

Is Archaeology a Political Practice?

Many archaeologists would prefer their discipline to be entirely apolitical, focusing solely on excavation, research, and analysis of material culture. However, archaeology does not exist in a vacuum. As Randall H. McGuire aptly states: 'Archaeologists must accept that our retreat to the desert, the jungle, or the cornfield has not removed us from the taint of politics'¹. Indeed, the very nature of archaeology—interpreting and preserving the past—places it squarely within political debates and cultural power struggles.

Archaeology is not inherently political in that it does not directly determine politics. McGuire notes: 'Archaeologists do not in any noteworthy way direct armies, shape economies, write laws, or free people from bondage.'² Yet, as a social science investigating the past and the lives of people, it intersects with the political sphere on numerous, complex levels. These intersections make archaeology a political practice, both in its effects on wider societal structures and its susceptibility to political influence.

Politics can be divided into 'Big P' and 'Little p' politics. 'Big P' politics refers to formal, institutionalised power systems, such as governments, laws, and international relations. 'Little p' politics, by contrast, involves informal exercises of power and influence at local or community levels. Archaeology intersects with 'Big P' politics in instances such as funding decisions, interactions with governments, and UNESCO's role in protecting heritage through international treaties.³ This interaction is often essential, as governmental and intergovernmental organisations play significant roles in heritage management, determining where and how resources are allocated for archaeological research and deciding the fates of culturally significant sites. In contrast, 'Little p' politics manifests in the everyday negotiations archaeologists must undertake. These range from working with local communities to ensure excavation projects are conducted ethically to navigating the political dynamics within academic institutions and the professional field.⁴ 'Little p' politics also governs questions of labour, inclusivity, and access, shaping who participates in archaeology and whose voices are represented in its outputs. These dynamics illustrate that archaeology is not merely a technical or academic pursuit but one deeply embedded in ongoing power structures.

Ownership is a central theme in archaeology, encapsulated in Renfrew & Bahn's question: 'Who owns the past?'⁵ This question gained prominence after World War II as newly independent nation-states sought control over their heritage and antiquities. While the past cannot be owned, material objects such as artefacts and archaeological sites present complex ownership debates, reflecting broader political and cultural tensions.

Archaeology's responsibilities extend beyond excavation, including ethical obligations to landowners, communities, and governments. These responsibilities shape how archaeological sites are managed, ensuring that artefacts and monuments are

¹ Randall H. McGuire, *Archaeology As Political Action* 1st ed. (Berkeley: University of California Press, 2008), p. 18.

² McGuire, p. 14.

³ UNESCO, *World Heritage Convention* (1972), available at <www.unesco.org> [accessed 18 November 2024]

⁴ Colin Renfrew and Paul Bahn, *Archaeology: Theories, Methods and Practice*, 6th edn (London: Thames & Hudson, 2016), p. 549

⁵ Renfrew & Bahn, p.554

preserved while balancing the needs of tourism, education, and local engagement. Such decisions can have significant social impacts, influencing local economies, identities, and access to cultural resources.

Moreover, archaeological ethics often intersect with politics in contentious ways. Looting and the illicit trade in antiquities are significant challenges, frequently linked to organised crime and political instability. Archaeologists working in conflict zones, such as Iraq and Syria, have faced ethical dilemmas over whether to prioritise the protection of sites or the preservation of human life.⁶ These dilemmas underscore how archaeology operates within larger systems of power and governance, often with profound political implications.

Archaeology influences how societies understand and interpret their past. By analysing material remains, archaeologists construct cultural histories that affect a society's collective identity. National identity, in particular, is deeply tied to archaeology. Governments and institutions frequently use archaeological discoveries to legitimise claims of continuity, territorial ownership, or cultural supremacy.

The case of Kennewick man (also known as The Ancient One) within the broader frame of the Native American Graves Protection and Repatriation Act (NAGPRA; Public law 101-601, November 16, 1990, 25 U.S. Code 3001 et seq.)⁷ demonstrates several aspects of Archaeology as a political practice, including repatriation, cultural and religious rights, land ownership, national identity, the responsibilities of museums and institutions, and its influence on lawmaking.

After decades of activism by disenfranchised minorities and Indigenous communities in the United States, which began in the 1960s⁸, the political movement for the repatriation of Native American human remains, funerary and sacred objects and objects of cultural patrimony came to fruition with the enactment of NAGPRA in 1990. The federal law resulted from negotiations between various stakeholders, including Native American Tribal representatives, archaeologists, anthropologists and museum and academic institutions.⁹ The colossal impact of the law on the field of archaeology cannot be denied, as explained by Susan B. Bruning, 'both by requiring increased interaction with extant Native American groups and by limiting access to certain materials traditionally available for scientific study.'¹⁰

The NAGPRA provides a statutory and regulatory framework for deciding Native American claims for repatriation, including those of Federally recognised tribes, Alaskan Village Corporations, and Native Hawaiian organisations. The law only applies to materials held in federally funded institutions or found on federal or Native American-owned land and does not apply to private institutions or landowners. The law states who is eligible to make a claim for Native American material remains and describes the nature of the cultural affiliation, which must be proven for a tribal group to make such a claim.¹¹

⁶ Susan Pollock, 'Archaeology and Contemporary Warfare', *Annual Review of Anthropology*, 45.1 (2016), 215–31
<<https://doi.org/10.1146/annurev-anthro-102215-095913>>

⁷ *Code of Federal Regulations, Title 43 C.F.R. § 10, Part 10—Native American Graves Protection and Repatriation Regulations (2023)*, available at <https://www.ecfr.gov/current/title-43/subtitle-A/part-10> [accessed 16 November 2024].

⁸ Liv Nilsson Stutz, 'Marginal and Mainstream: Religion, Politics and Identity in the Contemporary US, as Seen through the Lens of the Kennewick Man / the Ancient One', in *From Archaeology to Archaeologies: The "Other" Past*, ed. by Anna Simandiraki-Grimshaw and Eleni Stefanou (Oxford: Archaeopress, 2012), pp. [33-44] (p. 33).

⁹ Nilsson Stutz, p 34.

¹⁰ Susan B. Bruning, 'Complex Legal Legacies: The Native American Graves Protection and Repatriation Act, Scientific Study, and Kennewick Man', in *American Antiquity*, Vol 71, No 3, (Cambridge: Cambridge University Press, 2006) pp.[501-521] (p.502)

¹¹ This is examined rigorously in Bruning's paper, listed above.

NAGPRA follows the Antiquities Act of 1906, the Archaeological and Historic Preservation Act of 1974 and the Archaeological Resources Protection Act of 1979, the latter directly addressing the management of archaeological collections and ownership of objects excavated from federal lands. NAGPRA is specifically focused on the repatriation aspect of Native American remains.

NAGPRA and APRA illustrate archaeology as a political practice, reflecting both 'Big P' and 'Little P' politics. The laws shape policies on excavation and the care of material culture while involving Indigenous communities in decision-making processes. The case of Kennewick Man further highlights these dynamics, demonstrating how archaeological practices intersect with political, cultural, and ethical concerns.

Implementing NAGPRA has significantly altered the working practices of archaeologists and researchers. Institutions must follow specific repatriation procedures, including consultation with Native American tribes, verifying cultural affiliation, and assessing the significance of collections. This has led to an increased workload for archaeologists, who must engage in more detailed record-keeping, consultations, and compliance with legal guidelines. Many institutions now have designated NAGPRA compliance officers to manage these processes and ensure adherence to the law, further illustrating the growing bureaucratisation of archaeology. In addition, Native American groups have also seen an increased workload as they participate in these consultations, track repatriation cases, and ensure the protection of their cultural heritage. This shift in working practices¹² highlights how legal frameworks like NAGPRA are shaping the field of archaeology and directly impacting the relationships between researchers, institutions, and Indigenous communities.

The 1996 discovery of human remains in Kennewick, Washington, brought NAGPRA into the spotlight. The remains, known as Kennewick Man or the Ancient One, were found on federal land managed by the U.S. Army Corps of Engineers. Analysis by Dr James Chatters, under an Archaeological Resources Protection Act (ARPA) permit, initially identified the remains as belonging to an early European settler based on skull and facial features.¹³ However, the discovery of a stone projectile embedded in the hip and subsequent radiocarbon dating revealed the remains to be 8,340–9,200 years old, challenging earlier assumptions.

The Corps, acting under NAGPRA, planned to repatriate the remains to local Native American tribes. This decision was contested by eight anthropologists, including representatives of the Smithsonian Institution, who argued that the remains were '*a rare discovery of national and international significance that could shed considerable light on the origins of humanity in the Americas*'¹⁴ The ensuing litigation (Bonnichsen et al. vs The United States¹⁵) highlighted the tensions between scientific inquiry and Indigenous rights. Judge Gould summarised the dispute: 'From the perspective of the scientists, this skeleton is an irreplaceable source of information about early New World populations. Yet, from the

¹² <<https://www.nps.gov/subjects/nagpra/compliance.htm>> [accessed 16th November 2024]

¹³ Nilsson Stutz, p 36

¹⁴ Bruniing, p. 503

¹⁵ Bonnischen v. United States, 157 F.3d 879 (Fed. Cir., 1998), pp. 865-882

<https://scholar.google.com/scholar_case?case=15050775477346538263> [accessed 18 November 2024].

perspective of the intervenor-Indian tribes, the skeleton is an ancestor who should be buried immediately.’¹⁶

The Tribe Groups and Corps defendants lost their case, as well as subsequent appeals, over the interpretation of NAGPRA, specifically whether the remains could be classified as Native American and, ultimately, how the term ‘Native American’ should be defined in this context. ‘What the scientists argued, rather, was that there was no evidence of *cultural* continuity between the prehistoric human remains and a contemporary tribe’.¹⁷ The remains remained in the care of the Smithsonian Institution for a lengthy scientific investigation until, in 2015, DNA analysis by Copenhagen University, Denmark, determined the skeleton to be Native American under NAGPRA rules.¹⁸ The remains have been repatriated and reburied in an undisclosed location.

The complexities of the Kennewick Man case also underscored additional political issues, particularly the role of the remains in shaping cultural history. Initially, when the remains were first analysed and incorrectly referred to in the media as being of Caucasian origin as opposed to the correct term *Caucasoid*, several extreme right and white supremacist groups began to use them as evidence supporting their belief that before the arrival of the Native Americans, that the Americas had been occupied by ‘white’ people, the true Indigenous ‘first-nation’. In response to the litigation, the white nationalist group Asatrù Folk Assembly even filed a lawsuit, claiming that if the remains were indeed Caucasian, they could be the rightful descendants.^{19 20} Here, we see a direct example of how archaeological findings can impact political discourse and identity, revealing how interpretations of the past can be weaponised to support contemporary ideological agendas. These conflicts underscore how archaeology is inextricably linked to politics, both in its practice and outcomes.

The Kennewick Man case significantly influenced lawmaking, particularly contributing to the ongoing development of legal frameworks like NAGPRA. The legal disputes surrounding the case revealed how archaeological discoveries can shape and influence policy, especially concerning Indigenous communities, archaeologists, and governmental bodies. It underscores that archaeology is not a neutral practice but a politically charged field with wide-reaching implications for cultural heritage, national identity, land ownership, and the rights of Indigenous peoples.

Archaeology is inextricably linked to politics. Both ‘Big P’ and ‘Little p’ politics intersect through legislation, heritage management, and case studies like Kennewick Man. These intersections demonstrate that archaeology is an inherently political practice, affected by political forces, when laws and regulations shape working practices. Conversely, archaeology can influence politics, challenging cultural narratives, informing policy decisions, and reshaping power dynamics. The discipline’s ability to shape cultural narratives and challenge power structures highlights its enduring relevance and integral connection to the political dynamics of the modern world.

¹⁶ *Bonnischen v. United States*, 157 F.3d 879 (Fed. Cir., 1998), p. 867
<https://scholar.google.com/scholar_case?case=15050775477346538263> [accessed 18 November 2024].

¹⁷ Nilsson Stutz, p. 37

¹⁸ James C Chatters, ‘Making Archaeological Sense of Kennewick Man’, *Quaternary International*, 444 (2017), p. 83-84
<<https://doi.org/10.1016/j.quaint.2017.01.045>>

¹⁹ Nilsson Stutz, p.39

²⁰ Heather Burke, Claire Smith, Dorothy Lippert, Joe Watkins, and Larry Zimmerman *Kennewick Man: Perspectives on the Ancient One* (Walnut Creek, CA: Left Coast Press, 2008) p. 22

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