NO PREP

Who Owns the Past?

The Ethics of Archaeology

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

Name: Period: Date:

Who Owns the Past? The Ethics of Archaeology

Finders Keepers?

For most of its history, archaeology operated on a simple and deeply unfair principle: whoever had the power to dig also had the power to keep what they found. In the 18th and 19th centuries, European explorers, diplomats, and military officers removed enormous quantities of cultural material from Egypt, Greece, Mesopotamia, India, and the Americas. They shipped statues, mummies, inscribed tablets, and carved reliefs back to London, Paris, and Berlin, where they filled the halls of national museums. The people whose ancestors had created these objects had no say in the matter. This was not considered controversial at the time. Colonial powers viewed the cultures they colonized as inferior and their heritage as something to be collected, studied, and displayed for the benefit of European civilization. The British Museum, the Louvre, and the Pergamon Museum owe much of their world-famous collections to this period of wholesale cultural extraction. Many of these institutions now face uncomfortable questions about how their collections were

Name: **Period:** **Date:**

Who Owns the Past? The Ethics of Archaeology

Finders Keepers?

For most of its history, archaeology operated on a simple and deeply unfair principle: whoever had the power to dig also had the power to keep what they found. In the 18th and 19th centuries, European explorers, diplomats, and military officers removed enormous quantities of cultural material from Egypt, Greece, Mesopotamia, India, and the Americas. They shipped statues, mummies, inscribed tablets, and carved reliefs back to London, Paris, and Berlin, where they filled the halls of national museums. The people whose ancestors had created these objects had no say in the matter. This was not considered controversial at the time. Colonial powers viewed the cultures they colonized as inferior and their heritage as something to be collected, studied, and displayed for the benefit of European civilization. The British Museum, the Louvre, and the Pergamon Museum owe much of their world-famous collections to this period of wholesale cultural extraction. Many of these institutions now face uncomfortable questions about how their collections were assembled and whether the objects in them should be returned. The ethics of archaeology have changed dramatically over the past century. Today, most professional archaeologists recognize that the communities connected to archaeological sites have a legitimate stake in how those sites are excavated and how the objects found there are treated. But translating that recognition into practice has been slow, contentious, and far from complete. The question of who owns the past (who has the right to dig, study, interpret, and keep what is found) remains one of the most heated debates in the field.

NAGPRA: A Law That Changed Everything

In the United States, the most significant legal development in the ethics of archaeology was the passage of the Native American Graves Protection and

Repatriation Act in 1990, known by its acronym NAGPRA. The law requires any institution that receives federal funding (which includes virtually every museum and university in the country) to inventory its collections of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony, and to return them to culturally affiliated tribes upon request. Before NAGPRA, the remains of tens of thousands of Native Americans sat in museum storage rooms, university laboratories, and private collections across the country. Many had been collected during the 19th and early 20th centuries under circumstances that ranged from legally questionable to outright grave robbery. Some were taken from battlefields. Others were dug up from burial grounds without the knowledge or consent of living descendants. The Smithsonian Institution alone held the remains of more than 18,000 individuals. NAGPRA transformed the relationship between archaeologists and Native American communities. The law forced institutions to consult with tribes, acknowledge their connection to ancestral remains, and begin the process of return. It also established that Native American cultural interests have legal standing that must be balanced against scientific research interests. The law was not universally welcomed (some scientists argued that repatriation would mean losing irreplaceable research material), but it represented a fundamental shift in who gets to make decisions about the past.

The Elgin Marbles: The Fight That Won't End

Perhaps the world's most famous repatriation dispute involves the Parthenon Marbles, more commonly known as the Elgin Marbles after Lord Elgin, the British diplomat who removed them from the Parthenon in Athens between 1801 and 1812. Elgin claimed he had permission from the Ottoman authorities who controlled Greece at the time, though the legality of that permission has been disputed ever since. The marbles, which include large sections of the Parthenon's sculptural frieze, several metopes, and figures from the pediments, have been displayed in the British Museum since 1816. Greece has been demanding their return for nearly two centuries. The Greek government argues that the marbles were taken illegally during a period of foreign occupation, that they are an integral part of one of the world's most important cultural monuments, and that their removal was an act of cultural vandalism. Greece has built a state-of-the-art museum, the Acropolis Museum, specifically designed to house the marbles if they are returned, with a gallery that

aligns with the Parthenon itself. The British Museum's position is that it acquired the marbles legally, that they have been well preserved in London, and that the museum serves as a 'universal museum' where world cultures can be seen and compared in one place. Critics of this position point out that the concept of a 'universal museum' conveniently benefits the nations that did the collecting while disadvantaging the nations that were collected from. The debate shows no sign of resolution, but it has become a symbol of the broader struggle over cultural heritage, colonial legacy, and the ethics of who gets to possess the past.

Whose Heritage Is It Anyway?

The ethical questions in archaeology extend far beyond NAGPRA and the Elgin Marbles. Around the world, Indigenous communities, formerly colonized nations, and descendant populations are asserting their rights over cultural heritage that was taken from them. Australia has been grappling with the return of Aboriginal remains and sacred objects held in European museums. African nations have demanded the return of Benin Bronzes, royal regalia, and other objects looted during the colonial period. In 2022, Germany began returning Benin Bronzes to Nigeria — one of the first major Western institutions to do so. The tension is not always between Western institutions and non-Western communities. Sometimes it is between scientists and local populations who have different views on what should be done with ancestral remains. Some Indigenous groups believe that disturbing the dead for any reason is a violation of sacred principles. Some scientists argue that studying ancient remains produces knowledge that benefits all of humanity. Both positions have merit, and finding a balance requires genuine dialogue, mutual respect, and a willingness to accept that science does not automatically take priority. Modern archaeology is increasingly moving toward collaborative models in which descendant communities are not just consulted but actively participate in research design, excavation, analysis, and interpretation. This approach, sometimes called community-based archaeology, recognizes that the people whose heritage is being studied have knowledge, perspectives, and rights that are essential to responsible archaeological practice. It is not a perfect system — power imbalances, funding disparities, and historical grievances make true partnership difficult — but it represents a significant improvement over the days when archaeologists simply showed up, dug, and left with whatever they found. The shift toward community-based archaeology

reflects a broader rethinking of who counts as an expert when it comes to cultural heritage. For generations, Western-trained academics claimed the sole authority to interpret the past. Today, many archaeologists recognize that descendant communities possess traditional knowledge — oral histories, ceremonial practices, landscape memories — that can be just as valuable as scientific analysis in understanding a site. In New Zealand, for example, Maori communities work alongside archaeologists on projects involving ancestral sites, contributing knowledge about place names, genealogies, and cultural practices that enriches the archaeological interpretation in ways that scientific methods alone could not achieve. This collaborative model is not just ethically preferable; it often produces better science.

Key Information: Major Repatriation Cases

Case	Countries/Groups Involved	Objects at Stake	Current Status
Elgin/Parthenon Marbles	Greece vs. United Kingdom	Parthenon frieze, metopes, and pediment sculptures	Still held by British Museum; ongoing negotiations
NAGPRA (United States)	Native American tribes vs. U.S. museums/universities	Human remains, funerary and sacred objects	Ongoing repatriation since 1990; thousands of remains returned
Benin Bronzes	Nigeria vs. European museums	Royal bronze sculptures looted in 1897	Germany began returns in 2022; other nations following

Case	Countries/Groups Involved	Objects at Stake	Current Status
Kennewick Man	Native American tribes vs. U.S. scientists	9,000-year-old human remains	Returned to tribes in 2017 after decades of legal battle
Hoa Hakananai'a (Moai)	Rapa Nui (Easter Island) vs. United Kingdom	Basalt moai statue taken in 1868	Still held by British Museum; Rapa Nui requesting return
Ethiopian Treasures	Ethiopia vs. United Kingdom	Religious manuscripts and royal artifacts	Some items returned; many remain in British collections

Case Study: Councilwoman Sarah Whitehawk

Sarah Whitehawk had been on the Lakota tribal council for eight years, but nothing had prepared her for this fight. The state university's anthropology department held the skeletal remains of 47 individuals excavated from a burial site on ancestral Lakota land in the 1950s. Under NAGPRA, the tribe had filed a repatriation claim three years ago. The university's response had been a wall of bureaucratic delays. 'We need more time to complete our analysis,' the department chair had written. 'These remains have significant scientific value.' Sarah stared at the letter, her jaw tight. 'Scientific value,' she said to her colleague, James Running Deer. 'Those are our grandmothers. Our grandfathers. They were not specimens. They were people.' She drafted a formal response, citing NAGPRA's requirement that culturally affiliated remains be returned upon request. 'We do not deny that science has value,' she wrote. 'But our ancestors' right to rest in peace is not negotiable. We have waited three years. How long would you wait if it were your family?' The university finally agreed to a meeting.

1. Using information from the reading, explain the legal basis for Sarah Whitehawk's repatriation claim. What does NAGPRA require, and why was the university obligated to respond?

2. The university argued that the remains had 'significant scientific value.' Sarah argued that her ancestors' right to rest was not negotiable. How does the reading suggest this kind of conflict should be resolved?

Multiple Choice

1. What does the acronym NAGPRA stand for?

a) Native American Graves Protection and Repatriation Act

b) National Association for Gravesite Protection, Restoration, and Archaeology

c) National Archaeological and Geological Preservation and Recovery Act

d) North American Geographic and Paleontological Research Association

2. What is the British Museum's primary argument for keeping the Parthenon Marbles?

a) That Lord Elgin was specifically asked by the Greek state to remove them for safety

b) That the marbles are too fragile to be transported back to Athens

c) That the marbles were legally acquired and serve a universal educational purpose

d) That Greece does not have a museum capable of housing them safely

3. What is community-based archaeology?

a) A method of excavation that uses only local volunteers instead of trained professionals to minimize costs

b) An approach where descendant communities participate in research design, excavation, and interpretation

c) A funding model where local governments pay for all excavation costs

d) A type of archaeology practiced exclusively in small towns and rural areas

Matching

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

Term	Definition
1. ___ Repatriation	A) Moral principles that guide decisions about right and wrong in professional practice
2. ___ NAGPRA	B) The traditions, monuments, objects, and practices inherited from past generations
3. ___ Cultural Heritage	C) Property or cultural objects considered to belong to a community, nation, or group by right
4. ___ Patrimony	D) A U.S. law requiring the return of Native American remains and sacred objects to affiliated tribes
5. ___ Ethics	E) The return of cultural objects or human remains to their country or community of origin

Fill-in-the-Blank

1. The U.S. law that requires museums and universities to return Native American remains and sacred objects to affiliated tribes is called _____.

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

3. Cultural objects considered to belong to a community or nation by right of inheritance are referred to as their _____.

Short Answer

Answer each question in 2-4 complete sentences.

1. Explain how colonial-era archaeology contributed to the ethical problems that the field faces today. Give at least one specific example from the reading.

2. Summarize the arguments on both sides of the Elgin Marbles debate. Which side do you find more persuasive, and why?

3. What is community-based archaeology, and why does the reading suggest it represents an improvement over traditional archaeological practice?