

## The Kennewick Man as 'person': Ethical Considerations and Cultural Perspectives

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The case of the Kennewick man is a well-known example in anthropological literature of the ethical issues surrounding the control and ownership of human remains. In 1996, the skeleton of a prehistoric Paleoamerican man was discovered on the bank of the Columbia River in Kennewick, Washington (Preston). Radiocarbon dating found that the skeleton was  $8358 \pm 21$  RC years old, which sparked interest within the scientific community (Jantz 29). At the same time, five Native American tribes claimed the remains under NAGPRA "with the intention of reburial without scientific analysis" (Swain 156). The skeleton of the Kennewick man was found on land owned by the US Army Corp of Engineers, who became an additional party in the dispute, further complicating the case. The scientists brought the case to court, as the potential reburial of the remains threatened to prevent their ability to study the valuable remains. A study conducted using cranial analysis revealed that the closest relatives of the skeleton were Polynesian people or the Ainu people of Japan rather than Native Americans (Jantz 513). This finding was significant in that it suggested an alternative theory for the peopling of North America. In 2004, the court ruled that NAGPRA did not apply based on this scientific evidence and ruled that the scientists could continue studying the remains (Preston). However, the case remains highly controversial and Kennewick man remains in storage in the Burke Museum awaiting his fate.

NAGPRA's ruling that the scientists "won" the rights to Kennewick man is controversial for two reasons. The implications of the word 'won' objectifies the

Kennewick man by reducing him to his material existence. This is problematic because it gives a group exclusive ownership and control of human remains. In order to ethically resolve this case, it is imperative to consider the Kennewick man as both an archaeological body and a 'person'. Leighton's article "Personifying Objects/Objectifying People" provides a theoretical framework for exploring the relationship between body and personhood with human remains. It is necessary to investigate whether the case can be resolved objectively if there is dissonance in considering Kennewick man as an object or a person. Finally, an exploration of the ways in which the case changes if Kennewick man is viewed as both a material object and a 'person' provides insights into how (anthropologists? or the general public?) relate to human remains and how (same question as before) make decisions about them.

At first glance, it may seem irrational to think of human remains as 'people' in the obvious sense that they are not living and breathing. However, it is a fact that human remains elicit strong emotional responses, different degrees of empathy, and an attitude of reverence and respect. It seems that there is a non-physical existence that the living attach to human remains, making them more than physical objects. In 2002, Mary Leighton interviewed 27 British archaeologists and found that many of them saw human remains "not as indexical of personhood, but as personhood itself" (Leighton 85). In some cultures, anthropologists have been able to demonstrate that "the 'person' extends beyond the body to include material objects, or the person may have an essence or a number of essences that may exist before and after the life of the body" (Tarlow 204).

These observations speak to the liminal nature of human remains, both in the minds of people of different cultures and archaeologists who work closely with them.

In her article, Leighton goes further to investigate what leads archaeologists to ascribe ‘personhood’ to human remains. The remains of recently deceased humans can be a disturbing sight to the living; their similar physical features closely connect them to a sense of self, and remind the living of their own mortality. In other words, when viewing human remains, experiences of empathy inevitably arise because of their ability to “physically and visually remind the viewers of their own body, and through their own body, of their own humanity” (Leighton 90). A deceased body was at one point a real person with real experiences. The empathic connection the living experience with human remains serves as a reminder of their ‘personhood’ and suggests a responsibility to treat them as more than mere objects.

Human remains are capable of being affected by actions or discourse in the present and thus continue to have a social existence. Scientists have a responsibility towards human remains to represent them respectfully to the world. Scientists are able to determine where a person lived based on isotope analysis, learn about diet by analyzing their teeth, and learn about their life history through marks of disease and injury (Leighton 91). Each piece of information informs archaeologists in building an identity for the remains. Thus, the role of the archaeologist is to deepen human understanding of human remains through “creating connections between the past and the present, and of actively seeking a connection that reanimates the body in the present as a social entity” (Leighton 91).

The social existence of human remains is not widely acknowledged as there is a tendency in ethical codes and legislation to objectify human remains. The Vermillion Accord, an ethical code established in 1989, states that “respect should be shown to human relics, and to the wishes of the dead concerning their disposition” (Scarre 197). It also acknowledges that the wishes of the dead and the wishes of “the local community and of relatives or guardians of the dead” must be respected (Zimmerman 92). The code emphasizes ‘respect’ for the treatment of human remains as objects, but not as social beings. Additionally, it does not define what it means to ‘show respect’ and thus fails to acknowledge cultural relativism. The idea of ‘respect’ could mean anything from reverent handling to no disturbance of the remains at all depending on the culture(Scarre 182). In the case of the Kennewick man, the principle of the Vermillion Accord concerning respect towards the relatives or guardians of the dead is highly controversial. Native American tribes that claimed the remains have stated, “We view this practice as desecration of the body and a violation of our most deeply-held religious beliefs” (Preston). This example should lead those in the scientific community to question the authority of existing ethical codes and legislation, and suggests a pervading “primacy of scientific approaches to the past” that exists in Western culture in dealing with human remains (Zimmerman 97).

In 1990, the Native American Grave Protection and Repatriation Act (NAGPRA) was established in the United States (McKeown 108). It was based in large part on a need to reconcile the past atrocities committed against Native Americans by white Americans in the study of human remains (Thomas). This legislation set forth a movement towards

repatriation of human remains from museums and universities across the United States. According to NAGPRA, control of human remains is given based on the order of the following relationships: (1) lineal descent; (2) tribal land ownership; (3) cultural affiliation; (4) other cultural relationship; or (5) aboriginal occupation (McKeown 120). In order to gain control of the human remains, Native American tribes who claimed the rights to the remains were first required to provide evidence of genetic relatedness.

This criterion of NAGPRA is problematic firstly in that it privileges a biological understanding of relatedness over a cultural understanding. Those who can establish a physical, biological connection to the remains are given priority over those who continue to relate to the person today through their social existence. In a sense, this is privileging the concept of human remains as ‘objects’ over human remains as ‘persons’. Secondly, it assumes that everyone shares the Western concept of genetic kinship. Native Americans may privilege a concept of relatedness through which information about their past is passed on to us through elders and through religious practices in the form of memories and oral history (Watkins 231). Therefore, it is important to consider the particular weight given to ‘lineal descendants’ through NAGPRA and how this concept does not provide “a universal understanding of relatedness or of how ownership or rights over human bodies should operate” (Tarlow 209).

A recent scientific study published in *Nature* presented findings that completely undermine the scientific information that formed the basis for the court ruling. The study used genetic comparisons and found that “Kennewick Man is closer to modern Native Americans than to any other population worldwide” (Rasmussen). In addition, several

Native American groups whose genetic data was compared were found “to be descended from a population closely related to that of Kennewick Man”, including Colville, one of the five tribes requesting repatriation of Kennewick Man (Rasmussen). Based on this finding, NAGPRA would allow the tribe that is most closely genetically related to Kennewick man rights to the remains. This study calls into question the primacy of scientific approaches in NAGPRA, as it shows that the body of scientific knowledge is constantly being revised as new discoveries are made.

The proper ethical resolution in the case of the Kennewick man is still being debated today. In the meantime, there are some steps that might be taken toward ethical remediation. Firstly, archaeologists might more actively take on the role of stewards in mediating a dialogue of collaboration and mutual understanding with Native American tribes. This would allow the concerned parties to arrive at a solution that considers the perspectives of both parties with regard to relatedness, respect, descent, and death. As defined by the SAA principles, stewards are “advocates for the archaeological record for the benefit of all people” (SAA). In order to work toward a solution that benefits all involved parties, it is necessary to analyze this matter through lens of cultural relativism and move away from the ethnocentric tendency to consider only Western perspectives.

The case of the Kennewick man does not present a conflict between science and culture; it is a conflict between “the various dimensions of human good: religious, political, cognitive, aesthetic, material” relative to two different cultures (Lackey 149). As a variety of groups enter into dialogue, it is important to continue to engage in a process of weighing the value of these human goods in order to reach a considered ethical

judgment. It may be helpful to employ James Young's framework for weighing cognitive, economic, cultural, and cosmopolitan values (Young). Throughout this discussion, it shall remain imperative to constantly weigh the primacy of scientific values in Western culture and their relationship to Native American cultural values and beliefs. Beyond the Kennewick man, this approach will prove valuable for the discipline of anthropology and archaeology as a whole as it has the potential to lead to "improved and productive relationships" with Indigenous communities (Swain 157). The task outlined in this paper is a difficult one; archaeologists must arrive at a decision about a person in the past without injuring people in the present. Yet, an ethical resolution can be reached, as long as it ensures that all voices and perspectives are heard and that all values are considered with an attitude of respectful collaboration.

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