many First Nations of British Colombia do not wish for any destructive analysis, determining who legitimately has claim over the remains is difficult.

Another problem that can arise is when the law becomes involved. Although lawyers can become involved with the repatriation process, especially the negotiation and investigation aspects, when legal proceedings are introduced, the repatriation efforts can become entangled with outdated laws, misinterpreted Acts, and a much larger cost. In speaking with Toronto

lawyer David Donnelley, repatriation was illustrated in a different light. Although many of the same problems were discussed, new perspectives on these problems were presented. Donnelly is the legal counsel of the Huron-Wendat. This particular group is fairly vocal about the responsibility they have to reburial all ancestral remains in skeletal collections. In an on-going case, Donnelly spoke of the problems his firm has had in returning ancestral remains from Louisiana State University in the United States. In 2011, a representative of the Wendake Native Council of Ontario accused an archaeology professor at Louisiana State University (LSU) of stealing Huron-Wendat ancestral bones from a site in Ontario 20 years ago. As the Ontario Cemetery Act (1990) dictates, when First Nations remains are uncovered, authorities must be called, who then will contact the closest affiliated group. This can include the Native group that is historically associated with the region, or the closest Native group presently residing in the area. In the case of the Huron-Wendat remains found, the LSU archaeologist contacted the Native group who were presently nearest the site. At the time, an agreement was reached between this group (the Alderville First Nations, who are not of Huron-Wendat origin) and the archaeologist; the remains could be excavated and studied, then returned for repatriation. However, recently the LSU archaeologist has come under fire by the Huron-Wendat nation because they claim that the archaeologist should have realized the remains were of Huron-Wendat ancestry (Ormsby 2011). Donnelly argues that the current Cemeteries Act of Ontario is a racist document that needs to be updated. When remains are uncovered and found to be Aboriginal, the Act requires either the Native group with the closest cultural affiliation (sometimes requiring destructive analysis), or the current closest geographic group to the site. He says, “picking the closets geographic First Nations is just another way of saying all Indians are the same!” In the case with LSU, Donnelly passionately argues that the LSU is illegally in

possession of the remains and refusing to give them back, “the ridiculous situation with LSU- they’re barricading themselves with a loop-hole and refusing to return the human remains that they don’t own.” In some cases, Donnelly suggests legal action is needed when resistance is met. In his experience Donnelley states, “we get instructions to initiate legal proceedings towards the retaliating interests who are holding the bones illegally. In the past this included private prosecution for violation of the criminal code for the protection of the dignity of human remains.¹⁰” (PC-IDD: Sept. 11, 2012). While the case involving the Huron-Wendat and Louisiana State University is on-going, it highlights another problem with repatriation in North America; the lack of harmony between the Canadian system of repatriation and that of the USA (PC-IDD: Sept. 11, 2012).

There is an obvious problem translating Canadian methods of repatriation into an American equivalent. Because of the strict nature of NAGPRA, federally funded institutions in the USA who fall under this legislation have little room for negotiation. One reason that NAGPRA requires such rigidity is because of the strict time limits NAGPRA requires of American institutions. This time limit only applies to legally recognised American Native groups. Like NAGPRA, the NMAI Act only applies to federally recognized American Aboriginal tribes. Many American institutions are therefore primarily interested in completing American repatriation requests, and Canadian group requests are secondary (PC-ICK: Aug. 16, 2012). Cases of repatriation can take years and a very detailed analysis to determine the correct affiliates. Under NAGPRA, after a repatriation request is issued by an Aboriginal group, there is a limitation to the amount of time the institution can hold the remains before they legally have to return them to the Native community (Colwell-Chanthaphonh et al. 2011:38). However, under

¹⁰ S. 182(b) of the Criminal Code: Every one who (b) improperly or indecently interferes with or offers any indignity to a dead human body or human remains, whether buried or not.

the NMAI legislation, no timeline was defined, and therefore the Smithsonian Institution can hold the remains longer. Although the Native groups will have to wait longer for repatriation from the NMAI, they receive far more information about the remains, and can be much more assured that the remains are indeed affiliated. However, in offices that deal with repatriation claims, cases can easily pile up, no matter the detail of the analysis.

Although some federally funded institutions in the United States do repatriate to some countries outside of the USA (such as Canada and Mexico), it is not law to do so (Jacobs 2009:87). Because there are so many Aboriginal remains being processed for reburial in the United States, Native groups outside of the United States who request material to be repatriated from American institutions can usually expect a lengthy wait (Jacobs 2009: 86-87). Because of this, some Canadian Native groups, such as the Haida when repatriating ancestors from the Chicago Field Museum and the Huron-Wendat currently with LSU, have had to be very patient and persistent when dealing with the American system (PC-ICK: Aug. 16, 2012; PC-IDD: Sept. 11, 2012).

Donnelly argues that Canada's lack of legal policy on repatriation and heritage depicts Canada as a "lax regime" on an international level, too lax to take repatriation requests seriously (PC-IDD: Sept. 11, 2012). Although the cooperation between countries can be tense, it is because of their opposing processes of repatriation. In the United States, the rigidity of law dictates every move made by federally funded institutions, whereas, in Canada, negotiations are often based on institutional policy which determines the outcome of a request. For example, in 2003 the Algonquin group Kitigan Zibi of Quebec requested the return of a number of 5,000 year old human remains found in 1842 and 1883. The Kitigan Zibi only moved into the region in the first half of the 1800s, it would be unlikely they were any relation to the human remains

uncovered, however the Kitigan Zibi still felt the need to rebury the remains. They could not, therefore, prove affiliation to the very old remains and instead, they negotiated with the Canadian Museum of Civilization to return them if no other Algonquin group protested (Bell et al 2008:396-397). Because there was no evidence to suggest affiliation, if Canada possessed a law like that of NAGPRA those remains would likely have never been returned (Hanna 2003:234; PC-IA3: Sept. 27, 2012). Although proving affiliation is often vital (as both institutions and Native groups want to bury the correct ancestors), if a Native group feels inclined to speak for those ancient Aboriginal remains who have no identifiable relations, then many feel there should be open discussion on that front. A huge problem for the United States and NAGPRA/NMAI is the notion of culturally unidentifiable human remains. Especially under NAGPRA, when no relationship can be demonstrated from the remains or records, and no Native group has presented appropriate information to prove affiliation, then the remains are deemed unidentifiable and not ready for repatriation. Within the last two years however, 43 CFR 10.11, was introduced to NAGPRA which is comprised of a new rule for the “disposition of culturally unidentifiable Native American human remains” (43 CFR 10:11: 2010; Jacobs 2009:83). This rule was to encourage institutions falling under NAGPRA to reconsider consultations with Natives who wish to claim the unidentified remains (Colwell- Chanthaphonh et al. 2011).

Although in Canada, museums and other institutions like to ensure the correct ancestors are going to the correct communities, under some circumstances, like that of the Kitigan Zibi, protocol and policy are flexible enough to allow the reburial. According to one American interviewee, “an official structure is a two edge sword for repatriation. It means you have to follow rules, and it means that Canada can’t be flexible and that interactions with Native groups can’t be flexible to accommodate things” (PC-A3: Sept. 27, 2012). On the other hand, the

flexibility of the Canadian system of repatriation does create confusion as to how one should approach repatriation. The lack of instructions for repatriation that some institutions face can prevent the return of remains, however it can also cause intergroup disagreements. An experience provided by Chief Nahrgang of the Kawartha Nishnawbe First Nations, an Ojibway community, illustrated both positive and negative sides of the flexible Canadian system of repatriation.

Years ago, a number of remains were uncovered at a site called Quackenbush, Northeast of Peterborough, Ontario. These remains were held by Trent University until Chief Nahrgang volunteered to rebury them,

“Nobody would touch them. They [archaeology professors at Trent] said ‘we want the bones out of here.’...I asked ‘so what are you doing with them right now?’ she said she was getting them ready for somebody to take them- if they will. Then I said I would take them. I said I would rebury them where they should be, they should be put back in the ground” (PC-IKN: June 19, 2012).

Even though Chief Nahrgang hails from Ojibway heritage, and the ancestral remains were found on historically Iroquoian land (traditional enemies of the Ojibway), he felt that they should be reburied regardless. Both he and the faculty at Trent University prepared the remains for reburial. Before the repatriation could occur, however, other communities found out about the proposed reburials,

“I think the Native Studies department said we’re stealing these Iroquois bones. Then the Iroquois warriors showed up to take the bones...Then I had to call my warriors and all these other warriors showed up. So I just took all the bones and we literally ran them out the tunnels into my truck” (PC-IKN: June 19, 2012).

Although work for the ceremony continued in partnership with the Iroquois, the initial incident involving the Quackenbush remains produced discontent between the Iroquois Council

and those currently in possession of the remains. The event prompted Trent to repatriate the 14 Iroquoian individuals from Quackenbush, and more than 100 other individuals from other sites in the region. The flexibility of the Canadian repatriation system allows for negotiation between Aboriginal groups when more than one claimant is involved. According to David Donnelly, when negotiations are required between different groups “First Nations people are experts at achieving consensus” (PC-IDD: Sept. 11, 2012). Because Canada does not have a rigid legal procedure to follow for repatriation, these negotiations can be very beneficial. In cases of unaffiliated Aboriginal human remains, groups can sometimes determine the appropriate community to repatriate to based on oral histories of the area, or hold a joint ceremony if they cannot decide (PC-IKB: Aug. 15, 2012).

Problems that surround repatriation efforts are very hard to avoid. Although some have no solution, such as the problem surrounding remains with little-to-no data, other problems can be overcome by negotiation and discussion.

vi) **Provincial View**

The provincial governments’ involvement in repatriation efforts varies almost as much as the Aboriginal groups. Of the regions that my interviewees hailed from, there were instances when the provincial government played a part in repatriation efforts (such as in Manitoba, Alberta, British Columbia, and NWT) and other times when the government distanced its self from the issue (Ontario).

Alberta:

Currently, the Historical Resource Act (1980[2000]) of Alberta does not cover finding human remains, ancient or otherwise. In fact, there is very little instruction of what to do when

Aboriginal human remains are found. Aboriginal burial grounds are not covered in any provincial legislation. However, the government does recognise the importance of maintaining First Nations heritage sites and burial grounds (Bell et al. 2008:401). In all the cases of repatriation and reburial that had been experienced by Dr. Mayne Correia at the University of Alberta, “[the government of Alberta] or private sector...have fronted a portion [of funding] for that. The [provincial] government does recognize its role” (PC-IMC: June 6, 2012). There is a specific case which has been an ongoing negotiation since 1999 and involves the municipally owned Edmonton Power (EPCOR). The case involves the EPCOR power plant expansion, which is already sprawled over most of the old Fort Edmonton site, which includes a European and First Nations cemetery. While expanding the plant, a number of human remains were unearthed spurring controversy over the lack of protection afforded to historic human remains. While the Historical Resources Act was being called into question, EPCOR and provincial representatives agreed to declare a number of sites on the property Provincial Historic Resources. In 2005 the remains that had been unearthed were reburied (both European and First Nations), this was funded mainly by EPCOR (PC-IMC: June 6, 2012; Bell et al. 2008:399-401).

Manitoba:

While employed as an Aboriginal liaison with the Government of Manitoba, Kevin Brownlee was responsible for facilitating repatriation, helping with inventories, and communicating with Native communities. However, according to the Manitoba Heritage Resource Act (1985[2003], s.4(45)), “the property in, and the title and right of possession to, any human remains found by any person after May 3, 1967, is and vests in the Crown.” Because the province has sole possession of any human remains found after 1967, they also possess the right to repatriate those remains (Bell et al, 2008:377; PC-IKB: Aug. 15, 2012). This is the job of

Aboriginal liaisons, such as Dr. Brownlee. This does not apply to remains already housed in museums and other collections, but the Government of Manitoba has taken initiative to establish dialogue for repatriation of the remains under their control. Although they provide guidance, and the salary of those individuals hired by the government to act as liaisons, they do not provide any funding for repatriation. In many of the cases today the main responsibility to fund the reburial and relocation for recently uncovered human remains (and potential analysis), is often placed on the developers of the site (government or otherwise). In the cases where museums are repatriating remains, either the institute volunteers to pay the expenses or the First Nations group must come up with the money. Because of this “there was a real reluctance on the province’s part to really address the old collections because there wasn’t anyone to hang it on” (PC-IKB: Aug. 15, 2012). However, for both old collections and new finds in Manitoba, Kevin Brownlee believes, “repatriation has gone pretty smoothly, because we have uniform communities” (PC-IKB: Aug. 15, 2012). The communities are cooperating with each other, negotiating if there is a disagreement and coming to a viable solution. This could be partly due to the history many First Nations in Manitoba have in dealing with repatriation (especially in Northern Manitoba), and the support they have from the government.

Northwest Territories:

The Prince of Wales Northern Heritage Centre is a government run facility dedicated to the preservation, presentation, and diffusion and of heritage of the Northwest Territories’ Native population. The position that the Heritage Centre holds on repatriation and reburial of human remains is fairly rigid. According to section 8(c) of the Heritage Services Policy (NWT 1993) of the Northwest Territories,

“Due to their special nature, human skeletal remains will not be acquired for the heritage collections, nor will archaeologist permits be issued for excavation of human skeletons unless permission in writing has been granted by the appropriate local authority. Human remains which have been found and turned in to the Department will be returned, if possible, to their place of origin.”

Unlike the provinces, museums in the Northwest Territories were only established within the last few decades¹¹. Because of this, they do not have historic collections of human remains and therefore no pressing need to establish policy concerning the return of human remains from institutions. Rather, they concentrate on reburying recently uncovered remains, either by relocating them from danger, or returning them to their original burial site. The Government of the Northwest Territories has taken a pivotal stand for cultural revitalization through repatriation of knowledge, more so than physical remains. In one participant’s experience, Inuit would go to museums around the world to examine the historic Inuit artifacts, “they would study the pieces...so they could bring the skills back home, as well as the language terms, and the experience of handling those remains” (PC-IA1: July 25, 2012). The Inuit desire more than anything to entrench their traditional heritage into the memories of all people identifying as members of that culture. They want to know about the analysis of artifacts and how people lived in the past in order to contribute to the shared knowledge of their history.

British Columbia:

The Government of British Columbia has also established some measure of participation in repatriation efforts. Like the other provinces, no funding is issued besides that for salaried individuals who act as a source of guidance for newly found Aboriginal human remains. It is specifically the Archaeology Branch of the provincial government that deals with these cases. In terms of old collections in museums and institutions, it is solely at the discretion of the institute

¹¹ For example, PWNHC (1979), Northern Life Museum (1974)

to decide whether to repatriate. This is why many institutions, such as University of British Columbia (UBC), Simon Fraser University (SFU), and the Royal British Columbia Museum (RBCM) have internal policy dictating suitable actions to take for proper repatriation. In these cases, Dr. Chisholm of UBC claims, “we have worked out successful and seemingly satisfactory programs. The bands involved seem happy with the process and consultation with them is ongoing and continuous” (PC-IBC: July 12, 2012). The Government of British Columbia, like that of Manitoba, has endorsed reburial of recently uncovered human remains by employing individuals who know the process, can properly contact the right Native groups, and who know how to respectfully deal with the remains. Although they deal with newly discovered Native remains, it is not in the Archaeology Branch’s authority to deal with museum holdings. One concern voiced by Dr. Chisholm, is if smaller institutions, which do not have protocol to deal with repatriation, are reluctant to initiate discussion with First Nations because they do not know the proper procedures. He goes on to invite these institutions that hold human remains to adopt the protocols that have been established for LOA/UBC or SFU (PC-IBC: July 12, 2012).

By outlining a *modus operandi* for dealing with Aboriginal remains in all collections, participants in British Columbia argue that repatriation can work faster and more efficiently without the government’s interference. At Simon Fraser University, Dr. Eldon Yellowhorn agrees, “we have not encountered any problems. The department policy has been to accept requests from Indian bands. Where possible we will contact them to inform them of our collection. The logistics of returning and reburying human remains are negotiated on a case-by-case basis” (PC-IEY: Sept. 17, 2012). The system of repatriation in British Columbia has little opposition today. Museums and other institutions want to empty their collections of Aboriginal

remains. There is a belief that having the repatriation system run through the government would be unnecessary (PC-IBC: July 12, 2012; PC-IEY: Sept. 17, 2012).

Ontario:

In Ontario there is legislation that covers recently uncovered human remains. The Cemeteries Act (1990[2012] s. 72 (1)) states that "... on declaring a burial site to be an unapproved Aboriginal peoples cemetery or an unapproved cemetery, shall serve notice of the declaration on such persons or class of persons as are prescribed." Meaning, once Aboriginal human remains are identified as such and determined not to be part of a known burial site, the closest affiliated group must be informed of the discovery. This can include either the closest group in the region, or the closest culturally relatable group. Determining which group should be contacted, however, is determined by the landowner. However, Chief Nahrgang notes that the Cemeteries Act is often a "copout" of actually dealing with the remains or having any hand in the removal/ reburial of the remains as soon as they are determined to be Aboriginal.

"If tomorrow morning when I go to work we find a body, we have to call the police. Then we call the coroner, and they will say 'Oh no, it's Native and really old. It's up to you to deal with it'...And if they call the Ministry of Culture or the Cemeteries Branch, they give it back to the landowner" (PC-IKN: June 19, 2012).

This is just further confusing people who uncover Aboriginal human remains. While they have a legal platform for the procedure after finding human remains, after going through the "system" no instructions were provided. Because the Ontario Government has this legislation, they should also have individuals who can guide the remains from discovery to reburial. Even concerning older collections of human remains, there lacks an organization to refer to. The Simcoe County Museum had Aboriginal human remains in its collection for years before they

could be reburied. Although the curators wanted them repatriated, they did not know the proper procedure to respectfully go about repatriating them.

“We tried various avenues, tried to work with provincial agencies, and archaeologists to try to repatriate these remains, and really, every where you turned you hit a dead end” (PC-ISJ: June 14, 2012).

Many smaller institutions have human remains in their holdings but, for various reasons, have not yet repatriated them. Although some have suggested that these museums could be embarrassed by their records or the state of the facilities, others do not know where to start or who to contact (PC-ISJ: June 14, 2012). Establishing a resource that museums and other institutions can contact in regards to initiating repatriation, can encourage smaller institutions to remove the Aboriginal remains from their holdings.

vii) Should there be a Federal Law?

One of the main questions I am concerned with is whether or not stakeholders in repatriation believe that a federal law should be employed in Canada. The importance of this question can easily be seen in the impact American policy has on many of Canada’s issues. I have illustrated American views and policy throughout this research because I believe it is essential to do so. Not only is it evident that the two nations have to work together to return many Aboriginal remains to opposite sides of the boarder, but also, museums in both countries can benefit from working with the Aboriginal groups across North America.

The difference in the Canadian and American system of repatriation, and how each system has both benefits and serious pitfalls warrants further research. Currently, the federal government in Canada has very little involvement with the repatriation effort.

The organization and structure that law provides would benefit many of those institutions who lack guidance. While NAGPRA is the model that many people associate with a national repatriation law, it does not necessarily have to resemble that. Some of the stakeholders felt that some kind of federal legislation should be established to better maintain and protect forms of heritage. Especially in regards to repatriation, they believe that Canada is lacking in providing proactive protection of Aboriginal heritage. For example, one participant said, “I think it’s rather shocking that Canada does not have legislation. There should be a federal law” (PC-IKB: Aug. 15, 2012). Yet, when asked if Canada should adopt a federal law like NAGPRA in the United States, the majority of participants responded with a solid “no.” The reasons they provided for this response varied from “there are just so many problems with NAGPRA” (PC-IMC: June 6, 2012), to “the cost of instituting that law-you could pay for every single remains to be repatriated!” (PC-ICK: Aug. 16, 2012). As well, instituting a national law would likely cause far more problems between Aboriginal groups and the government. Having to redefine cultural relationships and what constitutes a federally recognized tribe¹² will be costly both in time and money (PC-ICK: Aug. 16, 2012). Also, “a uniform law might be difficult to apply” (PC-IBC: July 12, 2012), there are too many variables in repatriation, and too many Native groups with different interests to create a fair law for everyone. Janet Young at the Canadian Museum of Civilization recognizes that a national law would be unnecessary, “these matters are best sorted out between the designated institutions and the First Nations group. Since each situation is unique with different priorities and approaches, framing everything with a blanket policy would be inappropriate” (PC-IJY: June 12, 2012). While a federal law like that of NAGPRA can be considered a blanket policy, in the United States it is seen to have a fairly general application. “You can’t take a broad brush and talk about any particular Native culture and say this applies

¹² All First Nation groups living in British Columbia are non-treated.

and that applies,” indicates a stakeholder from the USA, “it’s really on a case-by-case basis...you can’t assume anything” (PC-IA3:Sept. 27, 2012). However, there is a lot that is being assumed by having a law. For example, the idea that the Aboriginal group wants the remains back. Some Native groups, such as the Piikani First Nations, and the Zuni (a Pueblo people from the USA) have death taboos and a hesitation to reburial because they lack the appropriate traditional ceremony (PC-IEY: Sept. 17, 2012; PC-IA3: Sept. 27, 2012). Or, the assumption that a Native group will agree to have scientific analysis performed on the remains. Even non-destructive analysis can be unwanted by Aboriginal groups, such as some groups in British Columbia (PC-IEF: June 14, 2012), like that of Cecilia Point, a member of the Musqueam band of Vancouver. She believes that the remains should go back into the ground immediately, without any scientific analysis (PC-ICP: July 9, 2012).

No participant indicated that they felt a law like NAGPRA would be beneficial in Canada. However, there were individuals who felt some form of federal law should be in place, especially concerning repatriation of human remains. Some cited that a national law should be enacted to encourage and support repatriation (PC-IKB: Aug. 15, 2012), and to provide adequate instruction and structure to repatriation efforts (PC-ISJ: June 14, 2012). Another stated that an agreement between the American and Canadian systems should occur in order to “synchronize” the repatriation effort on each side of the border (PC-IDD: Sept. 11, 2012). Chief Nahrgang indicated that although a national law is not necessarily needed, some form of organization is. An example he gave was the concept of a central hub (perhaps provincial) which deals in matters of heritage ownership and repatriation requests. Rather than an institution trying to determine which group to contact based on a broad geographic location, the hub would gather the information presented by the institution and contact the appropriate bands (PC-IKN: June 19,

2012). Nine participants indicated that no federal law is necessary. The majority of stakeholders believe that the system of repatriation being practiced in Canada is adequate. Although there are problems with this system (funding and guidance) the flexibility of the system is a major benefit that would be lost if a rigid law was to be applied.

CHAPTER FIVE

Conclusion

Opinions on repatriation vary greatly with the individual's experience in dealing with this subject and their socio-political affiliation. While keeping in mind historic events and the changing position of Aboriginals in anthropology/museology, and through examining the experiences, opinions, and recommendations provided in a number of repatriation stakeholder interviews, I have determined that Canada has an adequate standing in dealing with repatriation efforts.

The analysis of interviews provided information that has allowed me to gauge the atmosphere of repatriation in Canada. The main problems that have presented themselves again and again tend to be those of funding and lack of guidance.

Repatriation can be expensive for both the Aboriginal groups and the museums/institutions. Because there is no provincial or federal funding for repatriation of human remains, Native groups often struggle to meet the cost of reburial. Although some institutions volunteer their time to conduct analyses on the remains when a Native group requests information, often groups do not get the opportunity to learn from their ancestors because of the costs involved with analysis. Fundraising and grant writing are two ways the Haida people have become successful in repatriating over 400 ancestors.

While every participant agreed that all Aboriginal remains should be repatriated, a lack of instruction and guidance has prevented repatriation in the past. Although it can be a long and lofty task, smaller institutions with no experience repatriating can find policy and guidance for repatriation through larger institutions. For example, LOA/UBC invites these institutions to copy or modify their repatriation policy to apply to their institution. Although it has been argued that

no national law needs to be applied to repatriation in Canada, it would be beneficial to establish a repatriation branch of a government body. This could provide information about repatriation, who to contact, and how to establish a mutually beneficial relationship.

The involvement of provincial governments in repatriation varies from region to region. However most are only involved with newly found human remains. It is up to the discretion of museums and other institutions whether or not to engage in repatriation. Few institutions today are against repatriation and would prefer to return all Aboriginal human remains back to their communities. Although, 13/14 stakeholders believe that there is a loss to the scientific record when reburial occurs, there is also the argument that many of the Aboriginal remains in collections have no scientific use (because of contamination, lack of provenience, or fragmentation).

While most museums and other institutions find the repatriation system in Canada adequate, some stakeholders believe that some form of federal law should be in place to regulate and encourage repatriation. However, this federal law should not resemble the American NAGPRA. The majority of stakeholders believe that the rigidity of law when dealing with repatriation of both newly found remains and remains housed in collections would delay and sometimes prevent repatriation from occurring. It is the flexibility of the system in Canada that many feel is superior to a system bogged down with legislation.

Although NAGPRA dictates the need for federally funded institutions to act proactively, in Canada the process is determined by the institution. If, for example, a museum happens upon a set of Aboriginal remains in their holdings, they might contact the Native group associated with those remains to see if they would like to go forward with repatriation. In another case, a

university collection might have a number of Aboriginal remains used for study, in this case, the school might wait until an Aboriginal group contacts them for repatriation. Though these are two routes repatriation requests are made, no institution I spoke with would ever refuse repatriation, and rather, they want to remove Aboriginal remains from their collections.

The stigma that is associated with holding Aboriginal human remains in Canadian museums has been established through both a literature review as well as through my interviews. Although many literary resources refer to the harsh “debate” over whether or not Aboriginal remains should be repatriated, I do not believe this is the case any longer. There will always be the hold-out individuals, however, repatriation of Aboriginal remains is no longer an equally weighted debate. In Canada today, and very likely in the United States, those individual are rare. Even in the United Kingdom museums and other institutions have had a turn-around in terms of the repatriation of human remains. While the USA might have federal legislation specifically for repatriation, even according to American sources Canada’s approach to repatriation of human remains is superior to other methods. This is mainly because of the negotiation based efforts rather than being forced to doing everything “by-the-book,” and being unable to stray from the rigid law (Buikstra 2006:408; PC-IA3: Sept. 27, 2012; Watkins 2005: 434-435).

Canadian sources, however, feel as if more could be done in the country. Although the majority of participants did not believe that a federal law like NAGPRA would be necessary, they also felt that either the provincial or federal government should be playing a more active role in the repatriation process.

Limitations:

In this thesis I interviewed 14 stakeholders from five of the provinces and territories in Canada. While I believe I accessed a great deal of information from these dialogues it is only representative of a portion of the country. As well, I was only able to interview individuals who were for repatriation. Although it would have been beneficial to include some against the process, it is possible those who were against it did not want to become involved in the conversation and therefore did not respond.

The evolving question-set also proved a limitation in retrospect. While at the time I had no way of knowing, the inclusion or removal of a single word could change the meaning of the question. For example in asking whether or not a federal law would be needed in Canada, if the respondent was familiar with the American repatriation legislation I would include the clause “like NAGPRA in the United States.” Upon saying this, the answers were different than the occasions that I left out NAGPRA. Additionally, some pertinent questions were not included until the last few interviews. An example of this is the inquiry of experience, “how many cases of repatriation have you been involved in? How often?” While this would have provided me with the level of authority the interviewee had on the subject of repatriation, I was not able to compare the number of experiences participants had because of the late addition to the question-set.

Recommendations:

Repatriation as a factor for cultural renewal can act to engage community members in traditional life, thus encouraging the maintenance of culture and language, and adding to the general well-being of a community. This is a subject the federal government should

acknowledge; especially because of the government's obligation to maintain citizen's mental and physical health. Because funding was the main problem in repatriation, perhaps repatriation grants could be established to encourage a community's well-being and cohesion.

The research conveyed in this thesis provides an overview of the attitudes surrounding the repatriation of Aboriginal human remains in Canada. Although I believe I have established this for part of Canada, my study only contained individuals from half of the country's provinces and territories. Because repatriation of ancestral remains is still a controversial issue within anthropology, I believe it would be prudent to continue to analyse the perceptions of repatriation in the regions that have been left out of this paper. As well, the concept of repatriation as a promoter of health in Aboriginal communities could be a very beneficial study to conduct and I believe this warrants further attention.

APPENDIX

Semi-structured interview guideline:

1-How many cases of repatriation have you been involved in? How often (in a year, for example) are cases of repatriation put forward at [the Institution the stakeholder is affiliated with]?

2-What are some of the main problems faced when repatriating human remains?

3-In your experience, could you tell me some of the reasons why a First Nations community might request repatriation? Is it mainly for spiritual reasons or secular ones?

4-In your experience, are First Nations hesitant to request repatriation of human remains? Why/why not?

5-Can you explain the process of repatriation that you are involved with? Identification of the affinity of remains? Preparing the remains? Consulting with Aboriginal groups?

5b-If you are involved with the process of identifying the remains, could you tell me the process your team goes through to establish a relationship with a First Nations community?

6-Who helps fund repatriation efforts?

7-As a physical anthropologist/instructor/museum director/First Nations, do you think it is important to study First Nations human remains? Why?

8-Why do you think some museums/institutions prefer not to repatriate human remains?

9-How do you feel about the display of any human remains in museums?

10-How do you believe [Provincial/Territorial Government] is doing in terms of dealing with repatriating First Nations human remains (guidance, funding, interest)? Could they do more?

11-In your opinion, should Canada adopt a federal law forcing museums and other institutions to return Aboriginal remains, [*I occasionally added - like that found in the USA with the Native American Graves Protection and Repatriation Act?- if they were familiar with this act*]

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