NO PREP

The Ethical Debate

Should We Dig Up the Dead?

Includes: Student reading, case study, differentiated questions, teacher key

Name: Period: Date:

The Ethical Debate: Should We Dig Up the Dead?

The Science Case: Why Human Remains Matter to Research

From a purely scientific standpoint, the case for studying human skeletal remains is compelling. Ancient bones have told us things we could not have learned any other way: that tuberculosis is far older than we thought, that ancient people traveled vast distances, that Roman cities were ethnically diverse, that a Viking buried in England was genetically from Scandinavia. Bioarchaeological and genetic analysis of human remains has reshaped our understanding of human prehistory, disease history, and migration patterns in ways that affect living people — informing public health policy, challenging racial myths, and helping communities understand their own origins. Scientists argue that the knowledge gained from studying ancient remains belongs to all of humanity. A skeleton that illuminates the spread of the Black Death or the migration routes

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The NAGPRA Law: How the U.S. Tried to Find Balance

In the United States, the ethical debate around Native American human remains came to a head in the late 1980s. For over a century, the remains of thousands of Native Americans had been collected, sometimes from fresh graves, sometimes from battlefield sites, sometimes simply dug up from tribal lands, and placed in museum collections and university laboratories, often without any consent from the communities whose ancestors they represented. The scale of this collection was staggering: the Smithsonian Institution alone held the remains of approximately

18,500 Native Americans when NAGPRA was passed. The Native American Graves Protection and Repatriation Act (NAGPRA), signed into law in 1990, requires federal agencies and institutions that receive federal funding to inventory their holdings of Native American human remains and sacred objects, determine cultural affiliation, and return (repatriate) those remains and objects to affiliated tribes upon request. Implementation has been slow and uneven. Many institutions delayed compliance. Determining cultural affiliation for remains thousands of years old is genuinely difficult. And some institutions have challenged the law's application to their collections. Nevertheless, NAGPRA represented a significant acknowledgment that the previous system had been wrong: collecting the dead without consent was not simply a historical curiosity but an ongoing injustice requiring active correction.

Kennewick Man: A Case That Went to Court

Perhaps no case illustrates the tension between scientific interests and Indigenous rights more vividly than the controversy over Kennewick Man, the remains of an ancient individual found along the Columbia River in Washington State in 1996. The skeleton was approximately 8,500 years old, making it one of the oldest and most complete ancient human skeletons ever found in North America. Scientists immediately recognized its extraordinary research potential. A coalition of Native American tribes, including the Umatilla, Colville, Yakama, Nez Perce, and Wanapum, claimed cultural affiliation under NAGPRA and requested repatriation. A group of scientists sued to prevent repatriation, arguing that the skeleton was too old to have a demonstrable cultural affiliation with any modern tribe and that scientific study should take precedence. The case wound through the federal courts for more than seven years. In 2004, the Ninth Circuit Court of Appeals ruled in favor of the scientists, finding that the federal government had not demonstrated sufficient evidence of cultural affiliation. Scientists studied the remains extensively. Then, in 2015, a new aDNA study found that Kennewick Man was genetically more closely related to modern Native Americans than to any other living population. Congress passed legislation in 2016 ordering his repatriation, and he was reburied by the tribes in a private ceremony in February 2017 — thirteen years after the Ninth Circuit ruling and over twenty years after his initial discovery.

Museums and the Display of Human Remains

The question of studying human remains is complicated further by the question of displaying them. Museums around the world have long displayed human skeletal remains — Egyptian mummies, bog bodies, ancient skulls — as objects of public education and scientific exhibition. Millions of people have learned something about human history or biology by looking at a well-labeled skeleton in a glass case. But who decides whether a particular set of remains should be on public display? And what happens when those remains belonged to people whose living descendants find such display deeply offensive? Many major museums have responded to growing criticism by removing human remains from public display or placing them in more respectful contexts. The British Museum, the Natural History Museum in London, and institutions in Australia and New Zealand have all changed their policies in recent decades. But the debate is not settled. Some argue that removing remains from display erases educational opportunities. Others argue that the educational value of seeing a specific skeleton does not outweigh the cultural harm of displaying someone's ancestor without consent. The question of what respectful treatment of the dead looks like — across cultures and across centuries — does not have a single answer.

Indigenous Voices on the Debate

For many Indigenous communities, the debate is not primarily about science versus culture — it is about power and history. The collection of Indigenous remains was not a neutral scientific enterprise. It occurred within a broader context of colonization, forced displacement, and the systematic destruction of Indigenous cultures. Remains were taken from fresh graves. Bodies of executed prisoners were collected for 'scientific' study of racial difference. Battlefield dead were shipped to museums without community knowledge or consent. Understanding this history is essential for understanding why repatriation debates carry such emotional weight. Many Indigenous scholars and community members are not opposed to science in principle — they are opposed to a system in which their communities have no voice in decisions about their own ancestors. Some tribes have partnered productively with researchers, setting terms for what studies may be conducted and what questions may be asked. This collaborative approach, sometimes called community-based participatory research, represents a potential middle path: one in which scientific

inquiry continues but is structured by respect, consent, and reciprocal benefit rather than unilateral extraction.

Key Information: The Ethics of Human Remains

Key Term / Event	Details
NAGPRA (1990)	U.S. law requiring federally funded institutions to inventory and repatriate Native American remains and sacred objects
Repatriation	The return of cultural objects or human remains to their country or community of origin
Kennewick Man	8,500-year-old skeleton found in Washington (1996); center of a 20-year legal battle between scientists and tribes
Kennewick Man resolution	2015 aDNA study showed genetic affinity to modern Native Americans; reburied by tribes in 2017
Smithsonian (pre-NAGPRA)	Held approximately 18,500 Native American remains before the law required inventory and return
Community-based research	Collaborative approach where Indigenous communities set terms for what research may be conducted
Museum display debate	Many institutions have removed human remains from display following advocacy from descendant communities
Srebrenica parallel	Like war crime graves, colonial-era remains collection occurred without consent in contexts of violence and power imbalance

Case Study: The Glass Case

Dani Runningwater is seventeen years old and on a school field trip to the state natural history museum. Her teacher, Mr. Flores, has assigned a worksheet on physical anthropology, and Dani has been dutifully filling it in — skull morphology, bone density, the osteological clues that tell researchers about ancient diet. And then she turns a corner into a new gallery and stops. The display case is large, maybe eight feet long, lit from above with careful museum lighting. Inside are skeletal remains arranged in a burial position. The placard reads: 'Plains Indian skeletal remains, ca. 1400 CE. Excavated 1923. Donated to this institution by the Wilson Archaeological Survey.' Dani is Lakota. Her family is from the Standing Rock Reservation. She has no way of knowing whether these are her ancestors. But she also has no way of knowing that they are not. She stands there for a long time. Around her, other students are writing things on their worksheets. One of her classmates says, 'Cool,' and takes a picture with his phone. Dani puts her pen down. She thinks about her grandmother, who has talked about repatriation her entire life. She thinks about what it would mean to her family to know that someone's grandfather, or great-grandmother, was in a museum display case in a city four hours away. She walks to find Mr. Flores. She is going to say something. She just has to figure out what.

1. Using the reading passage, explain what NAGPRA is and whether it would apply to the remains in Dani's situation — and what steps would need to happen for the museum to potentially return them.

2. The reading describes the debate about displaying human remains in museums. What are the strongest arguments on each side of this debate, and where do you think the line should be drawn?

Multiple Choice

1. What does NAGPRA require federally funded institutions to do?

    a) Inventory Native American remains and sacred objects and repatriate them to affiliated tribes upon request

    b) Conduct DNA testing on all human remains in their collections

    c) Immediately remove all human remains from public display

    d) Transfer every skeletal collection to the Smithsonian Institution in Washington, D.C. for centralized study

2. What was the outcome of the Kennewick Man controversy?

    a) The remains were destroyed by court order to prevent further conflict

    b) The Ninth Circuit Court ruled that NAGPRA applied and the remains were immediately repatriated in 2004

    c) Scientists retained permanent custody of the remains and continue to study them today in university laboratories nationwide

    d) After a 20-year legal battle, aDNA evidence showed Native American affinity and the remains were reburied by tribes in 2017

3. According to the reading, what do many Indigenous communities object to about how their ancestral remains have been treated?

a) They object to DNA testing specifically, but support other forms of scientific study

b) They believe all scientific study of ancient humans is inherently disrespectful and harmful regardless of consent, protocol or tribal approval

c) They object to a system in which communities have no voice in decisions about their own ancestors, rooted in a history of colonial violence

d) They primarily object to the physical display of remains but support laboratory analysis

Matching

Write the letter of the correct definition on the line next to each term.

Term	Definition
1. ___ Repatriation	A) Permission given by a community or individual for their remains or property to be studied or held
2. ___ NAGPRA	B) Treated as holy or spiritually significant, deserving special protection from disturbance
3. ___ Kennewick Man	C) The return of cultural objects or human remains to the community or country of origin
4. ___ Sacred	D) 8,500-year-old skeleton found in Washington State that was the center of a 20-year legal battle
5. ___ Consent	E) 1990 U.S. law requiring federally funded institutions to return Native American remains to affiliated tribes

Fill-in-the-Blank

1. The U.S. law requiring federally funded museums to return Native American remains and objects to affiliated tribes is called _____.

2. The return of cultural objects or remains to their country or community of origin is called _____.

3. The _____ Man case was a legal battle over 8,500-year-old remains found in Washington State that lasted more than twenty years.

Short Answer

Answer each question in 2-4 complete sentences.

1. What are the strongest scientific arguments for studying human remains, and what are the strongest counterarguments from Indigenous communities?

_____

_____

_____

2. How did the Kennewick Man case expose limitations in NAGPRA, and what was the eventual resolution?

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3. Should museums display human skeletal remains? Argue your position using specific evidence from the reading.

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