Between holding institutions and repatriation:

An idea analysis of guidelines related to human remains in the Schreiner collection and Karanga Aotearoa Repatriation Programme

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Abstract

This master thesis is an investigation into underlying ethical guidelines for the handling of human remains in institutional settings. The topic is examined by analysing guidelines related to the repository the Schreiner Collection (DSS) and the Aotearoa New Zealander research organ Karanga Aotearoa Repatriation Programme (KARP). The research question is: How do ideas regarding human remains correlate between repatriation guidelines and holding institution guidelines, and what are the underlying ideas of repatriation in the context of KARP and DSS?

Through this investigation, the main objective is to facilitate a dialogue between institutions involved in repatriation processes. The analysis is performed through a theoretical and methodological perspective in social constructivism and idea analysis. By identifying ideas, common interests and potential areas of disagreement, this thesis aims to serve as a valuable tool in mapping and resolving such processes and related questions. The thesis finds that DSS and KARP, through documents and policies, have common interests in administrative responsibility and reconciliation. These points surface in ideas about ownership, ethnic belonging, cultural heritage, and knowledge diversity.

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Gunhild Tveiten, Oslo, 15th of May 2023.

Abbreviations

AI	Institute of Anatomy
C169	ILO convention no. 169
DSS	The Schreiner Collection
FEK	National Research Ethics Committees
KARP	Karanga Aotearoa Repatriation Programme
KHM	Museum of Cultural History (in Oslo)
ICOM	International Council of Museums
ILO	The International Labourer Organisation
IMB	Institute of Basic Medical Sciences
NESH	National Research Ethics Committee for Social Sciences and Humanities
NZAA	New Zealand Archaeological Association
Te Papa	Te Papa Tongarewa/Museum of New Zealand
UiO	University of Oslo
UNDRIP	UN Declaration on the Rights of Indigenous Peoples
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNIDROIT	International Institute of Private Law
WCIP	World Council of Indigenous Peoples

Glossary

Aotearoa	Modern Māori name for New Zealand
Iwi	People/nation/tribe/confederation of tribes
Hapū	Sub-tribe
Kaupapa	Philosophy
Kōimi Tangata/ t'chakat	Moriori human remains
Kōiwi Tangata	Māori human remains
Mana	Spiritual influence/authority
Mātauranga	Knowledge
Pākehā	Non-Māori peoples living in Aotearoa New Zealand
Tapu	Religious conditions
Tangata whenua	People of the land
Te reo Māori	The Māori language
Tikanga	Customs and traditional Māori values
Toi Moko	Traditionally tattooed preserved Māori heads
Tūpuna/ karāpuna	Ancestor
Wairua	Spiritual aspect of all living beings
Whakapapa	Genealogical descent from spiritual to living beings
Whānau	Family

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1 Introduction

1.1 Topic and background

During the 1800s, exoticism was trending in Europe. From this trend grew a European interest in gathering human remains and the research field of physical anthropology. Europeans traded with many Indigenous peoples, including Māori, but also looted their burial sites for objects and human remains.[1]

Some of the Māori human remains ended up in the Schreiner collection (DSS). It was originally a private collection the University of Oslo (UiO) purchased from Professor Michael Skjeldrup in 1828.[2] The purpose was to utilise the collection in medicinal research – one of the fields being physical anthropology. Physical anthropology became a part of anatomy studies in the late 19th century in Europe and North America. Therefore, many collections of human remains ended up in anatomy departments, such as DSS. It became a part of the Institute of Anatomy (AI) at UiO.[3] Originally, the collection was not named the Schreiner Collection. It got its name from Professor Kristian Emil Schreiner later.[4] He was educated in anatomy and engaged in research on race biology and physiology. Schreiner was the manager at the AI from 1908 to 1945.[5] The Schreiner collection is one of the largest collections in Europe. The repository contains about 8500 individual catalogue numbers. However, it is not possible to give an exact count for individuals since a catalogue entry or number does not equate 1:1 to the minimum number of individuals within the collections.[6] The Schreiner Collection "comprises archaeological and historical human skeletal remains [and] is managed by the Division of Anatomy at the Institute of Basic Medical Sciences, University of Oslo."[7] Based on its research

[1] Te Herekiekie Herewini & June Jones, "A partnership approach to repatriation: building the bridge from both sides" *Tuhinga* 27 (2016): 2.
[2] Inge Lønning, Máret Gutthor et al., "Innstilling fra Utvalg for vurdering av retningslinjer for bruk og forvaltning av skjelettmateriale ved Anatomisk institutt," (Oslo: University of Oslo, 1998), 4.
[3] Ingegerd Holand & Niels Lynnerup et.al., "Vurdering av den vitenskapelige verdi av De Schreinerske Samlinger ved Instituttgruppe for medisinske basalfag," (Oslo: University of Oslo, Faculty of Medicine, 2000), 30. The institute is now called Institute of Basic Medical Sciences.
[4] DSS got its present name in 1972, for more information see Holck (1991) page 84.
[5] Jon Røyne Kyllingstad, "Norwegian Physical Anthropology and the Idea of a Nordic Master Race" *Current Anthropology* Volume 53, no. 5 (April 2012): 51.
[6] University of Oslo, "About the collection," modified 23rd of August 2022; Espen Løkeland-Stain & Tove Lie, "Fikk nei til forskningsprosjekt fordi det kunne spre fordommer mot samene," *Krohno.no.* Modified 6th of Janury 2022.
[7] University of Oslo, "The Schreiner Collection", modified 23rd of August 2022.

history and research activities, DSS can be considered an institution at the Institute of Basic Medical Sciences (IMB), in addition to being a physical repository for human remains.[8]

Today, more and more awareness go into the sensitive and ethical dilemmas and questions research on human remains causes. One such dilemma is the question of repatriation. The repatriation movement grew during the 1990s in *Aotearoa*[9] New Zealand, and Māori demanded governmental support for repatriation.[10] In 2003, Te Papa Tongarewa, the national museum of Aotearoa New Zealand (Te Papa), gained a government mandate and established Karanga Aotearoa Repatriation Programme (KARP). From 2003-2017, the research group repatriated 420 human remains. However, the current repatriation manager, Te Herekiekie Herewini and the team argue that more than 600 remains still need to be returned.[11] During the same time, the discourse on topics on human remains changed in Norway. In the case of DSS, these changes resulted in two recommendations in 1998 and 2000 calling for structural review.[12] The recommendations required DSS to examine guidelines and the repository's part in the research history, the origin of the human remains and its current research value.

In 2010 a repatriation process was started between the Museum of Cultural History (KHM), DSS in Oslo on one side, and KARP at Te Papa on the other side.

> Norway received a general inquiry [from Te Papa] if we had such remains last year. After reviewing our collections and finding the skull[s], we chose to meet the New Zealanders by agreeing to hand them over. In 1933, the skull was purchased from a collector in Germany in connection with the current focus on race studies at the university.[13]

About a year later, in 2011, delegates from Te Papa, Māori elders, KARP and employees at DSS and KHM participated in a ceremonial ritual to bring the two head skulls back to Aotearoa New Zealand.[14] In 2022, KHM, IMB and DSS initiated a dialogue with Te Papa/KARP to inform about an additional assemblage of Māori remains that did not form part

[8] Department of Anatomy changed into IMB in 2017.
[9] Aotearoa is the modern-day Māori term for New Zealand. There is an ongoing debate about the official name of the nation states. Several scholars and public actors have as a response started to use 'Aotearoa New Zealand'. It will be consequently used throughout this thesis. For further information see the news article "Is it time to change the name of New Zealand to Aotearoa?" in *NZ Herald*: https://www.nzherald.co.nz/nz/the-front-page-is-it-time-to-change-the-name-of-new-zealand-to-aotearoa/PIJJWSDOAUE3QUCCBXGJZY6J5E/
[10] Herewini & Jones, "A partnership approach to repatriation", 1-2.
[11] Te Papa, "The Repatriation Māori and Moriori remains," last visited 12th of May 2023.
[12] These reports are primary sources and are being presented in subchapter 3.4.1 of this thesis.
[13] Cato Guhnfeldt, "Maorier til Norge for å hente hodeskaller," *Aftenposten*. Last updated 12 October 2011.
[14] Guhnfeldt, " Maorier til Norge for å hente hodeskaller."

of the previous repatriation. While no formal repatriation request has been issued as of May 2023 (cf. J. Kotthaus personal comment 2023), this will likely change in the near future.

Herewini and June Jones, lecturer at the University of Birmingham, refer to institutions with human remains as "holding institutions." This term is used for institutions with human remains or other cultural objects preserved there. DSS falls into this category. The scholars postulate that Indigenous peoples do not have any rights to the human remains in such holding institutions when they request repatriation. Hence, a potentially unique power relationship is created. According to Herewini and Jones, the parties are "ideally situated as partners working together to promote the understanding of repatriation of ancestral remains within the wider contexts of the values and beliefs held by both."[15]

1.2 Existing research

The repatriation of human remains and holding institutions is a cross-disciplinary research topic, often studied within frameworks of, for example, history, Indigenous studies, archaeology, and cultural heritage. Several scholarly contributions are considered to create the knowledge base for this thesis. Hence, this subchapter aims to provide an overview of this knowledge base. The scholarly contributions that will be highlighted indicate the current state of knowledge related to the topic of this thesis. In elaborating on them, I will identify a knowledge gap in the research literature where this thesis aims to contribute to the research.

From a historical perspective, research on the human race is a factor in why human remains were removed from their origins. Historian Jon Røyne Kyllingstad has been central to contextualising the research question in a Norwegian historical perspective on racial research and ideas about race. The book *Kortskaller og langskaller: fysisk antropologi i Norge og striden om det nordiske herremennesket* (2004) gives a thorough introduction to the history of racial research in Norway. Moreover, he identifies DSS as a knowledge producer during this period by examining the praxis under director Kristian Emil Schreiner.[16] Additionally, the book *Measuring the Master Race: Physical Anthropology in Norway, 1890-1945* (2014) – also by Kyllingstad – shifts its position. It aims to explain similar topics as *Kortskaller og langskaller.* He places Norway in the international research arena, by enabling Norwegian research history

[15] Herewini & Jones, "A partnership approach to repatriation," 2.
[16] Jon Røyne Kyllingstad, *Kortskaller og langskaller: fysisk antropologi i Norge og striden om det nordiske herremennesket* (Oslo: Scandinavian Academic Press, 2004), 114.

to an international audience and contextualising the Norwegian history in international research history.[17] Finally, the book *Rase: En vitenskapshistorie* (2023) reviews race as a social construct and describes how many research disciplines were utilised in racial research. Kyllingstad asks if the researchers were just "children of their time?"[18] This question aids in reflecting upon how physical anthropology was a building block in creating holding institutions and the repatriation movement. Racial research history in Norway is used to understand where research on human remains has come from and its impact today.

Another central part of previous research is Indigenous studies. It highlights the effects of Western research, colonialism and what part Western research norms play in repatriation efforts today. Professor in Indigenous and Māori studies Linda Tuhiwai Smith published the ground-breaking book *Decolonizing Methodologies: Research and indigenous people* (1999). Here she addresses, amongst other things, *Kaupapa Māori* (Māori philosophy) and Indigenous distaste for the term "research." Tuhiwai Smith elaborates by problematising scholars and how they use their worldviews as tools for measurement in research.[19] Western research can marginalise Indigenous voices by assuming the position of expertise. Such notions can continue the power imbalance underpinned by colonialism. Hence, Tuhiwai Smith calls for rethinking methodologies to re-address research and create space for Indigenous knowledge - *mātauranga* (knowledge) Māori.[20] The scholar's effort in critical research emphasises ideas about Western research methods, which provide tools for engaging with source criticism and value systems.

Amber Kiri Aranui, a Māori woman and researcher at Te Papa, received her PhD *Te Hokinga Mai O Ngā Tūpuna: Māori Perspectives of Repatriation and the Scientific Research of Ancestral Remains* in 2018. Her PhD provides the foundation of this thesis' understanding of the Māori perspective on repatriation. Other contributions provided by Aranui are the articles "Māori on the move: Should museums repatriate their dead?" (2017) and "Restitution or a Loss to Science? Understanding the Importance of Māori Ancestral Remains" (2020). With her contributions, she has filled a gap in research on the repatriation of human remains where the emic Māori perspective has mostly been missing. She performs research from the perspective of Māori, which up until 2018 had not been done very much. The PhD outlines amongst other

[17] Jon Røyne Kyllingstad, *Measuring the Master Race: Physical Anthropology in Norway, 1890-1945* (Open Book Publishers, 2014), xi-xii.
[18] Kyllingstad, *Rase: en vitenskapshistorie* (Oslo: Cappelen Damm, 2023), 350.
[19] Linda Tuhiwai Smith, *Decolonizing methodologies: research and indigenous peoples* (London: Zed Books, 1999), 1.
[20] Tuhiwai Smith, *Decolonizing methodologies,* 111, 116, 124-125.

things the history of research and repatriation, ethics, interviews, and case studies. Aranui presents a diverse literature on concepts within the field of repatriation, driven by the theoretical and critical framework of Kaupapa Māori. From her contribution, scholars can appreciate new perspectives in repatriation research. She argues, for example, that ancestral remains taken from their burial sites are "people with modern descendants, restless souls on strange lands and that regardless of their identity or the timing and circumstances of their death, they deserve to be laid to rest at home."[21] In other words, the Māori worldview perceives death and deceased people as a continuous part of the living.[22] Hiniri Moko Mead (2003) is another scholar influential in Māori studies. She describes the landscape of the Māori world and the importance of *tikanga* (customs and traditional Māori values) in *Tikanga Māori: Living with Māori value* (2003). Aranui and Mead create a background for understanding the term ancestral remains, and why this is a central argument for repatriation.[23]

From the contributions by Kyllingstad, Tuhiwai Smith, Aranui, and Mead, power struggle, oppression, and representation are central contextual layers. In light of these aspects, a discussion of reconciliation and identity reconstruction is a core element in the repatriation topic. Regarding identity on the topic of this thesis, the book *Heritage Studies: Methods and Approaches* (2009) and *The Dead and Their Possessions: Repatriation in Principle, Policy, and Practice* (2004) make valuable contributions. The introduction chapter in *Heritage Studies* is written by archaeologists John Carman and Marie Louise Stig Sørensen. Carman and Sørensen argue that the role of heritage in present-day society is crucial to understand identity and culture because heritage plays an important part in social topics. It can be used as a tool to " reconstruct cultural heritage…."[24] Senior researcher in heritage and museum studies Cressida Fforde underpins the same argument in *The Dead and Their Possessions* by stating that identity construction has historically been used to both empower and disempower. The European construction of Indigenous identity has been historically disempowering. Hence, deconstruction

[21] Amber Kiri Aranui, "Māori on the move: Should museums repatriate their dead?" *Current World Archaeology* 7, no. 8 (2017): 13.
[22] Amber Kiri Aranui, "Restitution or a Loss to Science? Understanding the Importance of Māori Ancestral Remains," *Museum and Society* 18, no. 1 (2020): 19-20; This process is described and explored more in 4.2.2 in this thesis.
[23] Amber Kiri Aranui, *Te Hokinga Mai O Ngā Tūpuna: Māori Perspectives of Repatriation and the Scientific Research of Ancestral Remains*, doctoral thesis (Wellington: Victoria University of Wellington, 2018), 140-148; Mead, Hirini Moko, *Tikanga Māori: Living with Māori values,* (New Zealand: Huia Publishers, 2003), 49.
[24] John Carman & Marie Louise Stig Sørensen, *Heritage Studies: Methods and Approaches* (London, New York: Routledge, 2009), 1, 23.

of such false pretences is vital in the present day[25] because of its importance to social discourse and to restoring a group's or a person's identity.

In summary, the review of existing research reveals a multidimensional and intricate landscape of issues and perspectives on repatriation, where the need for historical and cultural consciousness and context is essential. It underscores the continuous demand for ongoing research and dialogue to facilitate the topic of repatriation both on macro and micro levels. Finally, there needs to be more knowledge in the research literature regarding correlating ideas between holding institutions and repatriation groups in Norway and Aotearoa New Zealand.[26] Thus, one of the aims of this master's thesis will be to fill this knowledge gap.

1.3 Aim

This thesis aims to compare the underlying ethical guidelines for handling human remains in institutional settings. Guidelines are here understood as recommendations and expectations to research practice. I will limit the thesis to reviewing DSS and KARP. DSS and KHM have previous collaboration (2011) with KARP and Te Papa.[27] Hence, the thesis investigates two institutions that already have a partnership in repatriation. To conduct a comparison, I will explore DSS' and KARP's ethical frameworks and principles, how they are conducted, what the institutions focus on and what they are interested in. I have chosen to focus on these institutions because they both are involved in research and have cooperated before in repatriating human remains. The investigation is conducted by extracting idea dimensions from the research literature. The dimensions are then used to analyse the primary sources. The primary sources are documents and guidelines related to DSS and KARP. The analysis will provide knowledge about the correlation between the dimensions in light of the two institutions. In that context, being conscious of sources and research literature is important because of representation, political motivation, and majority/minority dynamics. DSS and KARP are very different and very similar. DSS is primarily a repository and a holding institution under IMB and has a close cooperative relationship with KHM. KARP is a research programme mainly

[25] Cressida Fforde, "Collection, repatriation and identity", *The Dead and Their Possessions: Repatriation in Principle, Policy and Practice* Cressida Fforde, Jane Hubert, Paul Turnbull (eds.) (New York/London: Routledge Taylor & Francis Group, 2004), 25-26.

[26] Simultaneously, as I am submitting my thesis, is a master thesis in history at UiO about Ørjan Olsen and his travels being submitted.

[27] Associate professor Arne Perminow at KHM and Department of Ethnography, Numismatics, Classical Archaeology and University History (SENKU) are through experience and network important here.

focused on repatriation and related communication with other institutions domestically and internationally. It is government mandated and a part of the national museum Te Papa. Thus, they are different because of their backgrounds and focuses but similar because they are both closely related to the public education sector and museum practice.

1.4 Research questions

The thesis focuses on the repatriation of human remains between institutions. Moreover, as the analysis, empirical material, and research literature will illustrate, repatriation is often connected to history and social change – for example, decolonisation. It is usually a sensitive and complex issue where human remains can be sacred and significant to a cultural world. On the other side, human remains are valuable to, for example, archaeology and medical research. Overall, there is a strong cultural presence and a significant research and institutional presence around human remains and repatriation. Based on the broad research literature on repatriation and closely related topics, I have formulated a two-fold research question. The two-fold research question is formulated in this way to provide a comprehensive understanding of the topic on macro and micro levels and to identify potential common interests and disagreements. Additionally, it creates a foundation for dialogue on various levels, both within and between guidelines and institutions:

How do ideas regarding human remains correlate between repatriation guidelines and holding institution guidelines, and what are the underlying ideas of repatriation in the context of KARP and DSS?

1.5 Thesis' structure

In Chapter 2, the theoretical framework is presented, including research literature and the idea dimensions. Chapter 3 contains the chosen method, wherein I elaborate on idea analysis, methodological implications, ethical evaluation, and material. Chapter 4 presents historical and ethical aspects related to the research question. It historizes repatriation and reviews topical ethical organs and boards. Chapter 5 analyses the documents and policies that have been presented as the primary material. The analysis is conducted through the idea dimensions and idea analysis method. Finally, the conclusion chapter will present the findings, summarise the thesis and shortly discuss future research.

2 Theory and literary position

Underpinning this thesis is a cross-disciplinary theoretical framework derived from social sciences and humanities research. Narrowing in, the theoretical body is found in social constructivism and idea analysis.[28] Interpretation is conducted by understanding the research literature and material as socially constructed collective ideas. The research approach is deductive because the analysis is based on rivalling ideas extracted from the research literature. The research literature is central to the research question and can be contextualised in a broader repatriation conversation. The literature is thematically oriented and structured to first review *repatriation* and *Indigenous knowledge in research: critical and political*. Secondly, address the *theoretical research placement* in social constructivism. Finally, I identify and present the idea dimensions.

2.1 Repatriation

The term repatriation stems from the word "repatriate" in Latin, which professor in cultural heritage Carol A. Roerhenbeck translates "to return again to ones native country."[29] It is disposal of previous actions. The term can refer to other objects than human remains, but in this thesis, it refers to human remains if nothing else is explicitly written.[30] In the literature, the term restitution is also being used. However, repatriation and restitution have some terminological differences. I use repatriation when referring to returning of human remains. Repatriation is historically unusual. Roerhenbeck postulates that repatriation trends go against the historical "grain" of plunder and theft and over to concepts of guarding and giving back. Repatriation is a part of someone's past, present, and future through history and social context. With that in mind, working with repatriation, its history and memory can lead to positive and negative consequences because of human remains and cultural objects' highly personal and collective importance for both source communities[31] and research institutions.[32]

[28] I will address idea analysis further in 3.1.
[29] Carol A. Roerhenbeck, "Repatriation of Cultural Property – Who owns the Past? An introduction to approaches and to Selected Statutory Instruments", *International Journal of Legal Informatio*n 38, no. 2 (2010): 186.
[30] Collections trust, "Deaccessioning and disposal" Last seen 10th of May 2023.
[31] Source community is used throughout the research literature, especially by Māori scholars, to mean the community from which the human remains originate from.
[32] Gaynor Kavanagh, "Remembering ourselves in the work of museums: Trauma and the place of the personal in the public", *Museums, Society, Inequality* ed. Richard Sandell (London: Routledge, 2002), 119.

An essential consideration in repatriation is the presence of historically oriented arguments. Erich Hatala Matthes, a philosophy professor working with cultural heritage ethics, presents an argument for repatriation based on history. He argues that cases of sights or burial places of Native Americans that were looted or even sold off, raise a problem with modern ownership documentation. A community of Native Americans can tell stories of stolen or sold objects. In such cases, which are not rare amongst Indigenous communities in settler-states, their shared past with the settler nations can be a key to investigating ownership and requiring the repatriation of objects or human remains. Matthes elaborates on this argument by stating that past historical injustice can strengthen claims to objects/human remains where original ownership/affiliation documentation is hard to come by.[33] The Kennewick man/The ancient one case is an example. Susan B. Bruning (2006), at the Department of Anthropology and Dedman School of Law, Southern Methodist School, describes how two individuals walked alongside the Colombia River close to Kennewick in Washington in 1996. On their hike, they came to find an old skull. The human remains were called the *Kennewick man* by researchers. But Native Americans named the remains the *Ancient one*. The human remains were over 8,000 years old. In short, the Ancient one sparked a debate on the Native American Graves Protection and Repatriation Act (1990, NAGPR), which lasted about twenty years.[34] In the end, after DNA testing, The Ancient one was repatriated to the Indigenous community that claimed him. Matthes and the example of The ancient one, show that shared pasts can play significant parts in providing evidence and documentation.

Rapport sur la restitution du patrimoine culturel africain. Vers une nouvelle éthique relationnelle (2018) is a report, similar to the topics Carman, Sørensen and Fforde propose, which looks at the importance of cultural heritage and identity. It is written by the Senegalese author Felwine Sarr and French artist Bénédicte Savoy. It gives a diverse perspective on stolen cultural artefacts from Africa and mainly argues why repatriating those objects is essential for restoring cultural heritage. They propose different aspects of how one can standardise reparations in France, for example, through a legal re-examination of heritage and ownership. In light of ownership, the concept of stewardship and curatorial responsibilities should be mentioned. Ownership is mostly used in legal context, which resonates with Sarr and Savoy's legal perspective. Stewardship, on the other hand, is more often used about ethnographic

[33] Erich Hatala Matthes, "Repatriation and the Radical Redistribution of Art" *Ergo* 4, No. 32 (2017): 948-949.
[34] Susan B. Bruning, "Complex Legal Legacies: The Native American Graves Protection and Repatriation Act, Scientific Study, and Kennewick Man" *American antiquity* 71, no. 3 (2006): 501-502.

remains. The International Council of Museums (ICOM) for example uses the term restitution.[35] However, in this thesis will "ownership" be used because it is reviewed and discussed on an institutional level. Sarr and Savoy suggest that more cooperation in cross-cultural spaces must be established to achieve reconciliation and approach repatriation satisfactorily. The report highlights England, France, and Belgium as masterminds behind the theft during colonial times. Sarr and Savoy claim that it is vital that these countries, and other nations possessing African objects, repatriate because it is important to African identities and memory work.[36] This point can be transferred to restoring identity and feeling of cultural heritage in light of DSS and KARP by asking how the institutions can cooperate to meet each other's interests and to have a feeling of a mutually meaningful partnership.

In Norway, there is disagreement amongst scholars about the Norwegian participation in colonialism in Africa. The Congo collection at KHM is the most extensive ethnographic collection at the museum.[37] Paradoxically, some scholars argue that Norwegian participation in colonisation was limited, and that Norway was more occupied with breaking free from unions with Denmark and Sweden. According to archaeologists Josephine Munch Rasmussen and Vibeke Maria Viestad, these scholars leave Norway "blameless regarding colonisation…"[38] Rasmussen and Viestad argue that this "noble narrative" is untrue. During the Belgian rule over Congo, about 2000 Scandinavian men took advantage of the opportunities colonialism offered, and amongst other things looted Congo of cultural objects. Today, KHM works closely with research groups and facilitators in Congo.[39] Sarr and Savoy's report and the article by Rasmussen and Viestad showcase the importance of knowledge and cooperation in working with cultural heritage and why it is central to identity and reconciliation. It is a way to reconcile with the past through awareness of history and power relations.

Māori worldview is, specifically in the context of this thesis, a central argument for the repatriation of human remains. One aspect of the Māori worldview is the role of ancestors (*tūpuna/ karāpuna*). Aranui describes Māori ancestors as essential in shaping the future because

[35] International Council of Museums, "Code of Ethics for Museums," (International Council of Museums, 2017) 9. For further information about ICOM view subchapter 4.2.1 of this thesis.
[36] Felwine Sarr & Bénédicte Savoy, *Rapport sur la restitution du patrimoine culturel africain* (Ministère de la culture, 2018), 12.
[37] Josephine Munch Rasmussen & Vibeke Maria Viestad. "Curation by the Living Dead: Exploring the Legacy of Norwegian Museums' Colonial Collections." *Critical Arts* 35, no. 4 (2021): 65-66.
[38] Rasmussen & Viestad. "Curation by the Living Dead," 63-64.
[39] Rasmussen & Viestad. "Curation by the Living Dead," 3, 8-9.

living and deceased have a strong relationship.[40] In this extension, she identifies five cultural markers important for appreciating the Māori worldview:[41] Tikanga, *tapu*, *mana*, *wairua and whakapapa*. 1) Tikanga – costumery rules and principles. This custom is seen in all parts of Māori life, from food preparations to funerary rites. In Māori culture, persons who have passed should be laid to rest in their spiritual homeland. This is a way of tikanga.[42] 2) Tapu – religious conditions that affect persons, places etc., Aranui exemplifies the connection a person has to their ancestors as a way of being tapu. Tapu is closely related to 3) mana – spiritual influence or authority. In the context of a person, this influence could be their link to a social group, whether alive or dead. The relationship between the dead and living 4) wairua – the spiritual element of all living beings – is elementary. A deceased is often viewed as still part of the living, so if the physical body of a deceased is disturbed, this disturbance could upset Wairua.[43] Finally, 5) whakapapa – genealogical descent from all spiritual and living beings.[44] Whakapapa is a term with many different definitions. Aranui uses the term to describe the Māori genealogical lineage, history "from the gods to the present time."[45] It tells the story of how humans are a part of the environment and how we live interdependently with the ecosystem (*pūrākau*).[46]

According to the researcher in humanities and information sciences Brian Hole, Māori went to great lengths in hiding and guarding their burial sites when they realised that Europeans and non-Indigenous Americans looted them.[47] "It was very clear to all collectors active in New Zealand that the disturbing of graves was of the greatest offence to Maori",[48] Hole argues. For example, the Norwegian zoologist Ørjan Olsen's account of his surveys for burial caves and removal of ancestral remains was without consent or approval. Olsen provides no stratigraphic or other documentation to justify his grave robbery as an actual excavation. He even argued in his recollections of New Zealand and Polynesia, that despite the dismay of the Māori, the removal of remains was necessary "for science's sake."[49]

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[40] Aranui, "Restitution or loss to science?," 19-20.
[41] Aranui underlines that there can be others, but these are the ones that she has chosen to focus on.
[42] Aranui, *Te Hokinga Mai O Ngā Tūpuna*, 140-142.
[43] Aranui, *Te Hokinga Mai O Ngā Tūpuna*, 140-147.
[44] Aranui, "Restitution or loss to science?," 20; Aranui, *Te Hokinga Mai O Ngā Tūpuna*, 148; Aranui refers in her doctoral thesis to contributions such as Williams (2005), Coates (2013 and 2014) and Benton *et al* (2013).
[45] Aranui, *Te Hokinga Mai O Ngā Tūpuna*, 147; see also Rameka (2018): 369.
[46] Lesley Rameka, "A Māori perspective of being and belonging" *Contemporary Issues in Early Childhood* 19, no 4 (2018): 369-370.
[47] Brian Hole, "Playthings for the Foe: The Repatriation of Human Remains in New Zealand", *Public Archaeology* 6, 1 2007: 10.
[48] Hole, "Playthings for the Foe," 11.
[49] Ørjan Olsen, *Eventyrlandet Fra en reise i New Zealand* (Oslo: H. Aschehoug & Co. (W. Nygaard), 1931), 150.

In principle, the "sake of science" cannot overrule people today. Present awareness of power relations and cultural conditions has impacted this change. The Norwegian National research ethics committee for social sciences and humanities (NESH) considers this in the anthology "More than just bones – ethics and Research on human remains" (2012). It discusses research on human remains from a Norwegian perspective and reflects on religious orientation and history. Professor in philosophy and editor of the anthology Hallvard Fossheim introduces the anthology with several remarks that address ethical dilemmas regarding research on people that have died. He postulates that:

> There is the issue of knowing what the person 'behind' the remains would have wanted, or what he or she would have found unacceptable. There is also the question of how sensibly to express such respect within the range of cultural alternatives afforded us today, as well as factors that might weaken the ethical demands on the researcher: we tend to feel that with time, for example, something alters as far as the level or expression of respect is concerned—we see an ancient mummy as different from a body interred in 1992.[50]

Fossheim raises questions of consent, time, and cultural differences – all central to the repatriation movement. Regarding the human remains in DSS, it is challenging to say how they ended up being there. Was it through theft or mutual agreement? Herewini and Jones argue that regardless of how ancestral remains left Aotearoa New Zealand, the remains should return now.[51] Today, it is known that Olsen provided the 42 human remains to the collection through unethical ways.

The origins of the remains can be a factor in ethical dilemmas and its research value. Senior advisor in cultural heritage in the Norwegian Church Council Oddbjørn Sørmoen argues that "[a] history of repression and disrespect makes research on the remains of these groups a sensitive issue."[52] He uses the historic racism the majority population in Norway showed towards the Indigenous people, the Sámi, and how it has developed as an example of societal changes. One specific case often referred to in the Norwegian repatriation context, is the case of the Sámi persons Mons Aslaksen Somby and Aslak Jacobsen Hætta's heads from the Kautokeino Rebellion.[53] Sørmoen explains that the two Sámi leaders' heads were sent to the

[50] Hallvard Fossheim (ed.), *More than Just Bones : Ethics and Research on Human Remains* (Norwegian National Research Ethics Committ Ees, 2012), 8.
[51] Herewini & Jones, "A partnership approach to repatriation," 2.
[52] Oddbjørn Sørmoen, *More than just bones,* 16.
[53] For more information about the Kautokeino rebellion, see for example the article "The Three Burials of Aslak Hætta and Mons Somby: Repatriation Narratives and Ritual Performances" (2017) by Stein R. Mathisen.

Institute of Anatomy at the University of Christiania (now Oslo), after the men had been executed in 1854. The purpose was to use the heads as research material.[54] In 1997, the cranium of Hætta, was found in Copenhagen. The search and relocation of Hætta's remains highlighted the need to revise and update the collection and catalogue.[55] The remains of Somby and Hætta are time witnesses to the oppression of the Sámi people, but also an example of how research has changed in approach towards Indigenous people, ownership, and repatriation. As well as how the past can affect whether or not something is seen as being of value to research.

The research literature on repatriation showcases a strong presence of cultural recognition and needs for reconciliation with cultural heritage and historical awareness. These are all factors that interest this thesis topic and research question.

2.2 Indigenous knowledge in research: critical and political

Today Western research knowledge co-exists and is interlinked with Indigenous knowledge in many fields. This process can be seen as re-establishing norms for knowledge production and research methods. Māori philosophy, or Kaupapa Māori, is a way of recognising cultural differences by examining the colonial impact and acknowledging Indigenous knowledge as a research method. Kaupapa Māori is an Indigenous critical framework springing out of postcolonial thinking.[56]

Postcolonialism can be seen as a historical period characterised by nation-states that gained their independence after being a colony of a foreign power. It most often refers to Western powers. On the other hand, it is a theory often associated with social criticism and voices that require representation – often representation of prior colonial countries in academia, media, and government. It gained academic grounds in the 1960s and 1970s. In *An Introduction to Post-Colonial Theory* (2013), Peter Childs and Patrick Williams show how multi-layered and significant postcolonial theory can be. They review, amongst other issues, the cases of

[54] Sørmoen, *More than just bones,* 12.
[55] Lønning, Gutthor et al., "Innstilling fra Utvalg for vurdering av retningslinjer for bruk og forvaltning av skjelettmateriale ved Anatomisk institutt," 2.
[56] Graham Hingangaroa Smith, *The development of Kauapap Māori,* PhD with University of Auckland, 1997, 116-117; Aranui, *Te Hokinga Mai O Ngā Tūpuna*, 24, 26-27.

settler colonies in Australia, Canada, and New Zealand.[57] Childs and Williams find that in debates from these countries, one of the main issues is identity*;* "the disruptions to conceptions of national and ethnic belonging occasioned by minority indigenous or multicultural populations, continued nationalist struggles, black Atlantic culture, decolonisation and diaspora."[58] Postcolonialism is a term and a theory that contradict and deconstruct traditional focal points in history, politics, and economics.

The global trend of decolonisation swept over several countries during the second half of the 20th century. In various degrees, this trend aided and inspired a second wave of decolonisation – Indigenous Internationalism. Professor of Sámi studies Jonathan Crossen describes this point as a response from people "who have been subject to various processes of colonisation but whose territories fall outside accepted definitions of a colony." [59] A recognition of collective lived experiences started to become global – Indigenous Internationalism. This is an ideology which professor in history Hanne Hagtvedt Vik describes as an idea of a global Indigenous identity where Indigenous people have inborn Indigenous rights. Vik explains that it was also a global political strategy for navigating international law and spreading knowledge about Indigenous interests of self-determination and natural resources.[60] Perhaps the most depicting example of Indigenous internationalism is the World Council of Indigenous Peoples (WCIP) establishment in 1974.[61] Māori have been fighting and reconnecting with their culture and identity since the 1970s,[62] as a part of the second wave and the international Indigenous forums. The activism in Aotearoa New Zealand, happened during many societal changes, including Indigenous internationalism. The strategy of Indigenous Internationalism can be interpreted as a way of navigating one's interest through spaces where other interests are prioritised.

[57] Peter Childs & Patrick Williams, *An Introduction to Post-Colonial Theory* (London/New York: Routledge, 2013), viii.
[58] Childs & Williams, *An Introduction to Post-Colonial Theory*, 66.
[59] Jonathan Crossen, "Another Wave of Anti-Colonialism: The Origins of Indigenous Internationalism" *Canadian Journal of History / Annales canadiennes d'histoire* vol 52, 3 (2017): 535.
[60] Hanne Hagtvedt Vik, "Indigenous Internationalism," *Internationalisms: Twentieth-Century History*, ed. Glenda Sluga og Patricia Clavin (England: Cambridge University Press 2017), 316-318.
[61] Jonathan Crossen, Decolonization, *Indigenous Internationalism, and the World Council of Indigenous Peoples,* doctoral thesis (Waterloo: University of Waterloo, 2014), 3.
[62] Linda Tuhiwai Smith, "Kaupapa Māori Research – Some Kaupapa Māori Principles" *Kaupapa Rangahau A Reader: A Collection of Readings from the Kaupapa Maori Research Workshop Series Led*, ed. Leonie Pihama, Sarah-Jane Tiakiwai & Kim Southey (Hamilton, New Zealand: Te Kotahi Research Institute, 2015), 47-48.

Because of the Māori resilience to Western research norms, methodological measures have been taken, one of which is Kaupapa Māori. This Indigenous critical political framework was developed through postcolonial thinking. Two essential scholars here are Graham Hingangaroa Smith, professor and Māori educationalist, and professor in Māori education Russel Bishop. Hingangaroa Smith categorises Kaupapa Māori as a political theory because it tends to value Māori questions, perspectives, and research over other scholarly contributions.[63] It is a framework that intends to develop and recognise mātauranga Māori in education and research. An essential element in Kaupapa Māori is that it provides a critical framework to analyse challenging aspects of gaining recognition for Indigenous knowledge as a valid research method. One of the hindrances is, according to Aranui, the effect colonialism has had on countries and people.[64] A continuing impact of colonialism, is the relationship between Māori and settlers in Aotearoa New Zealand. Hingangaroa Smith refers to the Marxist and socialist scholar Antonio Gramsci's understanding of "hegemony" in *Selections from Prison Notebooks* (1971) when analysing and exploring "social relations of Pakeha [Non-Māori] and Maori subordination…"[65] Gramsci uses the tolerance of the Italian population towards Benito Mussolini's violent regime to illustrate how a small group can exercise hegemony in a population.[66] Bishop presents Gramsci's solidarity production by pointing to how settlers in Aotearoa New Zealand could accept the subjugation of Māori by the British government in the 19th and 20th centuries.[67] Hingangaroa Smith works with Gramsci's hegemony, and combines it with philosopher Jürgen Habermas' utopian ideals. He utilises Habermas' expression of utopian ideals in the discussion of reconstructing and transforming praxis.[68] It is analysed through a Marxist lens rethinking economy, ownership relations and class conflict. Hingangaroa Smith uses Habermas and Gramsci to analyse topics in a social context "of unequal and contested power relations and which is also able to develop outcomes (within a theory and practice) of transformative action."[69]

[63] Hingangaroa Smith, *The development of Kauapap Māori,* 38
[64] Aranui, *Te Hokinga Mai O Ngā Tūpuna*, 24.
[65] Hingangaroa Smith, *The development of Kauapap Māori*, 29.
[66] Gramsci, *Prison Notebooks, Volum 1* (New York: Colombia University Press, 1992), 21, 156-157.
[67] Bishop, "Chapter three: pathologizing the lived experiences of the Indigenous Māori people of Aotearoa/New Zealand," *Counterpoints* 268 (2005): 57.
[68] Hingangaroa Smith, *The development of Kauapap Māori*, 69-70: Habermas is part of the second-generation scholars at the Frankfurt school. The Frankfurt school was one of the first institutions to approach topics on morality, religion, and science concurrently.
[69] Hingangaroa Smith, *The development of Kauapap Māori*, 135; Also see HABERMAS, J. (1973) *Theory and Practice*. Translated by J. Viertel. Boston: Beacon Press.

Kaupapa Māori-scholars have expressed that there is a distinction between European and Māori research. According to the Māori scholars Ella Henry and Hone Pene, Europeans "view knowledge as cumulative,"[70] aiming to generalise and universalise, whilst Kaupapa Māori reaches for a continuation of Māori communities' status (mana).[71] Kaupapa Māori seeks to challenge research by enabling space for alternative narratives.[72] An alternative narrative will be a storyline that perhaps strays in a larger or lesser way from the mainstream. This point is an essential key to understanding Kaupapa Māori scholars' origins and how to implement them as a non-Indigenous person using Māori research as research material.

2.2.1 Pākehā, non-Māori and Kaupapa Māori

Aranui writes in her doctoral thesis that Kaupapa Māori "allows me to explore and answer my thesis questions by enabling Māori to explain their perspectives and beliefs from a Māori worldview."[73] How can *Pākehā* and non-Māori[74] appreciate Kaupapa Māori? It enables non-Indigenous people to read and gain knowledge from mātauranga Māori in research. I will use it in this thesis to understand and appreciate key elements of Māori knowledge, arguments, and research.

The critical framework of Kaupapa Māori identifies and illustrates how Western and Indigenous knowledge cooperate and co-exist in research. Kaupapa Māori is meant for Māori, but it is a field where non-Māori scholars can engage and learn to appreciate the possibility of discovering new knowledges. The Pākehā-man and educational researcher, Alex Hotere-Barnes, analysed Pākehā's part in Kaupapa Māori. He finds that working with Kaupapa Māori requires you to reflect on cultural, personal, political, and practical issues.[75] It requires its user and observer to be more open and reflect on personal agenda – and how that is reproduced in power relations with the study object. Hotere-Barnes finds that many Pākehā and non-Māori can feel 'paralysed' by such criteria. The so-called paralysis is named 'Pākehā-paralysis'. He

[70] Ella Henry & Hone Pene, "Kaupapa Maori: Locating Indigenous Ontology, Epistemology and Methodology in the Academy," *Organization (London, England) 8*, no. 2 (2001): 236.
[71] Henry & Pene, "Kaupapa Maori," 236.
[72] Hingangaroa Smith, *The development of Kauapap Māori*, 73-74. For more contributions by Hingangaroa review "Kaupapa Māori Theory: Indigenous Transforming of Education," Critical Conversations in Kaupapa Maori, ed. Te Kawehau Hoskins & Alison Jones (Huia Publisher, 2017).
[73] Aranui, *Te Hokinga Mai O Ngā Tūpuna* (2018), 27.
[74] There is a difference between Pākehā and Non-Māori people. According to Alex Barns, *pākehā* are Europeans that call Aotearoa New Zealand their home. Non-Māori are everyone else who do not identify as Māori.
[75] Hotere-Barnes, "Generating 'Non-stupid Optimism': Addressing Pākehā Paralysis in Māori Educational Research," *New Zealand Journal of Educational Studies* 50, no. 1 (2015): 41.

defines it as a paralysis that occurs when Pākehā fear getting elements in research wrong. Especially when engaging in emotional, cultural, political, or social relations with Māori.[76] In engaging with Kaupapa Māori, Hotere-Barnes explain that he and his colleagues have different experiences of "Pākehā paralysis". However, Hotere-Barnes suggest the solution is to re-visit three reoccurring and interlinked umbrella considerations throughout one's study: 1) knowing yourself, 2) being with the complex and unknown, and 3) reflecting on the benefits.[77] Approaches to Indigenous knowledge and how to navigate through it, as a non-Indigenous person, are such principles opening up to researching several dimensions of agency and perspectives.

If one uses Kaupapa Māori as a research framework, there are several requirements and principles, like knowing *whānau* (family) and being a good listener.[78] Sociology professor Martin Tolich explains, in the description of Tuhiwai Smith, that there is little independence for a Pākehā researcher in Kaupapa Māori and that a Pākehā researcher must follow strict guidelines.[79] In an extension of this point, Tolich shows that postgraduate students actively avoid Māori in their projects. The students had learned from their teachers to exclude Māori.[80] What Tolich expresses about postgraduate students might be interlinked with the Pākehā-paralysis, and that avoidance is a way of "walking around" the issue.

In 2021 Kendall Clements and six other professors from Aotearoa New Zealander published an open letter in the newspaper *The Listener*. They were addressing concerns with Māori knowledge. The scholars were concerned with the road the Aotearoa New Zealand curriculum took.[81] In a rebuttal letter published in *The New Zealand Medical Journal* (2022) by clinical psychologist Waikaremoana Waitoki, it is stated that Clements et al. used moral panic and dismissed a whole culture of knowledge. Waitoki argues that the letter's definition of science is old and outdated.[82] This point can be recognised in the vice-chancellor at the

[76] Hotere-Barnes, "Generating 'Non-stupid Optimism'," 41.
[77] Hotere-Barnes, "What Can Pakeha Learn from Engaging in Kaupapa Maori Educational Research? Working Paper 1" *New Zealand Council for Educational Research* (October, 2013): 19.
[78] Hotere-Barnes, "What Can Pakeha Learn from Engaging in Kaupapa Maori Educational Research? Working Paper 1," 21.
[79] Martin Tolich, "Pākehā "paralysis": Cultural safety for those researching the general population of Aotearoa," *Social Policy Journal of New Zealand* 19 (December 2002): 170.
[80] Tolich, "Pākehā "paralysis"," 165, 168.
[81] Kendall Clements et al., "In defence of science," *New Zealand Listener*, 4. Published 31st of July 2021. It was a physical publishing, but can be reviewed online here https://www.fsu.nz/in_defence_of_science_article
[82] Waitoki, "In defence of mātauranga Māori: a response to the 'seven academics,'" *New Zealand Medical Journal* 135(1552) (April 1st, 2022): 139-142.

University of Auckland, Professor Dawn Freshwater's answer shortly after the letter was published. Freshwater writes, "Mātauranga Māori and Western empirical science are not at odds and do not need to compete."[83] The professor's perspective on Indigenous and Western knowledge is that they can coexist without competition, marking a shift from the historical Western selectiveness towards Indigenous knowledge.

Western selectiveness is a major issue that Māori activists have had to fight against. Tuhiwai Smith explains that not *all* Māori knowledge or identity was tried erased by the colonisers, "[s]elected aspects of the culture, i.e., 'the more attractive' items such as performance and artistic endeavours were 'permitted'…."[84] She elaborates that other parts of Māori culture and identity have been appropriated and adopted by Pākehā and New Zealand, the nation-state, as national symbols. She exemplifies this point in how Europeans came to be fascinated with the *moko* (traditional Māori tattoo) culture. *Toi Moko* is Māori for preserved tattooed Māori head. According to Aranui, the focus of trade and theft on the non-Māori side in Aotearoa New Zealand, in 1770-1840, mainly concerned with Toi Moko. Not only did voyagers and researchers collect Toi Moko, but Aranui also postulates that flax traders could acquire Toi Moko. Toi Moko was mainly acquired through trade amongst Māori and Europeans in the form of gunpowder or muskets.[85] Hence, Western researchers and people have picked up some parts and discarded other parts of Māori culture. A framework such as Kaupapa Māori addresses issues like this one by examining its impact and educating researchers to prevent further selections.

2.3 Research placement: theoretical base

The theoretical understanding of this thesis springs out of social constructivism. This understanding is mainly identified within social sciences and humanities presented in the previous research literature review. It is a research perspective suggesting that reality is created through human relationships, interactions, and concepts. The sociologist Michaela Pfadenhayer relies on Peter L. Berger and Thomas Luckmann's idea of constructivism when she interprets "social constructivism." Social constructivism is, according to Pfadenhauer, an understanding

[83] Dawn Freshwater, "Vice-chancellor comment," *University of Auckland,* published 26th of July 2021.
[84] Tuhiwai Smith, "Kaupapa Māori Research – Some Kaupapa Māori Principles," 47.
[85] Aranui, *Te Hokinga Mai O Ngā Tūpuna*, 39-42.

of reality as a social construct.[86] Repatriation can be viewed as a social construct because repatriation processes involve negotiation and constructing meaning between relevant actors, such as DSS and KARP. Hence, it is an interaction between peoples and creates a relationship between cultures in a specific social context.

Psychologist Vivene Burr presents four common principles in social constructivism; 1) "a critical stance toward taken-for-granted knowledge," 2) "historical and cultural specificity," 3) "knowledge is sustained by social processes," and 4) "knowledge and social action go together."[87] Taking a critical stance towards "taken-for-granted" knowledge can be done through terminology and historical perspectives. For example, Tuhiwai Smith postulates in her well-renowned book *Decolonizing Methodologies* that she is writing from "the vantage point of the colonized."[88] A vantage point utterly different from my experiences as a cis-gendered female from a non-Indigenous majority population in Norway. Tuhiwai Smith highlights the importance of such awareness by explaining her complicated relationship with the term "research." She states, "[t]he term 'research' is inextricably linked to European imperialism and colonialism. The word itself, 'research', is probably one of the dirtiest words in the indigenous world's vocabulary."[89] This point suggests that research is a term with different connotations based on what a person's social world and historical past contain. Since the research question concerns repatriation guidelines and holding institutions are historical and social considerations necessary.

A social world is built on a person's or a group's axiology, epistemology, and ontology. Axiology is a Greek word that translates into 'theory of value' and will, for example, describe what a person or a society might consider desirable.[90] What is desirable for one person or society is most likely conditioned by culture. So, for example, Tuhiwai Smith's description of the term research suggests she favours recognition of its historical baggage with Indigenous peoples. A different example can be found with Aranui. According to Aranui's research in repatriation, the last twenty years have been institution oriented.[91] She finds it necessary also

[86] Michaela Pfadenhauer, "Introduction: the reality of social constructivism: introductory remarks," *Social Constructivism as a paradigm? The legacy of The Social Construction of Reality,* red. Michaela Pfadenhauer og Hubert Knoblauch (London: Taylor & Francis Ltd., 2018), 2.
[87] Vivien Burr, *Social constructionism* (London: Routledge, 3rd ed. 2015), 2-5.
[88] Tuhiwai Smith, *Decolonizing methodologies,* 1.
[89] Tuhiwai Smith, *Decolonizing methodologies,* 1.
[90] Thomas Biedenbach & Mattias Jacobsson, "The Open Secret of Values: The Roles of Values and Axiology in Project Research," *Project Management Journal* 47, no. 3 (2016): 140.
[91] Aranui, "Restitution or loss to science?," 19.

to examine how repatriation affects the requestor of such processes. The first time Aotearoa New Zealand took a stand in international repatriation was through the exhibition *Te Māori*[92] in the USA (1984-1986). Aranui writes that the exhibition illustrates and argues for the connection between people and "cultural treasures." Aranui's article argues for a different set of values and perspectives with the same awareness that Tuhiwai Smith calls for. Thus, *Te Māori* and Indigenous academic research contribute to alternative narratives and to the study of repatriation.[93] Moreover, they represent a different set of priorities – values –reflected in KARP and traditionally not in DSS.

Epistemology (theory of knowledge) and ontology (theory of existence) are central terms too. Memory culture and identity are closely related and are essential in Māori argumentation for the repatriation of ancestral remains. Pre-European Māori beliefs and perceptions of life and death highly differ from that of the Christian Protestant death. Aranui emphasises the importance of understanding and seeking pre-European information about Māori.[94] The belief system stemming from the Māori worldview encompasses most of the living and deceased. Accordingly, Carl Mika, professor in *Aotahi* (School of Māori and Indigenous Studies), encourages a conscious use of the term "epistemology." He considers epistemology in Western frames an "arbitrary sign for a concept" [95] and acknowledges disliking the term. However, Mika interprets the term through Māori philosophy and states that "[t]he etymology of a term (…) carries its "sense" or its very first ontological regard for the world."[96] Mika argues that a Māori view of language requires considering how language engages with us on its terms. And that epistemology – in his interpretation – is more of an "entity" that organises the world in different ways.[97] What entities organise DSS and KARP? Identifying and reflecting on the guidelines with the research literature will shed light on the structure of the institutions and their priorities.

The philosopher and historian of ideas, Michel Foucault work intently with theories of power, power structures and struggle. Foucault states that "[s]overeignty and discipline (…) are

[92] See https://nzhistory.govt.nz/te-maori-exhibition-opens-in-new-york for information about the exhibition.
[93] Aranui, "Restitution or loss to science?," 21.
[94] Aranui, *Te Hokinga Mai O Ngā Tūpuna*, 137.
[95] Carl Mika, "A term's Irruption and a Possibility for Response: A Māomri Glance at "Epistemology"," *Handbook of Indigenous Education* (Singapore: Springer Singapore, 2019), ed. McKinley & Smith, 545-546.
[96] Mika, "A term's Irruption and a Possibility for Response," 548.
[97] Mika, "A term's Irruption and a Possibility for Response," 550, 555-556.

in fact the two things that constitute (…) the general power in our society"[98] Those who fight against such powers experience struggle. Power and struggle have, according to Foucault, "historical anchors" that are shaped through war or enforced through political wills that become power structures.[99] However, war and political force does not need to be the only way power can be exercised. Marx did not put bureaucracy at the centre of his studies, but according to emeritus professor in sociology Nicos P. Mouzelis, he sees it as a power structure in modern-day society. Marx sees it as only representing a specific social group of society.[100] Other social theorists disagree with Marx, but in the context of colonialism and minority versus majority relations, his review of bureaucracy has historical reasoning. Like Marx, Foucault sees power as an exercise of specific interest. This interest creates power relations where the part that experiences struggle can become subjugated. Foucault contextualises such power relations in the term subjugated knowledges. By implementing one way of thinking, another narrative might be buried. He finds that 1) historical content that has been undermined, and 2) knowledge has been discarded as insufficient knowledge.[101]

The First Nation woman from Australia, Aileen Moreton-Robinson, uses Foucault when arguing for recognising different knowledges. She uses Foucault in the context of the historical effects of colonialism and the oppression of Indigenous knowledge and culture. By analysing historical anchors, Moreton-Robinson underlines the complexity of understanding power as a productive *and* repressive tool, which can lead to subjugation. Adapting Foucault's subjugated knowledge, Moreton-Robinson identified the term "whiteness." Whiteness does, according to Moreton-Robinson, manoeuvre in disciplinary knowledge production and hinders recognition of Indigenous sovereignty.[102] She recognises Whiteness as "the invisible norm against which other races are judged."[103] Whiteness can manifest itself in repatriation, such as how institutions prioritise repatriation requests considering their interests. Moreton-Robinson's term also suggests the need for critical self-reflection and examination of traditional norms.

[98] Foucault, *Society must be defended,* 39.
[99] Foucault, *Society must be defended,* 38-39.
[100] Nicos P. Mouzelis, *Organization and Bureaucracy, Sociology of Work and Organization Volume VIII* (Routledge 21. August 2013 [1998]), 8-9.
[101] Foucault, *Society must be defended,* 7-8.
[102] Aileen Moreton-Robinson, "Towards a New Research Agenda?: Foucault, Whiteness and Indigenous Sovereignty. [Paper in Special Issue: Beyond the Margins/Beyond Marginality.]" *Journal of Sociology (Melbourne, Vic.)* 42, no. 4 (2006*):* 388, 392.
[103] Moreton-Robinson, "Towards a new research agenda?," 388.

There are two main branches of social constructivism: 1) critical constructivism and 2) conventional constructivism. Critical constructivism is tied to the understanding that no objective or truths can be observed. The social constructivist scholar Ted Hopf postulates that conventional constructivism is linked to critical social theory. And that it aims to serve alternatives to mainstream narratives. Hopf informs that conventional constructivism concentrates on identity issues in world politics, domestic politics, and culture.[104] In light of idea dimensions of research, repatriation and Indigenous knowledge are politics, domestic politics, culture, and identity, all active parts of Norwegian and Māori research perspectives. This point means that conventional social constructivism resonates with the aim of the research question and the analysis through idea dimensions.

2.4 Idea dimensions

The idea dimensions are topical and constructed from central aspects of the research literature.

Bureaucracy	Indigenous rights
Holding institutions	Repatriation
Research value	Cultural value

The first idea dimension is bureaucracy and Indigenous rights. First, I will address bureaucracy. Bureaucracy has the possibility of playing a major role in the repatriation process. Bureaucratic actors help ensure necessary legal and administrative progress. Bureaucracy can serve as a provider of continuity, predictability, and professionalism. Sarr and Savoy discuss bureaucratic elements in repatriation as a way to reconciliation. They find it necessary to establish cooperative cultural partnerships and develop a legal aspect that approaches repatriation. On the other hand, bureaucracy can be the root of delays and obstacles, making repatriation hard and painful for the requesters. The possibility that powers lie with one specific group is a situation Marx stresses. Herewini and Jones postulated that Indigenous rights do not provide legal rights for repatriation, which can lead to issues in such requests. Indigenous organisations

[104] Ted Hopf, "The Promise of Constructivism in International Relations Theory," *International Security* 23, no. 1 (1998): 171-172, 181.

and peoples have navigated through bureaucratic hinders by utilising strategies such as Indigenous internationalism and conveying international Indigenous rights, as discussed by Vik and Crossen. Both Kaupapa Māori and research provided by Tuhiwai Smith show that deconstructing traditional Western methods aids in reconstructing cultural heritage. The idea dimension is discussed by reviewing the elements topical to continuity, predictability, professionalism, and Indigenous internationalism.

The second dimension is closely related to the first dimension: holding institutions and repatriation. Herewini and Jones address "holding institutions" briefly in their article. It is a term given to institutions with items or human remains in their collection. Being a holding institution does not immediately indicate a refusal to repatriate; it can cooperate and be willing to learn and repatriate items or remains. The term ownership is interpreted as being central to the conversation about repatriation. It is, in that sense, challenged by such a request. Sarr and Savoy address ownership and call for historical context here. Matthes also argues for historical context and claims that bicultural history is necessary for documenting ownership and origins, which can develop a sense of ethnic belonging relevant – referring to Childs and Williams and the restoration of cultural heritage. In a social context, Carman and Sørensen argue that recognition of cultural heritage is vital to the idea of identity. Hence, is the discussion on holding institutions and repatriation interpreted through abstractions of ownership, biculturalism, and ethnic belonging.

The first and second dimensions are conditioned and rooted in the third dimension: research and cultural value. Different values can clash in compromised spaces, such as a repatriation process, thus creating a specific backdrop to each repatriation request. Furthermore, a struggle between research and cultural values can occur in research arenas. Mika's analysis of epistemology and how he theorises the term into entities that have the ability to organise gives a semiotic character to the analysis of research value. For instance, how Holand et al. express the development in research and research value of DSS. Bishop and Hingangaroa Smith's inclusivity and prioritisation of Māori values in research resonates with an agenda for diversity in knowledge production. Similarly, Henry and Pene argue for a critical review of Western tendencies of generalisation. In light of Kaupapa Māori, Henry and Pene call for openness to variations of narratives in research, a core issue in the space between research value and cultural value. If a certain knowledge is valuable, it is discussed by Foucault, Moreton-Robinson, Fforde and Aranui in different contexts, but what they have in common is the call

for critical examination of present traditional values and an agenda for more diversity. The third dimension is research and cultural values analysed in light of terms such as entities, generalisation, and diversity.

2.5 Chapter Summary

The chapter has identified the theoretical understanding in the thesis and research literature. It starts with the research literature on repatriation and Indigenous knowledge. It utilises a lens of social constructivism that argues for non-objective or neutral knowledge, but that knowledge is rather shaped by social and cultural context. Therefore, the theoretical chapter does explore the critical and political framework of Kaupapa Māori, from how Māori scholars use it to how Pākehā and non-Māori approach it because it is a way of disseminating knowledge and critically analysing Western research norms. Moreover, the research literature shed light on the subjugation of knowledge and how cultural references, dominant norms, and social and historical context construct ideas.

The importance of social and historical context will be further addressed in Chapter 4, which concentrates on research history and ethics. Furthermore, has the research literature conditioned the idea dimensions I have extracted. These dimensions will be analysed in Chapter 5. But first, the method chapter will explore how ideas are utilised as a method in this thesis.

3 Method

It is said that humans experience the world through sight, smell, and touch. But, according to political scientist Iver B. Neuman, research is a different way of sensing the world.[105] Apart from Neuman, are political scientist Øivind Bratberg, and historians Kristin Alsdal and Hilde Reinertsen new and widely used contributors to document and idea analysis in social sciences and humanities. Contributions from Jal Mehta, associate professor at the Harvard Graduate School of Education, and political scientists Göran Bergström and Kristina Boréus are also considered in this chapter. Hence, it is natural to base this cross-disciplinary thesis method on their scholarly works.

The chosen method for this thesis is qualitative hermeneutic text analysis. Namely, an idea analysis with elements of document and discourse analysis. The research questions and methodological framework aim to find common ideas and values in the primary sources and secondary literature. I will first address the method, idea analysis. Here also, how Asdal and Reinertsen interpret discourse from the Foucauldian perspective. After that, the methodological implications will be considered. Here I will cover validity, reliability, and subjectivity. Additionally, I give an ethical evaluation and a description of the primary sources.

3.1 Idea analysis

The purpose of using idea analysis in this thesis is to map and explain concepts[106] within the documents and their environments. According to Metha (2011), idea analysis is about ideas and how they work in political processes. Mehta asks how assumptions can become dominant and what it means for societies.[107] Analysing ideas are, according to Bratberg, relevant to all research questions containing "actors, assumptions and decisions."[108]

Bergström and Boréus differentiate between two ways of utilising the method in *Textens Mening Och Makt : Metodbok I Samhällsvetenskaplig Textanalys* (2000). One is named "ideal

[105] Iver B. Neumann, *Mening, materialitet, makt: En innføring i diskursanalyse* (Bergen: Fagbokforlaget, 2001), 29.
[106] Øivind Bratberg, *Tekstanalyse for Samfunnsvitere*. (2. Utg. ed. Forskningsmetoder. Oslo: Cappelen Damm Akademisk, 2017), 60-61.
[107] Mehta, Jal. "The Varied Roles of Ideas in Politics: From 'Whether' to 'How.'" In *Ideas and Politics in Social Science Research*. New York: Oxford University Press (2011), 46.
[108] Bratberg, *Tekstanalyse for Samfunnsvitere*, 67.

types," an analytical tool for reconstructing ideas. Ideal types are, according to Bergström and Boréus, a helpful tool in the empiric and systematic comparison of phenomena.[109] A second way of doing idea analysis is through "dimensions." A method that uses dimensions as analytical tools emphasise relevant idea systems in political philosophy and ideological research.[110] Idea dimensions will be utilised for this idea analysis because they shed light on different collective perceptions, and changes over time and specific actors,[111] which the research question seeks to examine.

For this thesis, the dimensions have been collected based on the research topics: history of human remains, repatriation and Indigenous knowledge. Alongside, Tuhiwai Smith identifies a critical system by asking 1) Where does the idea come from?; 2) what caused them to be?; and 3) what are their aims?[112] Sorting the ideas by questioning their origins and motives can help understand the idea and its characteristics. For example, one dimension can be "race-biology" and "anti-racism research." The ideas behind the dimensions can be normative and descriptive – both types are interesting. Normative ideas consider value evaluation, whilst descriptive ideas present an assumption of how the world or a concept is possibly constructed.[113]

Asdal and Reinertsen start their book *Doing Document Analysis: A Practice-Oriented Method* (2022) by stating that «[d]ocuments are everywhere».[114] Documents are a source of information and a tell tail of its surrounding environment. A document is a material object created with a specific purpose. One specific purpose can be as a source of information and understanding of the document's environment. Documents can also possess the ability to shape and change a context and its surroundings.[115] The documents I will analyse in this thesis relate to DSS and KARP and issues facilitating human remains and repatriation processes. To illustrate can, for example, a researcher get information on changing ethics and discourse by analysing Sarr and Savoy's report (2018) about the restitution of African cultural objects.[116]

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[109] Göran Bergström & Kristina Boréus, *Textens Mening Och Makt : Metodbok I Samhällsvetenskaplig Textanalys* (Lund: Studentlitteratur, 2000), 170.
[110] Bergström & Boréus, *Textens Mening Och Makt,* 158-163.
[111] Bratberg, *Tekstanalyse for Samfunnsvitere,* 87.
[112] Tuhiwai Smith, "Kaupapa Māori Research – Some Kaupapa Māori Principles," 48.
[113] Bratberg, *Tekstanalyse for Samfunnsvitere*, 58-59.
[114] Kristin Asdal & Hilde Reinertsen, *Doing Document Analysis: A Practice-Oriented Method* (London: SAGE Publications Ltd, 2022), 2.
[115] Asdal and Reinertsen, *Doing Document Analysis*, 4-5.
[116] Bratberg, *Tekstanalyse for Samfunnsvitere*, 11.

The document can tell its analyser about the history of the European plunder of African cultural heritage and colonialism. But also about the document's authors and ideas about rights to repatriation in the present time.[117] In the context of the report, it can illustrate changes in French and Senegalese discourse of ethnographic collections in French possession.[118] Similarly, the primary sources on KARP and DSS contribute more specifically to answer broader questions regarding repatriation in the narrow context of Norwegian and Aotearoa New Zealand social and institutional worlds.

Document analysis is often complemented by discourse analysis. Discourse describes collective realities, mostly using more than one phenomenon. Thus, extending the reach of material-semiotic document analysis. Asdal and Reinertsen work with Foucault's account of discourse, which reach beyond linguistic and text analysis. Foucault's discourse considers the material as "practices that systematically form the objects of which they speak."[119] Foucault would create two dimensions for his research. One part was the information he gathered in archives and primary sources; the other was how near past, present, and future impacted his interpretation and the material.[120] For example, European museums describe tourism, colonialism, managing cultural heritage and the economy. Neuman explains that discourse can never entirely create a picture of phenomena – additional methods often complement such an analysis.[121] Hence, the process of combining discourse and document analysis brings different but necessary elements to the thesis.

Text analysis uses history as one of its main tools. A historical document and discourse analysis of concepts, periods and spaces contribute to understanding the becoming of ideas, their actors and how they evolve.[122] If we add a historical dimension to the analysis of the French report and European museums, additional information may explain how the discourse and phenomena came to be. Rasmussen and Viestad's (2021) article about the Congo collection can be considered in light of historicising European museum practice. This point could be especially interesting because the scholars use many primary sources from the time. The scholars describe perceptions of colonialism in Norwegian research as part of the

[117] Sarr & Savoy, *Rapport sur la restitution du patrimoine culturel africain*, 3.
[118] Sarr & Savoy, *Rapport sur la restitution du patrimoine culturel africain*, 1-2, 39-41.
[119] Asdal & Reinertsen, *Doing Document Analysis*, 212.
[120] Foucault, *Society Must Be Defended*, xvi.
[121] Neumann, *Mening, materialitet, makt*, 17.
[122] Neumann, *Mening, materialitet, makt*, 18.

communication between KHM and Congo and exhibition culture.[123] Their article is a source for understanding European theft of cultural objects. A historical review enables further understanding of the origins of a document and a discourse.

Bratberg describes this research environment as an eternal construction site. Researchers regularly limit the research and primary sources to a specific and relevant area to avoid this problem.[124] Hence, the primary sources have been identified through communication with employees, readings and based on relevance to the research question. The dimensions are extracted from the research literature. Hence, I prepared the dimensions based on first creating a theoretical framework and gaining knowledge on the topics relevant to the research question.

3.2 Methodological implications

An interpretive method can, according to Bratberg, be vulnerable to implications. He asks if the text gives full access to the opinion. Who does the idea represent – the study object or the researcher?[125] Bergström and Borèus argue that the looser the analysis model you have, the more you must interpret it yourself. This analysis must be tied to a hermeneutic tradition.[126] A study in social science or humanities can never be 100 % valid or reliable, but researchers must do their best. Bratberg argues that discourse analysis cannot work within the lines of the strictly defined criteria of validity and reliability. This element makes it useless as a tool to generalise.[127] Nevertheless, this hermeneutic text analysis is popular in social sciences and humanities. Hence, there is no straightforward recipe for interpretive text analysis, just many tools.

The study is deductive in the context of this idea analysis because the analysis framework is based on already written research literature, which stands as an anchor and a prerequisite for the analysis. According to Bratberg, this is how ideal types *and* dimensions are created.[128] Thus, idea analysis is both retrospective and deductive, which entails that the study cannot say anything about future research. Furthermore, the study will not be able to account

[123] Rasmussen & Viestad, "Curation by the Living Dead," 63.
[124] Bratberg, *Tekstanalyse for Samfunnsvitere*, 23-24.
[125] Bratberg, *Tekstanalyse for Samfunnsvitere*, 15.
[126] Bergström & Boréus, *Textens Mening Och Makt*, 172-173.
[127] Bratberg, *Tekstanalyse for Samfunnsvitere*, 62.
[128] Bratberg, *Tekstanalyse for Samfunnsvitere*, 90-91.

for other repatriation topics. It can, however, be a part of a larger picture of trends in repatriation and related topics and indicate how DSS, KARP and Te Papa approach repatriation in general.

Regarding reliability, Bratberg explains that discourse analysis often has issues. One way to avoid reliability concerns is to keep as close to the matter as possible and engage with as many relevant research contributions as possible. For instance, texts relevant to a specific topic will partially create some frames.[129] In the context of this thesis, for example, the book *Decolonizing Methodologies* by Tuhiwai Smith, will aid in making my thesis reliable because of its influence. It has thousands of citations today and is part of many curriculums and research bibliographies. Another measure I have taken, is to provide the original Norwegian text of every excerpt from the primary sources in the footnotes.

A final implication of this thesis is language. Language is central to the chosen methodological framework and research question. Firstly, my first language is Norwegian, and English is my second. My language has never been intentionally forbidden or colonised. This history gives me a different relationship with the English language than a native English speaker will have. Secondly, the Māori scholars used in this thesis are often bilingual in English and Te reo Māori.[130] Many of their works use te reo Māori-words and have a very intentional relationship with English, the colonisers' language. It is also used as a research tool when interpreting primary sources. Therefore, there are several layers to the language factor in this thesis, which need continuous attention.

3.3 Ethical evaluation

The supreme body of Norwegian research ethics is the National Research Ethics Committees (FEK). FEK is associated with the Ministry of Education and Research, which manages and contributes to private and public research. The committees' body consists of three committees with specialisation in different fields.[131] The ethical assessments made by NESH hold distinct significance in the subject area of this thesis. NESH launched new ethical guidelines for research in social sciences and humanities in December of 2021 –the fifth edition of these guidelines. The English translation came in 2022. NESH is central in producing norms for ethics

[129] Bratberg, *Tekstanalyse for Samfunnsvitere*, 63-64.
[130] Te reo Māori is the name Māori peoples have given their language.
[131] National Research Ethics Committees, "Who are we and what do we do?" published 8th of June 2019; For more information about the supreme ethical body in Norway view subchapter 4.2 of this thesis.

in Norway's humanities and social sciences. Their guidelines have provided research material for this thesis but also stood as guidance in providing transparent, reliable, and sensible research. For instance, NESH requires all researchers to conduct research in line with recognised ethical norms.[132]

Researching ideas and opinions related to the research on human remains, especially in the context of researchers and Indigenous communities, are sensitive topics. NESH and FEK provide guidelines like those used in this analysis because they are trying to prevent research from becoming harmful. NESH provides a list of ethics a researcher needs to consider in an attempt to encourage transparent and non-harmful research. For this thesis are, points 32 and 33 critical. Number 32 requires researchers to respect different cultures. It calls for research to know the cultures they are analysing, for instance, the local contexts and social spaces. Number 33 considers such influential cultural heritage. It compels researchers to consider cultural heritage and be conscious of it.[133] In the thesis's theoretical chapter, Kaupapa Māori do require the same of its users. Even though I am not a Kaupapa Māori-researcher, I have considered representation throughout my source material to provide local contexts and knowledge – both Norwegian and Māori.

While discussing human remains, cultural differences provide several perspectives on the deceased. In the case of Norwegian and Māori, the terms human remains and ancestral remains differ. Aranui is one of several scholars who uses the term ancestral remains instead of human remains. The meanings and stories behind the term are ethical because it introduces a different way of considering research on the remains and explains some of the arguments Māori might use in the context of repatriation. NESH recommend following *Guidelines for Ethical Research on Human Remains* (2022) and *Veileder ved funn av menneskelig levninger* (2018). Both of these guidelines are provided by National Committee for the Assessment of Research on Human Remains (Human Remains Committee). The Human Remains Committee is an independent and cross-disciplinary committee of FEK, providing guidance for researcher in conducting research on human remains.[134] I am not physically studying human remains, but the

[132] National Committee for Research Ethics in the Social Sciences and the Humanities, "Guidelines for Research Ethics in the Social Sciences and the Humanities," (National Research Ethics Committees, 5th ed. [2021] 2022), 6.
[133] National Committee for Research Ethics in the Social Sciences and the Humanities, "Guidelines for Research Ethics in the Social Sciences and the Humanities," 28-29.
[134] National Research Ethics Committees, "Guidelines for Ethical Research on Human Remains" published 8th of July 2019.

guidelines provide information about the requirements and conditions for doing so. Hence, it is a source of information about how Norwegian ethical committees see fit to research human remains.

3.4 Material

The material, the empiricism, utilises in this thesis the guidelines provided by DSS, KARP and related recommendations and documents. The material considers how one should work with, research, and manage the collection and its human remains. These documents are being analysed as primary sources based on dialogue with scholars working close to or within DSS or KARP. The documents have been identified through research, correspondence, and readings.

The material will be presented in chronological order. Additionally, 3.4.1 maps out the Norwegian material and 3.4.2 maps out the Aotearoa New Zealand material.

3.4.1 Norwegian material

In 1998 came the recommendation: "Innstilling fra Utvalg for vurdering av retningslinjer for bruk og forvalting av skjelettmateriale ved Anatomisk institutt." A group of scholars, called Lønningsutvalget,[135] sat down to re-evaluate and report on the management and usage of the collection av IMB. The report was sent in on the 29. April 1998 for the University of Oslo. It is 25 pages long, with a reference list of literature at the end. Table of content:

[135] Inge Lønning was the group leader, and previous principle at UiO (1985-1992), hence the name.

INNSTILLING FRA
UTVALG FOR VURDERING AV RETNINGSLINJER
FOR BRUK OG FORVALTNING AV SKJELETTMATERIALE VED ANATOMISK INSTITUTT
UNIVERSITETET I OSLO

Innhold

Vedlegg til innstillingen

Figure 1: Table of content from "Innstilling fra Utvalg for vurdering av retningslinjer for bruk og forvalting av skjelettmateriale ved Anatomisk institutt." Recommendation from Lønningsutvalget.

I have not succeeded in finding the recommendation online. I received it through e-mail correspondence with KHM. KHM also e-mailed me Audhild Schanche's "Samiske hodeskaller og den antropologiske raseforskningen i Norge"[136] a 16-page article about the history of racist research in Norway. The document also contains an overview of Sami skulls in the collection at the time and a bibliography. The documents are written in a formal language characterised by being research-based.

In 2000 the recommendation "Vurdering av den vitenskapelige verdi av De Schreinerske Samlinger ved Instituttgruppe for medisinske basalfag" was published by a committee consisting of five scholars (hereafter referred to as Holand et al.). Its background is Lønningsutvalget, and related "… consultation statements to this have clarified that a total revision of the collection must take place."[137] It is a 79-page report which discusses the collection under different topics. It is divided into five chapters; 1) Introduction, 2) Anthropological Collections: Ethical Issues and research value, 3) The Schreiner Collection, 4) Organising of skeletal collection, and 5) The Committee's Evaluation of the Schreiner collections scientific value. From page 36 and onwards are there a bibliography and five attached documents. Krohno.no[138] have published the report as a PDF file with open access. The report was drafted and closely discussed with the Sami Parliament. It is a formal report based on research with standard academic language and a management point of view.

DSS' guidelines for use, facilitation and management were reviewed and renewed by UiO, IMB and DSS in June 2020. A revision came on the 9th of June 2020 – "Retningslinjer for forvaltning av De schreinerske samlinger" – in a twenty-page minutes paper that outlines the process and the revised guidelines. The official guidelines were adopted by UiO's board on the 23rd of June 2020. It is a document consisting of four pages in the document "Retningslinjer for bruk og forvaltning av menneskelige Levninger ved De Schreinerske Samlinger, Institutt for medisinske basalfag, Universitet i Oslo." The DSS guidelines contain 13 principles: §1 About the Collection, §2 Definitions, §3 Administrative Responsibility, §4 Special Rules on the management of Sami material, §5 Arrangement of the Group, §6 Access to the Collection,

[136] Audhild Schanche, "Samiske hodeskaller og den antropologiske raseforskningen i Norge," appendix to Inge Lønning, Máret Guhttor & Jørn Holme (eds.), "Innstilling fra Utvalg for vurdering av retningslinjer for bruk og forvalting av skjelettmateriale ved Anatomisk institutt" (Oslo: University of Oslo, 1998).
[137] Holand & Lynnerup et al., "Vurdering av den vitenskapelige verdi av De Schreinerske Samlinger ved Instituttgruppe for medisinske basalfag," 6. Original text: "… høringsuttalelsene til denne har avklart at det må skje en total revisjon av samlingen."
[138] Digital newspaper owned and managed by Oslo Metropolitan University.

§7 Use of the material for research, §8 Exhibitions etc., §9 Rules of order, §10 Deposited material, §12 Right to appeal, §13 Access request and §14 Press inquiries. The document is public and can be found online.

The guidelines were renewed because:

> the current guidelines for the use and management of the material apply to all material in the Schreiner collections, including Sami material. At the request of the Sami Parliament, the Sami material will be managed in accordance with an agreement with the Sami Parliament.[139]

The reasoning for the renewal emerges in the minutes from the meeting where the guidelines were established. The minutes provided for revised guidelines for DSS, contains a summary of why the guidelines are renewed. Furthermore, it includes the renewed policies. It also has the guidelines from 1999, which makes it easy to compare the old and the new guidelines. You can find the hearing on page twelve, with additional comments to §3 and §10 included. The document also notifies on page 14 that the Ontological faculty at UiO agrees with the revision. Pages 15-20 are Norwegian national laws related to the questions about human remains attached. For example, *§ 12 Right of Ownership of protected objects* of the Norwegian Cultural Heritage Act is included.[140] These documents are formal and public documents provided by the university board at UiO in agreement with IMB and DSS.

On the 5th of January 2023, the Human Remains Committee published minutes from a meeting they had with DSS on the 30th of November 2022. It is titled "Referat fra møte i Skjelettutvalget 30. november 2022". The document is six pages long. There are seven bullet points for the meeting. For example, under bullet point five, "Inquiry from DSS," are three topics discussed; 1) Making available a catalogue of human remains, 2) Repatriation policy, and 3) Issues around open data.[141] Their consideration of repatriation policies is another topic central to this thesis research question.

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[139] University of Oslo, "Retningslinjer for forvaltning av De schreinerske samlinger," revised guidelines 9th of June 2020 from university director to university board (Oslo: University of Oslo, 2000), 1. Original text: "dagens retningslinjer for bruk og forvaltning av materialet, gjelder alt materiale i De Schreinerske Samlinger, inkludert samisk materiale. Etter anmodning fra Sametinget vil det samiske materialet forvaltes iht. avtale med Sametinget."

[140] For English version of Cultural Heritage Act online in English: https://lovdata.no/dokument/NLE/lov/1978-06-09-50

[141] Human remains committee, "Referat fra møte i Skjelettutvalget 30. november 2022," published 5th of January 2023, 4.

3.4.2 Aotearoa New Zealand material

I was informed in February 2023 through e-mail with scholars in the Karanga Aotearoa Repatriation programme that Te Papa and KARP do not have their own ethical guidelines. However, their resources are the ICOM's *Code of Ethics*[142] and "National Repatriation Policy for Kōiwi Tangata and Associated Burial Taonga within Aotearoa" (hereafter referred to as the National Repatriation policy). Furthermore, are KARP's "Background document: Unprovenanced Kōiwi Tangata Options Re: Final Resting Place" (hereafter referred to as the Background document) and "The Museums of New Zealand Te Papa Tongarewa Kōiwi Tangata Kōimi Tchakat Policy" (hereafter referred to as the Te Papa Repatriation policy) considered as primary documents.

KARP published "Background document: Unprovenanced Kōiwi Tangata Options Re: Final Resting Place" in August 2011. It is nine pages long and serves as a text that issues the final resting place of ancestral remains and Te Papa's part in it. It is organised into three major parts with minor subsections. Part one reviews repatriation from international institutions. Part two defines the term "unprovenanced" *Kōiwi Tangata* (Māori human remains) and presents some important principles by Te Papa. The last and third part is a "question and answer" section.

On the 24th of June 2021, the "National Repatriation Policy for Kōiwi Tangata and Associated Burial Taonga within Aotearoa" was adopted in Aotearoa New Zealand. The guidelines concerned with repatriation policies advise that it should be reviewed as a "living document"[143] adjusted to societal changes. It is seven pages long and has six sections with subsections and a glossary at the end. The topics are: 1) introduction, 2) repatriation, 3) care, 4) research, 5) display of human remains and 6) further advice. The document provides a relevant representation of the Norwegian management of human remains in DSS. For instance, in the context of displaying human remains, does the policy advise that "[a]ny kōiwi tangata [Māori human remains] remaining in museum collections should not be displayed…"[144]

[142] ICOM is not considered as a primary source in thus thesis because it is a global organization not primarily focused on Aotearoa New Zealand but is discussed in 4.2 of this thesis in regards to overarching ethics in Norway and Aotearoa New Zealand.

[143] Museums Aotearoa Te Tari o Ngā Whare Taonga o te Motu The Museums of New Zealand Inc, "National Repatriation Policy for Kōiwi Tangata and Associated Burial Taonga within Aotearoa" (Aotearoa New Zealand: Museums Aotearoa Te Tari o Ngā Whare Taonga o te Motu The Museums of New Zealand Inc, 24th of June 2021), 2.

[144] Museums Aotearoa Te Tari o Ngā Whare Taonga o te Motu The Museums of New Zealand Inc, "National Repatriation Policy for Kōiwi Tangata and Associated Burial Taonga within Aotearoa," 6.

In e-mail correspondence with Karanga Aotearoa, I was also asked to consider the updated "The Museums of New Zealand Te Papa Tongarewa Kōiwi Tangata Kōimi Tchakat Policy," which guides Te Papa in the care of Māori and Moriori ancestral remains housed in its Wāhi Tapu (Sacred Repository). It was renewed on the 27th of November 2021. Considering the policy, did scholars at Karanga Aotearoa encourage me to study the paper "A partnership approach to repatriation: building the bridge from both sides" by by Herewini and Jones, which highlights the underpinning policy of the Karanga Aotearoa Repatriation Programme.[145]

27 November 2021

THE MUSEUM OF NEW ZEALAND TE PAPA TONGAREWA

KŌIWI TANGATA – KŌIMI TCHAKAT - POLICY

CONTENTS

Figure 2: Te Papa, "The Museum of New Zealand Te Papa Tongarewa Kōiwi Tangata – Kōimi Tchakat – Policy", 27th November 2021. The scan shows the table of content for the Te Papa repatriation policy.

[145] The article is referred to under "2.2 Repatriation" in this thesis.

3.5 Chapter summary

This chapter outlines the method for the thesis, specifically idea analysis. Idea analysis extracts collective ideas and analyses, for instance, how the idea developed and what it conceptualises. This method is shown to be compatible with document and discourse analysis, and furthermore with the theoretical framework because of its cross-disciplinary ability and consideration of social context and cultural reference. After the review of the method were methodological implications discussed. In the case of idea analysis, an implication could be that it cannot be generalised. Ethical considerations have also been mentioned. One such measure is the follow the ethical principles of FEK and the Human Remains Committee. Finally, I have presented the primary material, documents and recommendations related to DSS and KARP. These will be used in chapters 4 and 5 as research material and literature.

4 Research history and ethics

This chapter aims to create an outline for idea developments through a historical reading of research history and ethics regarding human remains. It especially considers the second part of the research question: "… what are the underlying ideas of repatriation in the context of KARP and DSS?" Even though this part is the last part of the research question, it is particularly appropriate here because of significant observations and tendencies in the research literature to create a detailed discussion in Chapter 5. The chapter will, furthermore, heavily rely on a historical research Norwegian perspective because it was here that the research ideas around DSS developed. And also, since Māori and other Indigenous peoples, especially before World War 2, mostly fell into the category of research objects in this historical context.

Tracing the historical path of objects and human remains and the history of groups they are associated with could serve as incentives for repatriation efforts. This chapter will discuss historicism repatriation through research history and ethics. To historicise means "to place the phenomenon being investigated into a historical context, to contextualise it, and to try to understand it based on its own premises…."[146]

The second part of this chapter discusses ethics and narrows in on consent and ownership. Consent and ownership are central topics to the ethical discussion around human remains. Furthermore, ethics are impacted by history and historical events. It has impacted and shaped ethical norms. For example, an awareness of historical injustices could be a historical context that impacts a particular ethical issue and therefore impact ethical decision-making

4.1 Research and human remains

In their article, Herewini and Jones's claim for the rise of exoticism in Europe in the 1800s was presented. According to the repatriation manager and the lecturer, this point was a factor in the increase in the trafficking of human remains domestically and out of Aotearoa New Zealand. According to Per Holck, a long-time leader at DSS, scientists in the 19th century became increasingly interested in physical anthropology and race history. It is understood as fields

[146] Andresen et al., *Å gripe fortida: Innføring i historisk forståing og metode* 2. ed. (Oslo: Samlaget, 2015), 19. Original wording: «å setje det fenomenet ein undersøkjer, inn i ein historisk samanheng, å konteksualisere det, og å prøve å gripe det på sine eine premissar».

where evolution theory, race-anatomy and physiology are studied[147] as a major factor in why human remains ended up in a repository such as DSS and why research groups such as KARP have been established.

4.1.1 Rise and fall of systematic racist research

The term race is central to human remains and its research history. It is integral to European and non-Indigenous North American research in the 19th and 20th centuries. The idea of different races, race history and ethnic-national identity became the main research interest in several fields because of societal currents in slavery, colonialism, and nationalism in Europe.[148]

The term "race" has had its own development through the past centuries and countries. For example, is the term race in the USA and Norway quite different. Americans might generally see it as a part of their present social world and a juridical necessity. But in Norway, the term is not often used in public, and many might have associations with the interwar period (1918-1939) and the Nazi regime.[149] The American social anthropologist Audrey Smedley and her son, psychologist Brian D. Smedley, explain the concept of race and racism from an American anthropological and historical perspective. The Smedleys postulate that from the 16th to 18th century, race was just a folk idea and that people's identities were mostly based on religion and language.[150] For example, immigration laws in Norway before the 19th were concerned with keeping non-Christians out of the country;[151] however, during the 19th century, race became a prominent part of the study of humans, especially "exotic" people. Kyllingstad understands that the term originated from research in physical anthropology in the 19th century. He argues that it is a socially constructed term. The historian argues that the term has no meaning in a biological context. It is, however, very much still a part of social realities. Physical features are today and were in the past messengers of social constructs and expectations. It was

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[147] Per Holck, *Den fysiske antropologien i Norge: fra Anatomisk institutts historie 1815-1990,* vol. 3. Antropologiske Skrifter (trykt Utg.) (Oslo: Anatomisk Institutt, Universitetet i Oslo, 1990), 11; Aiello, Leslie C. "The Biological Anthropology of Living Human Populations: World Histories, National Styles, and International Networks." *Current Anthropology* 53, no. S5 (2012): S2.

[148] Kyllingstad, *Rase,* 71.

[149] Kyllingstad, *Rase,* 15-16; Kyllingstad, "Norwegian Physical Anthropology and the Idea of a Nordic Master Race," 51-53.

[150] Smedley & Smedley, "Race as Biology Is Fiction, Racism as a Social: Problem Is Real Anthropological and Historical Perspectives on the Social Construction of Race," *American Psychologist* (2005): 19.

[151] Nik. Brandal & Eirik Brazier, "De fremmede og staten," *Nasjonale minoriteter og urfolk: I Norsk politikk fra 1900 til 2016,* eds. Nik. Brandal, Cora Alexa Døving & Ingvill Thorson Plesner (Oslo: Cappelen Damm akademiske, 2017), 29.

a period where the classification of humans, historical material and language were common and substantial topics in Western sciences.[152]

As part of the ethnic-national identity and nationalism, archaeologists Ingegerd Holand and Ingrid Sommerseth explain that a "new interpretation of prehistory emerged."[153] Evolution theories about where and who was what became some of the trendiest topics in Western academia. Thus, the research demand for human remains increased. In the Norwegian context, human remains of the Sámi people and living Kven and Sámi people were used as research objects. The intention behind the research would differ, but many scientists were interested in migration theory and so-called race biology.[154] Several migration theories about the groups flourished.[155] Kyllingstad writes that people's external physical attributes were highly interesting to North American and European scholars. These scholars measured and mapped head shapes, hair colour and, for example, eye colour.[156]

In Norway were, such immigration theories utilised as political tools. Kyllingstad refers to Norwegian geologist and ethnographer Andreas Hansen when analysing immigration theories. In one approach, Sámi people were considered descendants of "primitive" stone age people.[157] Other theories meant that the long-foreheaded blonde Norwegian was the descendent of a "prominent" stone age man.[158] Hansen argues that the Sámi arrived in Norway around 900 or 1000, which meant that Sámi people came later than the non-Sámi Norwegians. Because of this theory and other societal trends following the Norwegianisation of the Kven and Sámi between 1850-1956, Sámi people lost the right to practice cultural traditions. For example, one vital and traditional custom they lost was the free-roaming of reindeer across Norwegian, Swedish, and Finnish borders.[159] Thus, Hansen's theory had a direct political influence.

Another perspective in research and amongst the public was the thought of "dying races". This perspective was especially directed at Indigenous groups, whether it was Australia, Aotearoa New Zealand, the USA or Norway. It was argued that natural selection would happen,

[152] Kyllingstad, *Measuring the Master Race,* 60*;* Kyllingstad, *Rase,* 13.
[153] Holand & Sommerseth, *More than just bones,* 24.
[154] Audhild Schanche, *Graver i ur og berg : Samisk gravskikk og religion fra forhistorisk til nyere tid* (Karasjok: Davvi girji, 2000), 22-24.
[155] Holck, *Den fysiske antropologien i Norge,* 38; Schanche, *Graver i ur og berg*, 21-22.
[156] Kyllingstad, *Measuring the Master Race,* 105; Kyllingstad, *Rase*, 13-15, 86, 206-207.
[157] Kyllingstad, *Measuring the Master Race,* 54.
[158] Schanche, "Samiske hodeskaller og den antropologiske raseforskningen i Norge," 1, 3.
[159] Kyllingstad, *Kortskaller og langskaller*, 56-57.

and "weaker" races would die out.[160] Sámi were seen as primitive compared to the majority population in Norway and Scandinavia and would thus parish.[161] The collective beliefs in governmental circles in Aotearoa New Zealand, were similar. They thought the Māori language and culture would die out and that Māori would assimilate into the Pākehā society. According to Bishop, a memorial was even raised in memory of the so-called "dying Māori race."[162]

If the Indigenous people were not dying out, they would be assimilated into European-oriented societies through societal processes. Both Kyllingstad and Aranui analyse theories with such perspectives. Kyllingstad reviews the "three-age system."[163] It was a theory used and developed by several Scandinavia scholars, who believed that societies needed to go through stages to become "civilised." The three-age system argues that societies must go through three cultural stages from "savage" to "nomad," and finally, "agriculture." Norwegian scholars such as Halfdan Bryn proclaimed that if Sámis continued their "nomadic lifestyle," they would die of natural causes.[164] Similarly, Aranui highlight the 'unilineal cultural evolution,' which was a theory trending in the nineteenth century. It is a theory first developed by philosopher Henry Spencer, which proposes that society needs to reach and go through societal stages to become civilised after European measures.[165]

When racist research became a massive trend in the last part of the 19th century, the institutionalised and systematic racism the Anglo settler-state of New Zealand put on Māori was settled.[166] Racism was legitimised through settlers' view of Māori as an inferior race.[167] *The Treaty of Waitangi* can be considered the fundament of the modern Aotearoa New Zealand nation-state. The treaty was signed in 1840. It is an official document between the Māori and the British crown. Historian Claudia Orange argues that treaties between the British crown and Indigenous people were not rare to occur. However, most of the treaties are long forgotten. In that way is, the Treaty of Waitangi unique because it has been a highly debated topic and an essential societal aspect of Māori-Pākehā relations since 1840.[168] By extension, Russel Bishop

[160] Schanche, "Samiske hodeskaller og den antropologiske raseforskningen i Norge," 2.
[161]Holand & Sommerseth, *More than just bones,* 23-25.
[162] Bishop, "Chapter three," 60.
[163] Kyllingstad, *Rase,* 74. Original text: Tre-alderssystemet.
[164] Kyllingstad, *Measuring the Master Race,* 131; Kyllingstad, *Rase,* 74, 222.
[165] Aranui, *Te Hokinga Mai O Ngā Tūpuna*, 12.
[166] New Zealand History, "A history of New Zealand 1769-1914," modified 18th of April 2023.
[167] Bishop, "Chapter three," 57, 59.
[168] Claudia Orange, *The treaty of Waitangi* (New Zealand: BWB Bridget Williams Books, [1987] 2010), vii.

claims that history shows that the treaty has not given Māori what it promised.[169] The treaty was written in both English and te reo Māori, but it failed to translate central elements from English to te reo Māori. For example, the treaty "ceded to Britain the sovereignty of New Zealand and gave the Crown exclusive rights of pre-emption of such lands as Māori wished to sell".[170] Bishop explains that Māori were on the opposite side, promised full participation and benefits from the settler colony.[171] Despite what the Treaty of Waitangi had promised in social benefits and participation, the Māori were mistreated.

Although Schreiner partook in mapping the anthropology of Norway, his main interest and method lay in analysing skeletons, especially craniology. Kyllingstad postulates that through Schreiner's research, he was mostly value-neutral when formulating his findings. In the late 1920s, Schreiner and his wife spoke out against the racial depiction of "better" and "lesser" races after a dispute with Bryn.[172] This idea does not, however, exclude that his research was built on racial attitudes.[173] His interest in mapping the Sámi population illustrates this racial attitude. In an application from the Faculty of Medicine on the 28th of April 1928, Schreiner describes that the Anatomy department has systematically been digging up the crania of the Sámi people since 1914. The digging was done even though the Sámi people reacted with great dismay. The Norwegian government and Institutt for sammenlignende kulturforskning supported the digging and looting the Sámi graves[174] Kyllingstad writes that it contained the collection of approximately 5000 head skulls at the end of Schreiner's career as a manager for the department. Holand et al. argue in their rapport that the intense focus on the cranium shows the highly typical racial research the collection was used for,[175] but it does not directly mean that scholars were systematically racist.

Towards the 1930s, racial research and systematic racism became more prominent and explicit in the public and certain research milieus. For example, Sweden, Finland, Iceland, and Norway implemented forced sterilisation laws between 1934-1938. The racial differences

[169] Bishop, "Chapter three: pathologizing the lived experiences of the Indigenous Māori people of Aotearoa/New Zealand," *Counterpoints* 268 (2005): 55.
[170] Orange, *The treaty of Waitangi*, vii.
[171] Bishop, "Chapter three," 56.
[172] Kyllingstad, *Measuring the Master Race,* 173-174; Kyllingstad, *Kortskaller og langskaller*, 114.
[173] Kyllingstad, *Rase,* 216.
[174] Lønning, Gutthor et al., "Innstilling fra Utvalg for vurdering av retningslinjer for bruk og forvaltning av skjelettmateriale ved Anatomisk institutt," 5.
[175] Holand & Lynnerup et.al., "Vurdering av den vitenskapelige verdi av De Schreinerske Samlinger ved Instituttgruppe for medisinske basalfag," 32.

created by nation-states and scholars aided in legitimising the oppression of specific groups of peoples.[176]

4.1.2 Decline of racist research, decolonisation and Indigenous Internationalism

After the World War 2, the public opinion and research shifted in their view of what was considered legitimate research and simply racist. It happened, for example, through the reveal of Nazi war crimes, the United Nations founding, and the human rights declaration.[177] Schanche finds that it was hard for Northern Europe, including Norway, to accept the decline of race hygiene because they had viewed themselves and acted as the most exalted race.[178] However, the major popular opinion shifted towards a less linear review of society with European measures as ideals and over to gradually accepting cultural differences.

In line with this point, interest in human rights, and thus also Indigenous rights, increased during the post-war period. The International Labourer Organisation (ILO) was the first (1926) international organisation to directly work with questions concerning Indigenous peoples.[179] Though this had just been with Latin American Indigenous groups.[180] However, this context changed under the Montevideo conference in 1949. A group of experts discussed the global "Indigenous problem." In 1953 the expert group published a report named Indigenous Peoples, where they defined who "Indigenous people" were.[181] ILO also launched the *Andean Indian Programme,* which can be described as a Europeanisation culture programme.[182] Three years later, in 1956 was, the Nordic Sami Council established at a conference held in Karasjok,

[176] Kyllingstad, *Rase,* 226-228.
[177] Kyllingstad, *Rase,* 259.
[178] Schanche, "Samiske hodeskaller og den antropologiske raseforskningen i Norge," 3, 8.
[179] Odd Matthis Hætta, *Urfolks organisering og status 1975-2003* (Alta: Høgskolen i Finnmark, Avdeling for pedagogiske og humanistiske fag, 2003), 59; Maul, *International Labour Organization: 100 years of Global Social Policy* (Geneva: De Gruyter Oldenbourg, 2019), 1.
[180] Vik, "Indigenous Internationalism", 318.
[181] International Labour Organisation, *Indigenous Peoples: Living and Working Conditions of Aboriginal Populations in Independent Countries* (Geneva: ILO, 1953), 26. Sámi people in the Nordic countries were not included. The Norwegian scholar Henry Minde writes about why this might be. See Minde's article "Making of an International Movement of Indigenous Peoples" (1996). For international perspective see Rodríguez-Piñero, *The ILO regime (1919-1989),* 140-143; Oguamanam, «Protecting indigenous knowledge in international law: solidarity beyond the nation-state» (2004), 196-197.
[182] Luis Rodríguez-Piñero, *Indigenous peoples, postcolonialism, and international law: The ILO regime (1919-1989)* (London: Oxford University Press, 2005), 89-91; See ILO's Minutes Conference from Genève and the list of experts http://www.ilo.org/public/libdoc/ilo/P/09601/09601(1949-109).pdf ; Maul, *International Labour Organization*, 159-161, 169-170.

Norway. The organisers of the conference were both Sámi and non-Indigenous men. The council represented Sámi from Norway, Sweden, Finland,[183] and later Russia. These important events drew attention to Indigenous peoples and their position in society.

In 1990 Norway ratified ILO's convention no. 169 (C169). By that, Norway obligated itself to safeguard Sámi culture and traditional rights and give them status as Indigenous people.[184] And further on in 1992 came new juridical legislations for protection of Sámi cultural heritage in the *Cultural Heritage Act*. It states that all objects and human remains prior to 1917 are protected by law.[185] Hence, all Sámi human remains in DSS. Given the status as Indigenous, these protections do not just protect the living Sámi, but also their cultural heritage – Sámi that have been buried. In 2007, several museums in Norway agreed to execute a large repatriation operation of Sámi objects. The process and the report are called *Bååstede*.[186]

The American research project "Human Genome Diversity Project" created great disputes in the early 1990s. It was a project where the scholars involved argued that ethnic minority groups – mostly Indigenous – needed to be taken samples off because they were in danger of going extinct because of starvation, illness, and interracial marriage. In 1993 at WCIP's seventh international conference, the Indigenous organ, in a resolution, strongly opposed the project.[187] Historian Jonathan Crossen observes that the strong opposition towards the project took up most of the organisation's time at the seventh meeting.[188]

In 1995 International Institute of Private Law (UNIDROIT) held a Convention based on the concerns with cultural heritage and damaging illegal exportation of cultural objects. UNIDROIT is a multinational organ with its seat in the historical Villa Aldobrandini in Rome. On the organisation's website, one can read that UNIDROIT's "purpose is to study needs and methods for modernising, harmonising and co-ordinating private and in particular commercial

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[183] Gunhild Tveiten, "Fra Husflidsmøte Til Internordisk Samarbeid: Nordisk Sameråd Og Urfolksspørsmål 1952-1959" (Oslo: Universitet i Oslo, 2020, Master's thesis), 57; for primary sources see Nordic Sami Council, "Ärenden som beröra samerna," 13. Minutes from Karasjok-conference in 1956.

[184] Lønning, Gutthor et al., "Innstilling fra Utvalg for vurdering av retningslinjer for bruk og forvaltning av skjelettmateriale ved Anatomisk institutt," 13; See also ILO convention no 169: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:55:0::NO::P55_TYPE,P55_LANG,P55_DOCUMENT,P55_NODE:REV,en,C169,/Document

[185] Law 3rd of Juli 1992 no 96, *Cultural Heritage Act*, Chapter III. Protected Objects Section 12 Right of ownership of protected objects https://lovdata.no/dokument/NLE/lov/1978-06-09-50

[186] Samien Sitje (Southern Sami Museum and cultural center), "Bååstede," last visited 7th of May 2023.

[187] Schanche, "Samiske hodeskaller og den antropologiske raseforskningen i Norge," 9.

[188] Crossen, *Decolonization, Indigenous Internationalism, and the World Council of Indigenous Peoples*, 160; Crossen further refers to the archival file: LAC, WCIPF, Vol. 6.2, WCIP Tri-Annual Report (1990-1993).

law as between States."[189] They are also interested in groupings amongst states and how achieving unifying laws and principles works.[190]

The *UNIDROIT Convention on stolen or illegally exported cultural objects* (Rome, 24th of June 1995) was an expansion of a similar convention, the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 1970. According to Folarin Shyllon, professor in law at the University of Ibadan, there were four options before the convention of '95. However, Shyllon argues that article 8(2) in UNIDROIT Convention has underlined the importance of arbitration to a higher degree than its predecessors in UNESCO's *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Objects* (1970) and the other three options.[191] Article 8(2) says that "[t]he parties may agree to submit the dispute to any court or other competent authority or to arbitration."[192] He argues, from reviewing conferences and, amongst others, the work by Pierre Lalive, that arbitration in transnational cases of questions concerning cultural heritage is highly fitting because it offers a way of finding a solution to a problem. And, if the two involved parties were States, they could apply for an international court.[193]

The university director for UiO in 1999, Tor Saglie (1991-2003),[194] said that the collection at DSS had lived its own life without employees putting down boundaries and reviewing praxis.[195] However, in 1996 when Lønningsutvalget was created, because of the Hætta and Somby-case, they came to see that the collection required a massive investigation. That included new ethical conversations and revisions – it made scholars realise how complex the value issue in research and science history is.[196] Lønningsutvalget propose to separate the Sámi remains from the larger collection. Similarly, the recommendations provided by Holand

[189] International Institute for the Unification of Private Law, "Purpose" last visited 13th of May 2023.
[190] International Institute for the Unification of Private Law, "Purpose".
[191] Florian Shyllon, "The Recovery of Cultural Objects by African States through the UNESCO and UNIDROIT Conventions and the Role of Arbitration," *Uniform Law Review* 5, no. 2 (April 2000), 225.
[192] International Institute for the Unification of Private Law, "1995 convention: UNIDROIT convention on stolen or illegally exported cultural objects" (Rome: International Institute for the Unification of Private Law, 24th of June 1995), articlw 8(2).
[193] Shyllon, "The Recovery of Cultural Objects by African States through the UNESCO and UNIDROIT Conventions and the Role of Arbitration", 227.
[194] Elisabeth Aronsen, *Parat UiO 100 år: Fra UTF til Parat 1910-2010,* (ed.) Berit Rødsand et al. (Oslo: Parat UiO, 2010), 50.
[195] Holand & Lynnerup et.al., "Vurdering av den vitenskapelige verdi av De Schreinerske Samlinger ved Instituttgruppe for medisinske basalfag," 54.
[196] Lønning, Gutthor et al., "Innstilling fra Utvalg for vurdering av retningslinjer for bruk og forvaltning av skjelettmateriale ved Anatomisk institutt," 2.

et al. (2000) advise that the Sámi remains were placed in a collection of their own – internally in the DSS. Furthermore, the Sámi parliament will decide all matters concerned with the Sámi collection. Holand et al. even recommend that if the Sámi parliament wishes' to move the collection elsewhere, this movement will happen on UiO's bill.[197]

Aranui argue that before 2003, Māori did not have a systematic tool for repatriating human remains. However, they have been working towards repatriation since the 1940s. An event of high importance was the Waitangi Tribunal in 1975, which forced the Aotearoa New Zealand government to investigate the original treaty and its promises, not repatriation questions.[198] The exhibition *Te Māori,* as previously mentioned, was hugely influential in the 1980s because it symbolised a very much present people – not a race that had died out. Furthermore, the exhibition discernment the importance of Indigenous cooperation with museums.[199] During the 1980s, Māori cooperate with the National Museum. It happened under Māui Ormond Woodbine Pōmare (b. 1941 – d. 1995), who chaired the National Museum in the 1980s. With his influence did, the National Museum gain human remains policies that supported repatriation. Aranui argues that the work of Pōmare and other individuals brought the importance of repatriation of Māori remains to the forefront.[200] Finally, in 2003 KARP was established. Aranui explains that Te Papa and the government agreed upon six principles:

1. The government role is mainly one of facilitation – it does not claim ownership to Kōiwi Tangata
2. Repatriation is by mutual agreement only
3. The programme does not cover Māori remains in war graves
4. Kōiwi tangata must be identified as originating from New Zealand or the Chatham Islands
5. Māori and Moriori are able to be involved in the repatriation of kōiwi tangata and to determine the final resting place
6. No payment will be made for the kōiwi tangata.[201]

[197] Holand & Lynnerup et.al., "Vurdering av den vitenskapelige verdi av De Schreinerske Samlinger ved Instituttgruppe for medisinske basalfag," 40.
[198] Aranui, *Te Hokinga Mai O Ngā Tūpuna,* 167.
[199] Aranui, *Te Hokinga Mai O Ngā Tūpuna*, 164-165.
[200] Aranui, *Te Hokinga Mai O Ngā Tūpuna*, 162-163.
[201] Aranui, *Te Hokinga Mai O Ngā Tūpuna*, 168; Karanga Aotearoa Repatriation Programme, "Background to the Karanga Aotearoa Programme," (Wellington: Museum of New Zealand Te Papa Tongarewa, 2005), 2.

4.2 Ethics: norm-production

As with research trends, ethics are also affected by people's pasts and histories. Ethics are norm-producing and mirror society and even government and power interpretation. Focus on safeguarding and keeping minority and Indigenous interests central has been gradually normalised since the last half of the 20th century, as subchapter 4.1.2 shows.

This part of Chapter 4 will review some ethical mechanisms and boards. Secondly, is the term "consent" is investigated because of its weight in the discourse about repatriation and historical phenomena. Further, the term "ownership" is discussed because of its conflicting terminology, especially considering how some human remains ended up in a repository and the motivation behind the collecting. Through these investigations, this subchapter will outline central ethical principles relevant to questions and topics on the research of human remains and the repatriation of human remains.

4.2.1 The organs and boards

Internationally ICOM's Code of Ethics, the International Committee for natural history museums (NATHIST) and ICOM's Ethics Committee (ETHCOM) set global ground rules. Norway and Aotearoa New Zealand, see ICOM when interpreting and creating their own ethical guidelines in research, heritage, and museum practice. ICOM's code of ethics for museums is prepared by the International Council of Museums, with the last updates being from 2017. It is 30 pages long and "reflects principles generally accepted by the international museum community."[202] It has eight main areas, with several subsections that further envelope the ethical principles. It is an open-access text that can be reviewed digitally.

FEK is the leading organ in the professional body for research ethics in the Norwegian national research system. The Organization Act of research ethics authorises FEK work (Research Ethics Act). It consists of the National research ethics committee for Medicine and health sciences (NEM), the National research ethics committee for natural sciences and Technology (NENT), the National research ethics committee for social sciences and Humanities (NESH), the National Committee for the investigation of misconduct in research (The Investigation Committee) and the Human Remains Committee.[203] The Human Remains

[202] International Council of Museums, "Code of Ethics for Museums," 3.
[203] National Research Ethics Committees, "Who are we and what do we do?" published 8th of June 2019.

Committee is an independent and crossdisciplinary selection from FEK, with the task of making, adapting, and editing the guidelines of FEK regarding human remains. The guidelines were for the first time published in 2013. FEK's guidelines have since 2013 been edited multiple times. The committees explain that the cover photo was changed in 2016. 2018 saw the title change to what it is today. The latest updates were published on the 31st of August 2022 in Norwegian, with major structure and focus points changes. The committee states in the introduction of the guidelines that it now focuses more on how "elements such as the Research Ethics Act, open research, big data and an increased spotlight on repatriation affects the supervisor."[204] Amongst the newly added prospect is a heavier focus on the effects of repatriation. FEK shows that norms are changing rapidly with time and societal development. Thus, the guidelines continuously need looking after. The Human Remains Committee states that it is a "dynamic" document, which is edited and adapted always to be current. [205]

Like other public museums in Aotearoa New Zealand, Te Papa respects and follows ICOM's ethics. A central document in Aotearoa is *Heritage New Zealand Pouhere Taonga Act 2014.* The New Zealand Legislation provides it. The act set rules, a glossary of te reo Māori terms and English terms, state rights and where the bureaucratic power rests. The bureaucratic power for heritage rests with Heritage New Zealand Puhere Taonga.[206] Heritage New Zealand Puhere Taonga is a safeguard and works for "[h]onouring the past, inspiring the future."[207] It is managed by a board of eight members selected by the Minister for Arts, Culture and Heritage.[208] Together with Māori Heritage Council (Te Kaunihera Māori o te Pouhere Taonga), a similar organ, provides archaeological guidelines to assist in work with human remains (Kōiwi Tangata). Their main guiding areas are property ownership, government departments, the police, and archaeology. Also important in the Aotearoa New Zealand context is New Zealand Archaeological Association (NZAA). The national organisation in Aotearoa New Zealand, works to ensure conversation and safety policies in archaeological matters. KARP and Te Papa are inclined to follow and respect the overarching ethical principles provided by, for example, Heritage New Zealand Puhere Taonga. KARP also has its own board, namely the Repatriation

[204] National Committee for Research Ethics on Human Remains, "Guidelines for Ethical Research on Human Remains," (National Research Ethics Committees, 4th ed. 2022), 3.
[205] National Committee for Research Ethics on Human Remains, "Guidelines for Ethical Research on Human Remains," 3.
[206] Heritage New Zealand Pouhere Taonga, "Koiwi Tangata Human Remains" *Archaeological Guidelines Series,* 25th of August 2014, 4-5.
[207] Heritage New Zealand Puhere Taonga, "Māori Heritage," last visited 12th of May 2023.
[208] Heritage New Zealand Puhere Taonga, "The board," last visited 12th of May 2023.

Advisory Panel. The panel comprises knowledgeable and respected iwi-members (tribal members), both Māori and Moriori.[209]

FEK defines research ethics as "broadly, including responsibility for good scientific practice, responsibility for individuals and groups who take part in or are affected by research, and responsibility for the use of research in the society."[210] They focus on research's utilitarian side by reflecting on how research can be beneficial, verifiable, and harmless to people and marginalised groups. There are many elements to making fair and just research. In the context of human remains, especially those in a foreign repository, are consent and ownership important to consider. Because by discussing such terms, one will have to review the origins of the remains, their entry into a collection and how that affects their placement there.

4.2.2 Consent

The principles of the individual, living descendants, the uniqueness of the remains and different groups of people require the researcher to be thoughtful, know cultural traditions, and deal with living descendants. A lot of this issue comes down to knowing, understanding and consent.

Aranui postulates that it comes down to consent in many cases of human remains. Does their addition to the collection measure up to ethical standards today?[211] ILO and the UN have worked towards safeguarding Indigenous people's rights through C169 and the United Nations Declaration on the Rights of Indigenous Peoples (2007) (UNDRIP). FEK explains that their "Guidelines for Ethical Research on Human Remains" (2022) follow the UN's principles that "indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions."[212] Similarly, C169 states that governments shall promote "the full realisation of the social, economic and cultural rights of these peoples with respect for their social and cultural identity, their customs and traditions and their institutions.…"[213] In ICOM's Code of Ethics for Museums, the term "Indigenous" and "minority" are not used, but the guidelines encourage the initiation of dialogue for the

[209]For further information the panel view: https://www.tepapa.govt.nz/repatriation-advisory-panel
[210] National Research Ethics Committees, "What is research ethics?," published 2nd of May 2020.
[211] Aranui, *Te Hokinga Mai O Ngā Tūpuna*, 4.
[212] National Committee for Research Ethics on Human Remains, "Guidelines for Ethical Research on Human Remains," 16-17; See also UN General Assembly, *Declaration on the Rights of Indigenous Peoples*, Article 31 (2007).
[213] International Labour Organisation, "C169 - Indigenous and Tribal Peoples Convention, 1989 (No. 169)," (International Labour Organisation, 1989), Article 2b.

repatriation of objects or human remains.[214] The UN, ILO and ICOM are norm-producing actors and thus have an important role in securing the position of people's interest in, for example, research or museums. Through different formulations, these norm producers encourage consent and respect.

Fossheim underlines in the introduction of *More than just Bones* that persons who have passed away are not those who "sign declarations of consent…."[215] He argues that it is important to treat the body used in science with respect and to remember the human that they were, even though this remembering might be difficult. That is a way you can respect the deceased through a research process, Fossheim outlines.[216] Regarding DSS, a lot of the material in the repository has been there for a very long time, including some objects from Skjeldrup's original personal collection from the 1820s. This time gap has made identifying the collection objects' entry into the repository difficult to trace.

Lønningsutvalget and Holand et al. try, however, to trace the material. In 2000 the Holand et al. identify seven acquisition categories of the arrivals of human remains to IMB and DSS: 1) gift or donations, for example from Ørjan Olsen or previous medical students, 2) purchase, 3) exchange, for example from other anatomical collections, 4) non-archaeological recent human remains (e.g. prepared from cadavers used in dissection at AI), 5) transfer/deposit of skeletal remains through the police, 6) excavations carried out by medical students or personal related to AI, 7) transfer and deposition of remains from other university museums.[217] The parts of the collection that does not derive from Norway have different contexts. Holand et al. believe that material that arrived before 1877/78, from for example Australia, Belgium or the USA falls into Category 1 and maybe Category 3. They also mention that Norwegian researchers also brought material to the collection, from amongst other places, Aotearoa New Zealand. Holand et al. state that "[s]trictly speaking, these do not fall under category 1 or 3, but the background of the material still makes it natural to see them in connection with these categories…."[218] This statement is unclear, and the committee does not suggest other categories. However, they mention that parts of the material at DSS are eligible for repatriation

[214] International Council of Museums, "Code of Ethics for Museums," 33-34.
[215] Fossheim, *More than just bones*, 7.
[216] Fossheim, *More than just bones,* 7-8.
[217] Holand & Lynnerup et.al., "Vurdering av den vitenskapelige verdi av De Schreinerske Samlinger ved Instituttgruppe for medisinske basalfag," 19.
[218] Holand & Lynnerup et.al., "Vurdering av den vitenskapelige verdi av De Schreinerske Samlinger ved Instituttgruppe for medisinske basalfag," 20. Original text: "Disse faller strengt tatt ikke inn under kategori 1 eller 3, men materialets bakgrunn gjør det likevel naturlig å se dem i sammenheng med disse kategoriene...."

and that the establishment needs to be prepared for this process.[219] The available documentation like Olsen's travel diaries, published books (*Eventyrlandet*) and personal correspondence with Kristian Emil Schreiner illustrate how the removal of ancestral remains represent grave robberies, and not consensual collecting. Thus, the Māori ancestral remains are "eligible" for repatriation.

Today's international and many national ethical standards aim to safeguard different concepts of life. By institutionalising consent and making it a principle, it can prevent future injustices and recognise wrongdoings in the past. In "Heritage New Zealand Pouhere Taonga Act 2014" the term 'consent' is mentioned 25 times. The act does, amongst other things, require written consent from both parties concerned in an archaea-logical excavation of land in Māori interests. The act states that one must "have the consent of the appropriate iwi or hapū."[220] Aranui states that to remove ancestral remains is to remove their connection to their ancestral lands and the people living there. It is breaking tapu that surrounds and protects them.[221] And therefore, will the deceased person experience distress and diaspora if removed from their lands and grave.[222] Author Muru Walters says to "[l]eave the bones as they are sacred. Whether one is a slave or no, at death all bones are sacred."[223] Aranui reflects upon the words of Walters. She finds that the wish for the bones to rest in peace seems constant. Hole exemplified this point by arguing that Māori went to great lengths to protect their burial sites. So why should the bones be left alone? According to Aranui, does the spirit of the deceased still partake in the everyday life of the living. They are, different to Protestant Christians, still connected to their lands and bones after passing. Professor Hirini Moko Mead states that dead bodies are buried in caves or grounds within tribal and sub-tribal (*iwi/hapū*) boundaries.[224] By recognising boundaries and implementing consent, ethics become more open to diversity and hopefully more beneficial for all parties.

[219] Holand & Lynnerup et.al., "Vurdering av den vitenskapelige verdi av De Schreinerske Samlinger ved Instituttgruppe for medisinske basalfag," 20. Original text: "Disse faller strength tatt ikke inn under kategori 1 eller 3, men materialets bakgrunn gjør det likevel naturlig å se dem i sammenheng med disse kategoriene, som må vurderes ut fra andre kriterier enn de øvrige."
[220] Ministry of Culture and Heritage, "Heritage New Zealand Pouhere Taonga Act 2014", section 6 article 4a, 32.
[221] Aranui, *Te Hokinga Mai O Ngā Tūpuna* (2018), 148.
[222] Aranui, *Te Hokinga Mai O Ngā Tūpuna* (2018), 12, 20
[223] Walters, Muru, "An investigation of archaeology in New Zealand as a means of establishing views about the past," master thesis (New Zealand: University of Otago, 1979), 96.
[224] Mead, *Tikanga Maori (Revised Edition): Living by Maori values* (Wellington: Huia Publishers, 2016), 270.

4.2.3 Ownership

ICOM writes, "[n]o object or specimen should be acquired by purchase, gift, loan, bequest, or exchange unless the acquiring museum is satisfied that a valid title is held. Evidence of lawful ownership in a country is not necessarily valid title."[225] This argument, for example, means that the categories, especially 1) gift, 2) purchase, and 3) exchange, of Holand et al. are unsuitable by ICOM standards. However, it is 17 years apart between the report provided by Holand et al. and the Code of Ethics provided by ICOM in 2017. A lot has happened in repatriation in those years.

Bååstede is a repatriation example with collaboration between Norwegian and Sámi institutions. The project, *Bååstede*, was initiated between KHM, Norsk Folkemuseum and the Sami Parliament in 2012. The project constructs a deal to repatriate Sami objects back to northern Norway. The term "bååstede" is Southern Sami for "return." The project ended in 2019, and a report came in 2020. The project indicates how the Norwegian research milieu works with Indigenous knowledge and how it is interpreted.[226] Another investigation is underway. A commission was established in 2018 to review the Norwegianization of Sami, Kven and Skogfinner. The commission was named "The Truth and Reconciliation Commission." Norwegian politician Dagfinn Høybråten leads the group, and eleven researchers and specialists are with him. Their task is to "lay the groundwork for the recognition of the experiences of the Sámi population and their culture."[227] This groundwork is a part of furthering reconciliation between Indigenous people and national minorities in Norway, with the government and the majority population. And a part of reconciliation processes happening internally and externally in Norway. The report is expected to be finished in the summer of 2023.[228] *Bååstede* and the Truth and reconciliation commission aid in developing an intercultural research arena by re-addressing who are the guardians of the material.

NZAA have several principles that its members need to follow. Article 3 encompasses measures to safely work with *tangata whenua* (people of the land). Section d requires its members "[t]o acknowledge that the important relationship between indigenous peoples and

[225] International Council of Museums, "Code of Ethics for Museums," 2.2 Valid title, 9.
[226] Samien Sitje (Southern Sami Museum and cultural center), "Bååstede," last visited 12th of May 2023; Norsk folkemuseum, "Bååstede: Tilbakeføringen as samisk kulturarv," last visited 13th of May 2023.
[227] Truth and Reconciliation Commission, "Commission," last visited 7th of May 2023.
[228] Truth and reconciliation commission, "The Commission to Investigate the Norwegianisation Policy and Injustice against the Sámi and Kvens/Norwegian Finns," last visited 12th of May 2023.

their cultural heritage exists irrespective of legal ownership."[229] This means that NZAA aims to reach beyond the legal laws of ownership in the New Zealander government, to recognise Māori as the native inhabitants of Aotearoa New Zealand. Heritage New Zealand Puhere Taonga has published a *Tapuwae,* a document, "as a contribution to New Zealand's developing sense of nationhood."[230] Its promotion of awareness of Māori heritage is prioritised. Like NZAA Heritage, New Zealand Puhere Taonga highlights the necessity of protecting Māori heritage even in places where Māori are not landowners.[231]

4.3 Chapter ending

Historicising repatriation, the context and the ideas in research history and ethics voice what the term repatriation is associated with. For example, one can see the contours of how and why collections such as DSS were established and grew during this time and the roots of ethical dilemmas about human remains today. Subchapter 4.1 outlines the history of research history. In addition to DSS, it also provides background information about the historical situation of Indigenous peoples in light of physical anthropology. The collecting, keeping and research on human remains have been investigated through the ethical concepts associated with ideas about ownership and consent in part 4.2.

Kyllingstad postulates that "[o]ne important reason why these ideas were taken seriously by so many was that they claimed foundation in scientific fact."[232] The racially motivated Western research in the 19th century has heavily influenced how scholars and society today review racial research, race, racism, and its presence in today's interpretations of repatriation and ethics for human remains. At the end of his book *Rase* (2023), Kyllingstad asks if researchers are "children of their time?" – if researchers' work and products are affected by the space and time they lived through. He argues that they are. But, Kyllingstad adds, if we as present researchers grant this simple answer, the depiction of the older scholars becomes naïve because they were influenced by the time and space they lived in. These researchers were, therefore, knowledge producers and impacted what sort of ideas were trending. Consequently,

[229] New Zealand Archaeological Association, "Membership Code of Ethics," last visited 11th of May 2023.
[230] Heritage New Zealand Puhere Taonga, "Corporate documents," last visited 11th of May 2023.
[231] Heritage New Zealand Puhere Taonga, "Tapuwae: The Māori Heritage Council Statement on Māori Heritage," (Heritage New Zealand Puhere Taonga, 2017), 10.
[232] Kyllingstad, *Measuring the Master Race,* xiii.

scientists like Schreiner must be understood in a historical context, not simplified to *just* a child of their time.[233]

The knowledge and findings researchers have found throughout history affect discourse today. The ethical discourse considers the account of human remains through elements like ownership and consent in the past and present. Ethical organs such as ICOM encourage repatriation dialogue, which assumingly can be a reaction to old ideas about still very present things – such as the idea about race biology and the negative impact the term research still has today amongst Indigenous communities. Or, for example, the research value of DSS in 1923 and 2023. Historical physical anthropology is a footprint from the past, presented today in ethical dilemmas and principles concerned with ideas such as ownership and consent. By recognising the history and cultural references behind the development of ethics, one can better understand why *Bååstede* or *Te Māori* and reviewing ownership beyond legal rights is vital. Especially since older objects or human remains might have arrived in a collection without consent.

This chapter has outlined bits of history, some selected ethics and a few topical ideas that make up the context for the research question.

[233] Kyllingstad, *Rase*, 350-351.

5 Dimensions and ideas about human remains and repatriation

In 2006, the Norwegian newspaper *Dagsavisen* claimed that skeletons would get rights in Norway. This was because the Norwegian government finally decided to set down a committee to regulate the human remains at public institutions.[234] Much has changed since 2006, and it will most likely keep changing. In this chapter, I will investigate the three dimensions provided in the theoretical framework in the context of chapter 4:

Bureaucracy	Indigenous rights
Holding institutions	Repatriation
Research value	Cultural value

I will apply the dimensions to the primary sources, which are policy documents and reports:

- "Innstilling fra Utvalg for vurdering av retningslinjer for bruk og forvaltning av skjelettmateriale ved Anatomisk institutt," recommendation from Lønningsutvalget (1998).
- "Vurdering av den vitenskapelige verdi av De Schreinerske Samlinger ved Instituttgruppe for medisinske basalfag," recommendation from Holand et al. (2000).
- "Background document: Unprovenanced Kōiwi Tangata Options Re: Final Resting Place," Karanga Aotearoa Repatriation Programme background document (August 2011).
- "Retningslinjer for forvaltning av De schreinerske samlinger,", revised guidelines from university director to university board, University of Oslo (9th of June 2020).
- "Retningslinjer for bruk og forvaltning av menneskelige Levninger ved De Schreinerske Samlinger, Institutt for medisinske basalfag, Universitet i Oslo," revised guidelines, University of Oslo (23rd of June 2020).

[234] Litland, Jorunn, "Skjelettene får rettigheter" *Dagsavisen* 14th of November 2006.

- "National Repatriation Policy for Kōiwi Tangata and Associated Burial Taonga within Aotearoa," Museums Aotearoa – National repatriation policy (24th of June 2021).
- "The Museum of New Zealand Te Papa Tongarewa Kōiwi Tangata – Kōimi Tchakat – Policy," Te Papa Tongarewa policy (27th November 2021).
- "Referat fra møte i Skjelettutvalget 30. november 2022," minutes from a meeting between the Human Remains Committee and DSS (2022).

The chapter is parted into three subchapters, each discussing the idea dimensions based on the material and research literature. The dimensions will be discussed in the order presented in the chart above. The first and the second utilise all the primary material, but the third dimension especially considers the recommendation provided by Holand et al. because it is directly concerned with research value and cultural value. Furthermore, the idea dimensions are an extension of the discussion in Chapter 4. Henceforth are the cultural references and social context established in the previous chapter. Moreover, unlike Chapter 4, this chapter focuses on the first part of the research question: "How do ideas regarding human remains correlate between repatriation guidelines and holding institution guidelines…." Finally, the chapter ending will present what has been discussed in this chapter.

5.1 Bureaucracy and Indigenous rights

The first idea dimension is an analysis of bureaucracy and Indigenous rights. It especially considers the properties of continuity, predictability, and professionalism in the analysis of the document and policy excerpts. Bureaucracy and Indigenous rights often meet in social spaces and are historically interlinked, for example in questions about Indigenous interests versus governmental interests. Through strategies such as Indigenous internationalism, Indigenous peoples have managed to mirror the bureaucratic structures of modern Western societies and so take part in decision-making and be actors in power relations. In this context is, bureaucracy and Indigenous rights something to find within both DSS and KARP.

The Background document provides information about the bureaucratic road to establishing KARP:

> In May 2003, Cabinet agreed that Te Papa should act on behalf of the Government for the return of köiwi/koimi tangata. This decision included the approval of operational funding for the repatriation programme. The funding covers research, repatriation travel, freight and crating, as well as

> associated expenses for international and domestic repatriations. It explicitly does not provide for the purchase of human remains.[235]

Bureaucratic notions can be identified in this excerpt. Two of those are continuity and professionalism. Firstly, can continuity and predictability be identified in the governmental decision of delegating the management to Te Papa through KARP. Stating that Te Papa should "act on behalf" of the authorities regarding ancestral remains means that in every case of repatriation of Māori or Moriori human remains, KARP is in charge of the complete process. This creates a feeling of continuation because it standardises the partnership between the government and the national museum. In the French and Senegalese report, Sarr and Savoy call for the establishment of partnerships to build cultural cooperation for the restitution of cultural heritage. According to the report's two authors, partnerships enable joint commissions to work specifically with cultural heritage and restitutions with a bicultural perspective. Likewise, can such partnerships – depending on their goals – together create an information flow that makes accessibility easier. And such a cultural partnership can be a common stand against the trafficking of cultural goods.[236] Establishing partnerships with continuity, access to bicultural ideas and the correlation of ideas will be experienced with continuity. This also resonates with the juridical aspects of Sarr and Savoy's report. They postulate that through "national law, a definitive path toward restitution (…) It will also require the rationalisation and the development within a bilateral framework, on a case by case basis, of the diverse actions of cooperation surrounding the decision of restitution…"[237] that can constitute cooperative cultural relations across cultural and national borders.

The last part of the excerpt presents economic principles. Including "funding" in the assignment generates a degree of economic predictability between the Aotearoa New Zealand government and KARP. This predictability has two layers. The term funding indicates on one side that the money is stipulated for specific interests and purposes. Moreover, it emulates the document of constant economic support from the government to the research programme. The excerpt also presents a layer of professionalism, for example, by stating that the agreement does not include economic support for the "purchase" of human remains. This resonates with the principles provided by ICOM on how to access or repatriate human remains.[238] By

[235] Karanga Aotearoa Repatriation Programme, "Background Document," 4.
[236] Sarr & Savoy, *Rapport sur la restitution du patrimoine culturel africain*, 80-81.
[237] Sarr & Savoy, *Rapport sur la restitution du patrimoine culturel africain*, 71.
[238] See subchapter "4.2.3 Ownership" of this thesis.

standardising repatriation through governmental initiatives, have Aotearoa New Zealand government and Te Papa established a juridical dimension for repatriation.

The DSS revised guidelines gives an insight into the bureaucratic structures and the ideas behind the renewal:

> A proposal for revised guidelines was sent to a faculty consultation on 4 July 2019 with a deadline for comments on 1 September. In connection with the follow-up of the consultation, the guidelines have been adjusted on several points. The matter has been discussed with the civil service organizations at a meeting on 9th June, and their comments have been taken into account.[239]

Deadlines, surveying, and supervision are here shown to be central to the institutional body of DSS. The specific dates set expectations for the proceedings of the process. Likewise, make the comment of "taken into account." The recommendation as a whole also emulates a sense of professionalism in that it documents the progress towards the new guidelines. Like the previous excerpt, the revised DSS guidelines indicate a partnership with other organisations. Through their cooperation, the documents have been revised. In the view of bureaucratic theorists, such partnerships indicate communication of interests and exertion of the power that follows inclusion instead of exclusion, as discussed in relation to Marx in subchapter 2.3.[240]

The return of human remains, and the complete repatriation is a lengthy and formal process between two or more institutions. The Background document underscores this assumption:

> [o]nce an institution indicates they are willing to take the conversation further, the programme keeps in regular contact and then submits a repatriation case for the governing body to consider. In some situations a repatriation agreement with an institution can take less then 12 months, however, in most circumstances a longer period is required.[241]

One can interpret from the quote that repatriation is a formal process that requires careful administrative management, where there are several steps. This is expressed through the chosen words of "conversation," "regular" and "contact." It designates Te Papa and KARP to maintain beneficial communicative relationships with institutions they aim to engage in repatriation with and complete repatriation. Communication is thus a key element for a repatriation process to

[239] University of Oslo, "Retningslinjer for forvaltning av De schreinerske samlinger," 1. Original text: "Et forslag til reviderte retningslinjer ble sendt på fakultetshøring 4. juli 2019 med frist for merknader 1. september. I forbindelse med oppfølgingen av høringen har retningslinjene blitt justert på flere punkter. Saken har vært drøftet med tjenestemannsorganisasjonene i møte 9. juni, og merknadene deres er hensyntatt."
[240] Nicos P. Mouzelis, *Organization and Bureaucracy, Sociology of Work and Organization* Volume VIII (Routledge 21. August 2013 [1998]), 8-9.
[241] Karanga Aotearoa Repatriation Programme, "Background Document," 5.

be initiated. Regular contact will also, perhaps, give the institution which receives a request for repatriation a sense of professionality.

Communication and predictable partnerships are necessary for the repatriation process for many reasons, one being that Indigenous peoples only sometimes have legal claims to human remains in holding institutions. Stating that an institution is "willing" implies an intention of gaining consent. But it also indicates the risk of rejection and the importance of working for good communication. It suggests that repatriation is a product of consent through both parties' willingness to communicate their expectations and interests. The term willingness also underscores the principle that requestors for provenance human remains do not have a right to claim it juridically. In other words, they must establish a consenting partnership before formal preparations begin, as Herewini and Jones stated in subchapter 1.1 of this thesis. In light of predictability and communication, this is the period. The experts illustrate that a repatriation process can be "lengthy." From a Kaupapa Māori perspective, can this be transferred into an analysis of the power struggle. A power struggle can, for example, happen in a space where a museum does not work with customs of privileging Indigenous knowledge or interests. Considering a potential power struggle, KARP must communicate their interests in a language that follows the principles from the agreement with the government and convey its interests in a way that institutions understand. Considering Foucault and Moreton-Robinson, unconscious whiteness could occur in such situations because Indigenous knowledge has been experienced as insufficient by the holding institution, as discussed in part 2.3 of this thesis. Thus, bureaucratic priorities must be re-evaluated to enable a continuous partnership with bicultural cooperation where both parties have a sense of predictability and mutual respect.

The Te Papa repatriation policy explains that "[a]s a bicultural organisation, Te Papa is committed to working in partnership with iwi in the care and management of their tūpuna/karāpuna."[242] This indicates that KARP operates with partnerships in layers, assumingly in between institutions domestically, internationally and on a micro-level with local source communities. In other words, in different spaces where different priorities, languages and knowledges are present. Reflecting on the power of language in the context of subchapter 2.3 and Mika's theory of languages as entities of organisation, KARP must be aware of what tool languages play in negotiations and partnerships with other institutions. By identifying and

[242] The Museum of New Zealand Te Papa Tongarewa, "Kōiwi Tangata – Kōimi Tchakat – Policy" (Aotearoa New Zealand: The Museum of New Zealand Te Papa Tongarewa, 27th of November 2021), 4.

communicating such entities, their arguments and the etymology of repatriation can be emulated through conversation and regular contact.[243]

The National Repatriation policy asks its readers and users to consider several documents when familiar with Aotearoa New Zealand's practice of repatriation. The policy states that these documents are fundamental to the body of repatriation in the context of Aotearoa New Zealand: Te Tiriti o Waitangi (1840), Ngāi Tahu Kōiwi Tangata Policy (2019), Mataatua Declaration on Cultural and Intellectual Property Rights of Indigenous Peoples (1993), and UNDRIP from 2007.[244] The Human Remains Committee also refers to several other organisations when providing their guidelines for managing human remains. The committee also argue that Indigenous peoples should have control of their own cultural heritage by showing it to UNDRIP.[245] The National Repatriation policy and the Human Remains Committee shed light on Indigenous peoples' rights regarding cultural heritage. For example, have both Aotearoa New Zealand, and Norway approved UNDRIP. Article 12, section 2 of UNDRIP states that:

> States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.[246]

It has previously been established that Indigenous people cannot simply claim Indigenous human remains based on their status of being Indigenous peoples. Through the strategy of Indigenous internationalism that both Vik and Crossen investigate in their scholarly contributions in subchapter 2.2, one can assume that Indigenous peoples have disseminated their interests in repatriation in bureaucratic arenas. For instance, the National Repatriation policy refers to the Treaty of Waitangi, which gives rights to both settlers and Māori in Aotearoa New Zealand, when informing about the rights to the management of ancestral remains:

[243] Mika, "A term's Irruption and a Possibility for Response," 555-556.
[244] Museums Aotearoa Te Tari o Ngā Whare Taonga o te Motu The Museums of New Zealand Inc, "National Repatriation Policy for Kōiwi Tangata and Associated Burial Taonga within Aotearoa," 2; For more information about Treaty of Waitangi view: https://nzhistory.govt.nz/politics/treaty/read-the-treaty/english-text
[245] The Human Remains Committee, "Referat fra møte i Skjelettutvalget 30. november 2022," 16-17.
[246] United Nations, "United Nations Declaration on the Rights of Indigenous People" (United Nations: 2008), article 12 section 2

> Rights to the management of provenanced kōiwi tangata Māori and Moriori, along with associated burial taonga, remain with the iwi and/or hapū who are the source communities, as identified under Article Two of Te Tiriti o Waitangi.[247]

As stated by Bishop in subchapter 4.1.1, the Treaty of Waitangi has not been properly followed up by the Aotearoa New Zealand government because it failed to transfer identical elements between the English version and the te reo Māori version. Again, by referring to Sarr and Savoy's report, this could this indicate that Aotearoa New Zealand needs to evaluate the meaning of the treaty through the ideas of cultural heritage and bicultural relationships and cooperation. By introducing the "rights to the management" to the source communities, the policy furthers the idea of UNDRIP and the privileging of Indigenous knowledge. This resonates with Carman and Sørensen's argument for the importance of cultural heritage in subchapter 2.1 of this thesis. The presence of cultural heritage in identity and social context makes the inclusion of relevant source communities fundamental for the communities to feel a sense of managing the reconstruction of their own cultural identity. On the other hand, the excerpt recognises the importance of formal, documented, and structured relations with source communities. This is underscored through the excerpt, which sets iwi and hapū to manage ancestral remains. The National Repatriation policy is centring Indigenous knowledge. This is a tool that Tuhiwai Smith identifies as a deconstruction method and a shift in traditional power.[248] Cultural cooperative partnerships can be achieved by deconstructing the concept of a "dominating norm" or a "dominating knowledge."

In the Norwegian context, DSS has developed a close working partnership with the Sami parliament over the last two decades. Although, it has not been before 2020 that the Sámi parliament formally became the supervisor for the Sámi human remains in the repository. This is one of the main reasons why the guidelines must be reconsidered.[249] The multiple documents that provide a Norwegian perspective for this thesis outline the development of this idea. In 1998 did Lønningsutvalget call for Sámi knowledge:

> The University of Oslo, in consultation with the Sami Cultural Heritage Council, is setting up an interdisciplinary committee to investigate guidelines for the use and management of the skeletal material at the Department of Anatomy.[250]

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[247] Museums Aotearoa Te Tari o Ngā Whare Taonga o te Motu The Museums of New Zealand Inc, "National Repatriation Policy for Kōiwi Tangata and Associated Burial Taonga within Aotearoa," 3.

[248] Tuhiwai Smith, *Decolonizing Methodologies,* 41.

[249] University of Oslo, "Retningslinjer for forvaltning av De schreinerske samlinger," 1.

[250] Lønning, Gutthor et al., "Innstilling fra Utvalg for vurdering av retningslinjer for bruk og forvaltning av skjelettmateriale ved Anatomisk institutt," 2. Origianl text: "Universitet i Oslo nedsetter i samråd med Samisk

Holand et al. followed suit in 2000:

> The Sami Parliament or the body it may designate must approve the use of Sámi skeletal material for research purposes. Likewise, the Sami Parliament or the body it may designate must permit the lending of Sami material.[251]

And further stated:

> If skeletal material - including Sami skeletal material - can be identified to a named person, the deceased's direct descendants can demand the skeletal material be handed over for burial/reburial. Delivery to other relatives for the same purpose can be made at discretion.[252]

This indicates that Lønningsutvalget and Holand et al. consider Sámi involvement and interests valuable and necessary. The statements also indicate that working towards reburial and respecting the descendants of the human remains on Sámi principles was an applicable idea in the early 2000s. The present guidelines for DSS "Retningslinjer for bruk og forvaltning av menneskelige Levninger ved De Schreinerske Samlinger, Institutt for medisinske basalfag, Universitet i Oslo" manifest the ideas proposed in 1998 and 2000. It considers ethics, juridical elements and how remains are stored. Through differentiating between Sámi human remains and other remains in the collection, DSS formally approach Sámi knowledge. This is evident in the adopted DSS guidelines in § 2. The first definition, Sámi material, reads as follows:

> "Sami material" means human remains which predominantly probably originate from a pre-Christian Sami burial ground or Sami cemetery or other Christian burial ground, where mainly people of Sami descent were buried.[253]

The other two definitions are presented as such:

> "Archaeological material" means human remains from antiquity or the Middle Ages (up to the year 1537), cf. Act 9 June 1978 no. 50 on cultural monuments § 12.
>
> "Deposited material" means human remains that are kept at the University of Oslo, Institute for Basic Medical Sciences, on behalf of institutions that have been assigned administrative

kulturminneråd, en tverrfaglig komité for å utrede retningslinjer for bruk og forvaltning av skjelettmaterialet ved Anatomisk institutt."

[251] Holand & Lynnerup et.al., "Vurdering av den vitenskapelige verdi av De Schreinerske Samlinger ved Instituttgruppe for medisinske basalfag," 39.

[252] Holand & Lynnerup et.al., "Vurdering av den vitenskapelige verdi av De Schreinerske Samlinger ved Instituttgruppe for medisinske basalfag," 39-40.

[253] University of Oslo, "Retningslinjer for bruk og forvaltning av menneskelige Levninger ved De Schreinerske Samlinger, Institutt for medisinske basalfag, Universitet i Oslo," (Oslo: University of Oslo, 23rd of June 2020), adopted guidelines, 1. Original text: Med "Samisk materiale" forstås menneskelige levninger som overveiende sannsynlig stammer fra før-kristen samisk gravplass eller samisk kirkegård eller annen kristen gravplass, hvor det i hovedsak ble begravet personer med samisk avstamning.

> responsibility according to regulation 15 February 2019 no. 127 on determination of authority etc. according to Section 12 of the Cultural Heritage Act.[254]

These definitions showcase that the Sámi material is separated from the rest of the collection. Firstly, because Sámi material has gotten a distinct definition. The second measure taken towards the shift in supervision is stated in § 4:

> Sami material is separated from other material in the collection. The Sámi material is managed by the Institute of Basic Medical Sciences in accordance with an agreement between the Sami Parliament and the University of Oslo.[255]

If separatism is understood from the excerpts as a way of ensuring and privileging Sámi objectives, it could be a tool to reconcile with a common past of oppression and Norwegianisation. Once again, the principle of cooperative cultural partnerships, provided by Sarr and Savoy's report on French and Senegalese perspectives on cultural objects and repatriation, can elongate this idea of reconciliation, through their strategies for repatriation. By committing to giving Sámi human remains a different set of requirements, DSS mirrors FEK's ethical standpoint of giving Indigenous peoples the power over their own cultural heritage as stated in UNDRIP.[256] Additionally, can § 4 imply the formal relationship between IMB and the Sámi Parliament. "In accordance" and "agreement" showcase that formal steps have been taken to monitor the Sámi remains in the collection. Hence, intentions of continuity have been professionalised through a documented agreement between IMB, UiO, DSS and the parliament that indicates an acceptance of the inherited rights. Sámi people have, as Indigenous peoples, the control and management over their own cultural heritage.

In this dimension bureaucratic and Indigenous rights are analysed through, consideration of, continuity, predictability and professionalism. Through the analysis I find that Indigenous Internationalism can be used as a way for Indigenous peoples to facilitate in

[254] University of Oslo, "Retningslinjer for bruk og forvaltning av menneskelige Levninger ved De Schreinerske Samlinger, Institutt for medisinske basalfag, Universitet i Oslo," 1. Original text: "Med "arkeologisk materiale" forstås menneskelige levninger fra oldtid eller middelalder (inntil år 1537), jf. lov 9. juni 1978 nr. 50 om kulturminner § 12.; Med "deponert materiale" forstås menneskelige levninger som oppbevares ved Universitet i Oslo, Institutt for medisinske basalfag, på vegne av institusjoner som er tillagt forvaltningsansvar etter forskrift 15. februar 2019 nr. 127 om fastsetting av myndighet mv. etter kulturminneloven § 12."

[255] University of Oslo, "Retningslinjer for bruk og forvaltning av menneskelige levninger ved De Schreinerske Samlinger, Institutt for medisinske basalfag, Universitet i Oslo," 2. Original text: "Samisk materiale er utskilt fra øvrig materiale i samlingen. Det samiske materialet forvaltes av Institutt for medisinske basalfag iht. avtale mellom Sametinget og Universitet i Oslo."

[256] The Human Remains Committee, "Referat fra møte i Skjelettutvalget 30. november 2022," 16.

bureaucratic Western spaces, and that cultural cooperative partnerships are of interests for both parties.

5.2 Holding institutions and repatriation

The second idea dimension is holding institutions and repatriation. This dimensions reviews and discusses elements of management and ownership: because it can imply how a holding institution and a repatriation group understand the term "owning." And it can shed light on a holding institutions' opinions and actions towards repatriation.

Holding institutions can be perceived as historical and traditional Western ways of keeping "exotic" objects and human remains. Such an institution can be a museum or a collection. Repatriation, repatriation groups and movements tend to represent the opposite part, in which postcolonial thinking and Indigenous sovereignty are central ideas. What seems to be a factor in this dimension is the idea of ownership, as it involves navigating between interests, worldviews, history, and other stakeholders.

> The holding of provenanced kōiwi tangata against the will of source communities denies people of dignity and closure, and is therefore deemed unethical.[257]

The National Repatriation policy explicitly states that holding institutions that do not cooperate in a repatriation process are unethical institutions. A refusal for cooperation would principally go against the aims of several ethical guidelines and organisations, such as ICOM, FEK and NZAA.[258] This resonates with Aranui's claim about refusing to cooperate, because researchers currently "benefit directly from the actions of the past, in that (…) their predecessors did not undertake these morally questionable acts."[259] And with her arguments, in 1.2 and 2.1 of this thesis, based on the Māori worldview, which amplifies the diaspora ancestral remains experience, and why it is essential for iwi and hapū to regain the remains and to restore tapu because the ancestral remains are important for the present and future.[260] The words "dignity" and "closure" can describe feelings of confirmation. To experience confirmation based on cultural heritage is assumingly an experience of confirmation of one's identity. Childs and Williams describe, in subchapter 2.2, how the disruption of life concepts can negatively affect

[257] Museums Aotearoa Te Tari o Ngā Whare Taonga o te Motu The Museums of New Zealand Inc, "National Repatriation Policy for Kōiwi Tangata and Associated Burial Taonga within Aotearoa," 3.
[258] See subchapter 4.2.1 for reference.
[259] Aranui, *Te Hokinga Mai O Ngā Tūpuna*, 192.
[260] Aranui, "Restitution or loss?," 19-20.

identity. Childs and Williams' concerns with ethnic belonging are transferrable to the policy excerpt. They both call for a recognition of local practices tied to Indigenous peoples that have experienced oppression and non-consensual actions. As such, one can argue that refusing to repatriate provenanced Indigenous human remains is ahistorical and a remedy for prolonging someone's struggle for ethnic belonging.

Holding institutions may claim ownership over human remains for many reasons. Some can be for economic reasons, where tourism is a major factor. In the case of DSS and KARP, the policies and reports showcase similar interests in providing partnerships and creating non-harmful research. However, the power lies with the holding institution. Lønningsutvalget state that corpses and human remains principally should not fall into someone's ownership.[261] Still, paradoxically Lønningsutvalget also state that "the University of Oslo today has property rights to all skeletal material in the collection, which has not been deposited from institutions outside the university."[262]

Today the administrative responsibility still mainly lies with IMB and DSS under UiO, but the body is more fragmented than in 1998:

> §3 Administrative responsibility
>
> The Department of Basic Medical Sciences will look after the management of material in the Schreiner Collection.
>
> For deposited material, the Department of Basic Medical Sciences will take care of the management in accordance with deposit agreements, cf. § 10.
>
> For archaeological material that the Museum of Cultural History has management responsibility for according to regulation 15 February 2019 no. 127 on determining authority etc. according to Section 12 of the Cultural Heritage Act, the Department of Basic Medical Sciences will take care of the administration in accordance with the cooperation agreement.
>
> The daily follow-up of the collection is delegated to a permanent scientific employee (academic leader) at the Department of Basic Medical Sciences, Section for Anatomy.[263]

[261] Lønning, Gutthor et al., "Innstilling fra Utvalg for vurdering av retningslinjer for bruk og forvaltning av skjelettmateriale ved Anatomisk institutt," 8.
[262] Lønning, Gutthor et al., "Innstilling fra Utvalg for vurdering av retningslinjer for bruk og forvaltning av skjelettmateriale ved Anatomisk institutt," 12. Original text: "Universitet i Oslo i dag har eiendomsrett til alt skjelettmateriale i samlingen, som ikke deponert fra institusjoner utenfor universitet."
[263] University of Oslo, "Retningslinjer for bruk og forvaltning av menneskelige levninger ved De Schreinerske Samlinger, Institutt for medisinske basalfag, Universitet i Oslo," 1-2. Original text: "§ 3 Forvaltningsansvar: Institutt for medisinske basalfag vil ivareta forvaltningen av materiale i De Schreinerske Samlinger. For deponert materiale, vil Institutt for medisinske basalfag ivareta forvaltningen iht. deponeringsavtaler, jf. § 10. For arkeologisk materiale som Kulturhistorisk museum har forvaltningsansvar for etter forskrift 15. februar

Lønningsutvalget and the DSS guidelines show two very different perspectives of the collection. Lønningsutvalget use the term "property rights" (original term: *eiendomsrett*) and delegates this to the government and UiO. The DSS guidelines, on the other hand, do not use the term property rights at any point throughout the document. In 2020 the guidelines used the words "take care of." This could be seen in light of NZAA's plea to recognise the existing relationship between Indigenous peoples and their cultural heritage despite legalities and formal ownership. If following the calls made by NZAA must, the term "property" be re-imagined in the context of repatriation and holding institutions. In the French and Senegalese report Sarr and Savoy state that ownership and repatriation of displaced cultural objects must be supported by the historical presence and "the place that these displaced items of cultural heritage have occupied within the political struggles and imaginaries of their communities of origin."[264] In light of the historical aspect is Matthes's argument for cooperative historical documentation, in subchapter 2.1 of this thesis, a factor because this can make the documentation of past ownership and origins more accessible, and in so be a tool in modification of management and questions about repatriation and human remains.

If the intent is repatriation, institutions' dominating role as owners is a potential hindrance. Thus, assessments such as the development from "property rights" to "take care of" are measures that incline an intention to regulate the associations and rights institutions over cultural objects and human remains. Furthermore, are the guidelines disseminating a more fragmented administrative responsibility by referring to cooperative relationships with KHM and deposit agreements. In light of Herewini and Jones' call for respectful partnerships, one can interpret that the development between 1998 and 2020 illustrates a shift in the construct of ownership and societal ideas about concepts of human remains. Instead of owning, it is perceived as keeping in its care. As such, it implies a shift in the discourse on the topic of repatriation of human remains, too. The absolute power institutions are now regulated or assessed by boundaries, deposit agreements or calls for repatriation. Measures to create a space where human remains are treated according to a specific set of cultural customs are called upon by Shyllon in 4.1.2 of this thesis. The scholar suggests that questions about cultural heritage regarding holding institutions should be investigated through transnational or bicultural

2019 nr. 127 om fastsetting av myndighet mv. etter kulturminneloven § 12, vil Institutt for medisinske basalfag ivareta forvaltningen iht. samarbeidsavtale. Den daglige oppfølgingen av samlingen er delegert til en fast vitenskapelig ansatt (faglig leder) ved Institutt for medisinske basalfag, Seksjon for anatomi."

[264] Sarr & Savoy, *Rapport sur la restitution du patrimoine culturel africain*, 44.

arbitrations. One way such measures can be approached could be through transnational arbitration, as Shyllon postulates in this thesis regarding cultural heritage. Shyllon also finds that, similar to what Sarr and Savoy discuss, transnational context can enable international laws as a base, which can aid in developing satisfactory resolutions for restitution.

During the meeting between the Human Remains Committee and DSS on 25th November 2022, concerns with specific questions for the collection were aired. One of the topics was a call for an overview of repatriation policies.

> IMB has an ongoing collaboration with the Museum of Cultural History (KHM), UiO, on the repatriation policy for foreign remains. IMB thinks it is natural to anchor such policies beyond UiO, would like to find out if there is ongoing work with such guidelines at other institutions, and wonders if the Human Remains Committee can give any advice on what level it might be appropriate to put such work, for example, whether it can be recommended to collaborate across institutions.
>
> Discussion in the committee: This is a good initiative from DSS and KHM. The Human Remains Committee does not have an overview of the various institutions' repatriation policy but can help provide an overview.
>
> Conclusion: The committee sends out a request to all collections in Norway with human remains intending to map any repatriation policy for foreign remains.[265]

The minutes from the Human Remains Committee shows that IMB and KHM are both interested in repatriation and that special consideration and more information on foreign human remains are considered necessary by both parties. Terms such as "find out," "wonders," "collaborate," "overview" and "mapping" indicate openness and searching. In other words, the highlighted words channel an objective rooted in gaining knowledge. Thus, it is possible to assume that IMB and DSS are in the starting phase of perhaps creating a repatriation framework for their institutions. Furthermore, the quote can imply a wish for overview and communication. Assumingly, UiO is not the only institution struggling with the issue of structuring and standardising repatriation. IMB's openness to also see beyond UiO indicates an interest in other institutions' management. Cooperation across institutional borders and bicultural borders can

[265] The Human Remains Committee, "Referat fra møte i Skjelettutvalget 30. november 2022," 4. Original text: "IMB har et pågående samarbeid med Kulturhistorisk museum (KHM), UiO, om repatrieringspolicy for utenlandske levninger. IMB synes det er naturlig å forankre slike policyer utover UiO, ønsker å gjøre seg kjent med om det pågår arbeid med slike retningslinjer ved andre institusjoner, og lurer på om Skjelettutvalget kan gi noen råd om hvilket nivå det kan være hensiktsmessig å legge et slikt arbeid, for eksempel om det kan anbefales å samarbeide på tvers av institusjoner. Diskusjon i utvalget: Dette er et godt initiativ fra DSS og KHM. Skjelettutvalget har ikke oversikt over ulike institusjoners repatrieringspolicy, men kan bidra til å skaffe til veie en oversikt. Konklusjon: Utvalget sender ut en henvendelse til alle samlinger i Norge med menneskelige levninger med formål om å kartlegge ev. repatrieringspolicy for utenlandske levninger."

aid in establishing partnerships with more well-established repatriation policies. And in that sense, the documentation of human remains and their origins can become a less difficult task. Matthes's historical argument, again, includes shared historical pasts between holding institutions and the source community. This implies that shared pasts can be a key element to documentation and, thus, repatriation.

The Kōimi Tchakat-policy states that all ancestral remains have the guardianship of Te Papa:

> The Museum of New Zealand Te Papa Tongarewa (hereinafter referred to as Te Papa) regards the kōiwi tangata and kōimi tchakat in its guardianship as tupuna/karāpuna to be cared for in a consistent and culturally appropriate manner until such time as the kōiwi tangata/kōimi tchakat are returned to their place of provenance or to an appropriate final resting place.[266]

This is the introductory sentence of the Kōimi Tchakat-policy, which signifies that this is one of the focal points of Te Papa. The role of a caretaker or guardian implies a commitment to care for the remains in a culturally appropriate way and not harm the remains. The introduction statement also defines the main objective of KARP and Te Papa as to return the ancestral remains to their source community through guidance and partnership with provenanced iwi and hapū. From this, one can gather that ethnic belonging and cultural traditions are central to the repatriation process within KARP and Te Papa – a part of the institution's identity. Carman and Sørensen discuss, in subchapter 1.2, what major role identity plays a major part in the construction of cultural heritage because it is so significant in today's social context. Hence, it is necessary to emphasise the importance of source communities and what they symbolise for the identity of Te Papa and KARP. In other words, the iwis ad hapū connected to the human remains a part of KARP and Te Papa's identity and is deemed by the institutions as vital to Māori cultural heritage. This can be seen as vital to the social discourse considering ownership and human remains, especially foreign human remains, and thus as a tool for deconstructing Western institutional practice around human remains.

What happens to the ancestral remains when they arrive at Te Papa? The sole purpose of Te Papa's Karanga Aotearoa is to repatriate the ancestral remains back to their origins. In that, Te Papa deaccessioned human remains from their keep. The museum explains that when ancestral remains have arrived at Te Papa, a welcome ceremony will be held for them (*pōwhiri*). The ceremony "acknowledges their homecoming."[267] To find and give the ancestral remains a

[266] The Museum of New Zealand Te Papa Tongarewa, "Kōiwi Tangata – Kōimi Tchakat – Policy," 2.
[267] Te Papa Tongarewa, "The repatriation of Māori and Moriori remains," last visited 27th of April 2023.

homecoming, the KARP become detectives of the past. Listing some of the efforts they make, the team illustrate some of their research strategies:

- verifying accession information held by individual museums about the Toi moko and kōiwi tangata they house
- verifying historical information that is contained in Māori oral histories and early accounts by Europeans and American explorers, collectors, and traders from the time of 1769
- researching inter-tribal battles that may have led to the trade of their enemies'' heads; and
- working with experts in tāmoko to possibly provenance through moko designs and patterns on the Toi moko.[268]

These strategies have been used for over a decade to successfully repatriate hundreds of ancestral remains back to source communities.

Norwegian researchers have, since the late 1990s, been observing international repatriation processes from holding institutions:

> In other parts of Europe, Sami skeletal material can be found in several anthropological collections, and also skeletal material from other indigenous populations. Much of this has come about during the 19th century and the first decades of our century, partly through explorers or expeditions, partly through contact in other countries, and partly by exchanging collections between them. This also applies to the Schreiner Collection, Ethnographic collections were also built up in similar ways.[269]

The quote is taken from the start of the subchapter named: "3.2 Management of skeletal material by indigenous people in the rest of the world."[270] It entails that when considering Sámi human remains, Denmark, Finland, and Sweden have been of interest. This is most likely not a coincidence since Finland and Sweden have Sámi populations and have carried out similar politics to Norway in the 19th and 20th centuries. A bit further down in the subchapter, do Lønningsutvalget report:

> In other parts of the world, the relationship with indigenous peoples is partly different than in Europe, because the history of many of the areas can be divided into the period before and after contact,

[268] Te Papa Tongarewa, "The repatriation of Māori and Moriori remains."
[269] Lønning, Gutthor et al., "Innstilling fra Utvalg for vurdering av retningslinjer for bruk og forvaltning av skjelettmateriale ved Anatomisk institutt," 15. Original text: "I øvrige deler av Europa finnes samisk skjelettmateriale ved flere antropologiske samlinger, og også skjelettmateriale fra andre urbefolkninger. Mye av dette har kommet til i løpet av 1800-tallet og de første tiår av vårt århundre, dels ved byte samlingene imellom. Dette gjelder også De Schreinerske Samlinger. På liknende måter bygde man også opp etnografiske samlinger."
[270] Original title: 3.2 Forvaltning av skjelettmateriale etter urbefolkning i verden forøvrig.

> where "contact" means the colonization of areas inhabited by indigenous peoples, and where such colonization has been encouraged. This mainly concerns North and South America, Africa south of the Sahara, Australia and New Zealand. In Africa, the former colonies have become independent, and in South Africa the apartheid system has been abolished. In the case of South America, New Zealand and South Africa, the committee has not had sufficient time at its disposal to examine the situation between the population of European origin and the indigenous population in more detail but has received information that negotiations have begun.[271]

Here Lønningsutvalget indicate that Europeans have somewhat of a different relationship with Indigenous peoples than other continents. They refer to this different relationship through a historical shift from before and after colonisation by using the term "contact." This resonates with the shift Aranui finds in her PhD from before and after European contact with Māori and Moriori in the context of human remains and their trade of them. However, many of the "explorers" and the "expeditions" – mentioned in the previous excerpt – imported from Europe and travelled back to Europe after ending their activities in the colonial areas. For example, can Rasmussen and Viestad's account, in subchapter 2.1, of 2000 Norwegians utilising the state of Belgian-Congo argue for participating in similar "relationships with Indigenous peoples" in Europe. Could it possibly be transferred into a perspective of a "noble narrative"? This point is difficult to determine, and the answer will most likely depend on what source one utilises and what perspectives one uses.

According to the excepts are both DSS and KARP interested in repatriation. Considering, DSS has their view of ownership has changed over the last two decades. This can affect how they approach repatriation in principles and in practice.

5.3 Research value and cultural value

The third and last dimension is research value and cultural values. Values in both research and culture are relevant to approach, because they involve what associations peoples have to for example repatriation. In other words, values do entail how repatriation is socially constructed.

[271] Lønning, Gutthor et al., "Innstilling fra Utvalg for vurdering av retningslinjer for bruk og forvaltning av skjelettmateriale ved Anatomisk institutt," 15. Original text: "I andre verdensdeler er forholdet til urbefolkningene delvis et annet enn i Europa, fordi historien for mange av områdenes vedkommende kan deles opp i perioden før og etter kontakt, der det med "kontakt" menes kolonisering av områder bebodd av urbefolkninger, og der slik kolonisering har blitt oppmuntret. Dette dreier seg fremst om Nord- og Sør-Amerika, Afrika sør for Sahara, Australia og New Zealand. I Afrika har de tidligere koloniene blitt selvstendige, og i Sør-Afrika har apartheidsystemet blitt avskaffet. Når det gjelder Sør-Amerika, New Zealand og Sør-Afrika har utvalget ikke hatt tilstrekkelig tid til rådighet til å undersøke situasjonen mellom befolkning av europeisk opprinnelse og urbefolkning nærmere, men har fått informasjoner om at forhandlinger er påbegynt."

Values tend to impact people on all different levels. A central element here is axiology. Axiology, or what a person finds desirable, tends to be conditioned by cultural references and historical context. Hence, research and cultural values sometimes harmonise with one another but clash on many topics. While research values have the potential for new insights gained through studying, cultural values are often protectors of heritage and often local knowledge. By cultural values, I refer to Indigenous values throughout the subchapter.

The term "research value" does, according to Holand et al., indicate something about the research praxis and what benefit it can have for future research and society. What is considered valuable will depend on the objectives of individual research projects or milieus. Holand et al. elaborate on the different aspects of DSS' research value in the report's subchapter 5.1. One major ethical implication which affects the research value is the repository's research history:

> DSS represents the research history of physical anthropology, for better or for worse: The collection was created using collection methods that today are considered completely inadequate. This involves a not insignificant problem when it comes to information about the provenance of the material, the context of the find and similar basic archaeological and cultural-historical data. The creation of the collection is also characterized by an unacceptable disregard for the local populations', and perhaps particularly Sami groups', attitude towards the excavation and removal of skeletons. The genesis of the collection and its composition, where a large part is made up of skulls, also largely reflects an outdated physical-anthropological, scientific-theoretical point of view, i.a. with the use of deterministic racial typologies and barren craniometry.[272]

This is the opening paragraph of the research value conclusion Holand et al. provide in 2000. By stating the importance of the collection's historical past and first underlining what was unethical practice, the committee ranks history as an important factor in what value the collection has today. This can indicate that they recognise that people living today, descendants for instance, of the human remains, still are affected by the past and the damage it potentially caused. Such thought processes would mirror Aranui's assumptions and argument in subchapter 2.2, that the "trauma experienced by indigenous communities over the desecration of their dead

[272] Holand & Lynnerup et.al., "Vurdering av den vitenskapelige verdi av De Schreinerske Samlinger ved Instituttgruppe for medisinske basalfag," 32. Original text: "DSS representerer den fysiske antropologis forskningshistorie på godt og ondt: Samlingen ble til ved innsamlingsmetoder som i dag anses helt utilstrekkelige. Dette innebærer et ikke uvesentlig problem når det gjelder informasjon om materialets proveniens, funnkontekst og lignende basale arkeologiske og kulturhistoriske data. Samlingens tilblivelse er også preget av en uakseptabel ignorering av lokalbefolkningens, og da kanskje særlig samiske gruppers, holdning til utgravning og fjerning av skjeletter. Samlingens tilblivelse og den sammensetning, hvor en stor del utgjøres av kranier, avspeiler dessuten i høy grad et foreldet fysisk-antropologisk, vitenskapsteoretisk synspunkt bl.a. med bruk av deterministiske rasetypologier og gold kraniometri."

continues today as ancestors remain available as research…."[273] This brings into question what value it has for research compared to that of cultural value. In the case of the Sámi peoples, the prior dimensions show that the Sámi parliament have become involved in the management of the Sámi material of the repository. Apart from the historical aspect of this change expressed through, for example, "outdated" research, is the agreement between DSS and the Sámi parliament perhaps an example of where research and cultural values start to form a partnership where there are spaces for different sets of values.

Lønningsutvalget state that Sámi material was collected, during Schreiner's leadership, because it was "needed" for race research and race history.[274] Hence, is the history of collecting material not value-neutral because Indigenous groups such as Sámi peoples were specifically targeted under Schreiner, despite documented disapproval of the excavation of Sámi human remains. The case of Hætta and Somby, which ended with repatriation and reburial in 1997, can be a sign of learned experience for the repository because it symbolises the ethical issues around Sámi human remains in the collection. This resonates well with the committee's chosen words. They refer to "old" racial research values and research methods that are "completely inadequate" and "unacceptable disregard." By using negatively loaded words, the committee clearly and intentionally illustrate their disapproval of previous research methods and that such methods would not be of research value today, nor would research findings.[275] In a sense are these chosen words entities, as Mika describes, that organise and present Holand et al.'s concept of research value before and in the present. It shows how the negatively loaded entities organise practices as valuable and not valuable in light of the excerpt.

Holand et al. write that the collecting of human remains to the repository was "without a doubt based on prejudices."[276] Specific groups of people, like the Sámi, were viewed as scientifically less developed by scholars for a century because of their biological attributes.[277] Holand et al. exemplify this by documenting that up until 1938, the institute actively dug up

[273] Aranui, *Te Hokinga Mai O Ngā Tūpuna*, 192.
[274] Lønning, Gutthor et al., "Innstilling fra Utvalg for vurdering av retningslinjer for bruk og forvaltning av skjelettmateriale ved Anatomisk institutt," 10.
[275] See DSS' website "Ethical consideration" for what is stated about previous methods: https://www.med.uio.no/imb/english/research/about/schreiner-collection/ethics/index.html
[276] Holand & Lynnerup et.al., "Vurdering av den vitenskapelige verdi av De Schreinerske Samlinger ved Instituttgruppe for medisinske basalfag," 11.
[277] Kyllingstad, 2004, 54-57; Holck, *Den fysiske antropologien i Norge: fra Anatomisk institutts historie 1815-1990,* 68.

Sámi graves, and scholars argued for as long as they could to document race history.[278] These research trends had their growing field in the racist and colonial-mentality of Europe and North America. This illustrates the prejudices Holand et al. shed light on. Further on, Holand et al. conclude that:

> Research within most disciplines requires that the source material is thoroughly documented. For skeletal finds from archaeological excavations, this means, among other things, that there must be documentation of the context of the find. The scientific value will therefore vary according to the requirements the subjects in question place on the context documentation and on the skeletal material, depending on the starting point one has and which issues one seeks to elucidate.[279]

This shows that context weighs heavily in evaluating the repository's research value. Aranui approaches similar issues. Aranui argues that "[i]t is necessary for those who study and understand the past through human remains to ensure that all aspects of the past are understood and acknowledged. This includes the circumstances in which the remains were acquired."[280] On a different level, this also creates an example of what Holand et al. interpret as priorities and what they value. I would assume that context plays a central part in all evaluations of research value. In that sense, it could mean that different human remains have different values to different fields and people. Thus, making it nearly impossible to generalise the whole collection as valuable to research. The context is perhaps then the axiological factor – a social construct – that determines what research value the collection has.

The Te Papa repatriation policy is a non-discriminatory ethical approach illustrating one set of research values:

> These guidelines have been kept wide-reaching purposefully, to reflect the diverse views and approaches of source communities involved in repatriation efforts, while also identifying key outcomes for museum policy. What is non-negotiable within policy creation is that kōiwi tangata will be treated with the same respect and consideration for human dignity regardless of where they are from, therefore the same ethics of care apply for all kōiwi tangata held by museums throughout Aotearoa.[281]

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[278] Holand & Lynnerup et.al., "Vurdering av den vitenskapelige verdi av De Schreinerske Samlinger ved Instituttgruppe for medisinske basalfag," 22.

[279] Holand & Lynnerup et.al., "Vurdering av den vitenskapelige verdi av De Schreinerske Samlinger ved Instituttgruppe for medisinske basalfag," 32. Original text: "Forskning innenfor de fleste fagdisipliner krever at kildematerialet er grundig dokumentert. For skjelettfunn fra arkeologiske utgravninger betyr dette blant annet at det må foreligge dokumentasjon av funnkontekst. Den vitenskapelige verdi vil derfor variere alt etter hvilke krav de aktuelle fagene stiller til kontekstdokumentasjonen og til skjelettmaterialet, avhengig av det utgangspunkt man har og hvilke problemstillinger man søker å belyse."

[280] Aranui, *Te Hokinga Mai O Ngā Tūpuna*, 191.

[281] Museums Aotearoa Te Tari o Ngā Whare Taonga o te Motu The Museums of New Zealand Inc, "National Repatriation Policy for Kōiwi Tangata and Associated Burial Taonga within Aotearoa," 1.

By stating that the guidelines have purposefully been kept "wide-reaching," the policy proposes a set of values that indicate a welcoming of diverse cultural references. Considering Kaupapa Māori and Hingangaroa Smith's characterisation of this framework, the National repatriation policy resonate with the framework because it has an agenda of keeping the "wide-reaching" guidelines – the agenda being diversity. In an extension, the excerpt commits to being attuned not to generalise. Generalisation is a characteristic Henry and Pene found within Western research. In subchapter 2.2 of this thesis, Henry and Pene's distinction between the Kaupapa Māori framework and Western research is presented. And in that sense, the policy also carries postcolonial thinking. The scholars postulate that Indigenous research understands knowledge as cumulative compared to the generalisation-oriented perspective. In the context of "wide-reaching" and a diversity-agenda-based approach, does the National repatriation policy emulate such ideas found in Kaupapa Māori.

One such contextual factor that provides ethical dilemmas in research, is the concept of *death.* Death is an important element of life, whether the context is within or outside of research. In the Norwegian non-Indigenous space of research on human remains can this statement from Holand et al. about death provide information:

> As the dead body has been de-souled, the dead body is only a "physical casing" that can be treated as an object of study without this being said to be an intervention towards the dead person, whose soul is indeed intact. Conversely, there are religions that consider that the dead body still possesses an integrity that must not be violated...[282]

Contrastingly, scholar Tipene O'Regan, of Māori descent, state that "my past is not a dead thing to be examined - on the postmortem bench of science without my consent and without an effective recognition that I and my whakapapa are alive and kicking."[283] O'Regan presents a view of the concept as a very much present part of the living. Likewise, Aranui state that ancestors can be referred to as if they still lived.[284] The National repatriation policy stress

[282] Holand & Lynnerup et.al., "Vurdering av den vitenskapelige verdi av De Schreinerske Samlinger ved Instituttgruppe for medisinske basalfag," 10. Original text: "Da det døde legemet er avsjelet, er det døde legemet kun et "fysisk hylster" som kan behandles som studieobjekt uten at dette kan sies å være et inngrep overfor den døde personen, hvis sjel jo nettopp er intakt. Omvendt finnes det religioner som anser at det døde legemet stadig besitter en integritet som ikke må krenkes..."

[283] O'Regan, "Who Owns the Past? Change in Māori Perceptions of the Past*", From the Beginning: The Archaeology of the Māor*i, (ed.) John Wilson (Auckland: Penguin Publishing, in association with New Zealand Historic Places Trust, 1987), 142.

[284] Aranui, "Restitution or loss?," 20.

that one must consider contextual tikanga and working either directly or closely with related iwi:

> Iwi advisory committees, local iwi and or hapū should be the first line of assistance in repatriation. If not already established, museums holding kōiwi tangata should develop relationships with their local iwi and/or hapū and source communities, prior to the development of any policies concerning any kōiwi tangata in their holdings. Museums are able to avoid making assumptions, on behalf of iwi and/or hapū or transgressing tikanga and kawa when these policies are developed in a partnership agreement. Where museums hold kōiwi tangata provenanced to source communities outside of Aotearoa, every effort should be made to ensure that their cultural beliefs and practices are taken into consideration.[285]

The statement encourages museums not to make assumptions or guess what the preferences of iwi and hapū could be regarding Kōiwi tangata. Childs and Williams define issues in the disruption between minority and majority identity in settler colonies. Concepts of national and ethnic belonging can occur, for example, amongst Indigenous peoples and might be expressed through decolonisation and/or diaspora,[286] according to the two scholars. Te Papa's concern with institutions assuming on behalf of others also resonates with Fforde's notice, in subchapter 1.2, of how Europeans have tended to assign people groups with identity markers – which more than often were disempowering and giving iwi and hapū access to be of assistance or as managers of ancestral remains can prevent the sense of disempowering and be a path for restitution between institutions and source communities.

Making assumptions resonates with Tuhiwai Smith's characterisation of empirical research. According to her, empirical research is based on a researcher's life experience and worldview.[287] The struggle with gaining recognition for alternative narratives that strays away from the dominating story can be found in theories about social constructivism. The quote by the National Repatriation policy highlights the importance of recognising the role of power and power to oppress cultural values. Specifically, the policy's involvement of local communities in the repatriation processes of human remains reflects how heavily the Aotearoa New Zealand museums involve cultural values. Prioritising Indigenous values and perspectives can aid in opening a discussion around dominant cultural narratives and recognising the Western knowledge norm. Tikanga and Māori knowledge were neglected because Pākehā thought progress meant turning away from Māori knowledge and "accepting only 'proper knowledge'

[285] Museums Aotearoa Te Tari o Ngā Whare Taonga o te Motu The Museums of New Zealand Inc, "National Repatriation Policy for Kōiwi Tangata and Associated Burial Taonga within Aotearoa," 4.
[286] Childs & Williams, *An Introduction to Post-Colonial Theory* (2013), 66.
[287] Tuhiwai Smith, "Kaupapa Māori Research – Some Kaupapa Māori Principles," 47.

from the Western world."[288] Both Foucault and Moreton-Robinson address the issue, subchapter 2.3 about research placement, of neglecting certain knowledges. It has more than often happened in a space where you find a Western majority. Foucault's subjugated knowledge fits as a framework for Mead's description of how *Pākehā* treated *tikanga*. It is an act of whiteness, where Western knowledge becomes the norm systems and researchers operating within.

This dimension has shown that value is not neutral, and that it needs to be approached. For example, Holand et al. have major concerns with the historical past of DSS, which adds to the social context of axiology. In light of this, diversity of knowledge may create a better understanding of values and their origins.

5.4 Chapter ending

To summarise the idea analysis, it is necessary to remark that the elements that have been discussed regarding the dimensions have been extracted to abstract a wholesome depiction of the dimensions. The aim has been to shed light on the central aspects of the research question. Throughout the analysis, several elements are reoccurring, and in that sense, the dimensions are interlinked. Hence, there are two major overarching interests: administrative responsibility and restitution. These two elements come to light through discussion of, for example, ownership, ethnic belonging, cultural heritage, and knowledge diversity.

In the first dimension, one can see how bureaucracy and Indigenous rights correlate. This could happen through bureaucratic notions of continuity, predictability, and professionalism from both DSS and KARP. Considering Sarr and Savoy's argumentation for cooperative cultural relationships, partnerships are seen as necessary for knowledge diversity. Such partnerships enable information flow and bicultural ideas. Indigenous internationalism, presented by Vik and Crossen, is suggested as a strategy Indigenous peoples use to navigate their interests in bureaucratic spaces. Bicultural cooperation is also seen as a tool in preventing the subjugation of knowledges and whiteness through establishing partnerships in an effort for reconciliation.

[288] Mead, *Tikanga Māori*, 2-3.

In an established partnership, power can be more equally distributed. In the second dimension, power becomes a central aspect of ownership. The National Repatriation policy deems those who refuse repatriation as unethical. In light of Childs and Williams, this point expresses a struggle with power for ethnic belonging. In the last 20 years, the discourse around ownership have changed, which seems to open partnerships between institutions and source communities. For example, the agreement between DSS as the institution and the Sámi parliament as the gateway to the source community expresses such a partnership.

Through bicultural partnerships can knowledge diversity grow. In the third dimension, Holand et al. use history as a lens through which they study the present (2000) research value of the repository. In line with Mika's understanding of language as entities that have the power to organise, could one interpret what the recommendation regards as valuable or not valuable? This shows that what we deem as valuable to research changes based on our social context. The Te Papa repatriation policy seems to consider the social context when it prepares a "wide-reaching" set of guidelines. Childs and Williams's interpretation of the importance of ethnic belonging mirrors this idea. The National Repatriation policy emulates similar calls for openness in asking institutions not to assume others' preferences on their behalf. This aligns with Fford's postulation of Europeans' tendency to assign identity markers.

The analysis conveys a constant return to the concept of partnerships. The partnerships are called for to prevent power struggles and to include knowledge diversity in repatriation questions based on history, laws, and cultural references. The main objective is to return human remains to source communities.

6 Conclusion

In the documents, policies, and research literature, the most reoccurring concept in-between principles and guidelines related to holding institutions and repatriation are those related to administrative responsibility and restitution. These overarching themes appear in discussions of ownership, ethnic belonging, cultural heritage, and knowledge diversity. The main objective of this thesis has been to map out and compare principles and guidelines and how they handle human remains in institutional settings. The study was formulated through the two-fold research question: How do ideas regarding human remains correlate between repatriation guidelines and holding institution guidelines, and what are the underlying ideas of repatriation in the context of KARP and DSS? The thesis has been conducted through an understanding of the research questions and the literature from theory and method in social constructivism and idea-document analysis.

Administrative responsibility and restitution are reoccurring topics discussed concerning management, ownership, and property rights. Ownership is directly or indirectly expressed through larger parts of the thesis. It is a concept impacting power, law, and research. In the historical and ethical discussion in chapter 4, the development in power and ownership related to human remains become apparent through Kyllingstad's accounts, through how he describes the research practice and societal trends. Perhaps, one of the prime examples here is that of Ørjan Olsen. Despite protests from Māori, the Norwegian zoologist gathered Māori remains for the sake of science. Indigenous peoples were seen as weaker and as dying human races through several theories provided by Western scientists. The historical reading of research and the investigation of ethical committees ends with a discussion. I consider Kyllingstad and Aranui's interpretation of researchers as influential in their field and trend starters in societies. Hence, researchers cannot simply be seen as "children of their time" because they, to a greater or lesser extent, were producers of what their "time" was. They were and are producers of norms and ideas. Through such trains of discussion, one can argue that the researchers determined and standardised the management and, as such, the associations to "ownership" and "property rights" through their practice. In light of Foucault and Moreton-Robinson, such ownership practices shed light on a repressive attitude towards Indigenous knowledge. Western researchers, considering Kyllingstad and Aranui, discharged Indigenous knowledge and worldviews as insufficient. Which ultimately led to Western knowledge becoming a norm for administrative responsibility.

More recently, administrative responsibility has been re-assessed through ethical principles and institutional policies. These are highlighted in subchapter 4.2 and the second dimension in chapter 5. ICOM lie out advisory principles for how one should not gain human remains purchase, gift, loan, bequest, or exchange. These are especially similar to categories 1-3[289] provided by Holand et al. in 2000. It is also here expressed uncertainty with how some foreign human remains ended up in the repository. In Chapter 5, one could see the development in the use of the term ownership from Lønningsutvalget in 1998 and to the DSS guidelines, which completely discard the term. Lønningsutvalget placed UiO as having the "property rights" to the collection in 1998. In 2020 the DSS guidelines would rather use the term "taking care of" for their administrative responsibility. Contrastingly, KARP and Te Papa are conveyed as the guardians of human remains in the Aotearoa New Zealand-related documents. Furthermore, source communities are advised to be included in administrative responsibility for repatriated human remains. The right to own, take care of, or claim guardianship relates to power.

Marx speaks of bureaucracy as a way of gaining power and becoming a decision-maker. In this thesis, Indigenous internationalism has been interpreted as a strategy. Indigenous peoples utilise it to gain power and become decision-makers. Vik and Crossen's understanding of the strategy convey the story of how Indigenous peoples can become decision-makers in Western spaces. The governmental establishment of KARP is perhaps an example of such strategies and navigation. Through KARP and other Aotearoa New Zealand policies, Māori advised for iwi, hapū and Te Papa to have full guardianship of ancestral remains, despite legalities around ownership. Sarr and Savoy, in the French and Senegalese report, express the need to investigate French cultural heritage laws when addressing repatriation. They found that cultural cooperation can aid in creating new laws for repatriation through a new legal aspect, which includes biculturalism. Such laws could have an impact on several levels. For one, it would change legal measures, but it would also challenge bureaucratic interests and conversation. Finally, it would be a tool for restoring cultural heritage. Accordingly, a sense of ethnic belonging could be constructed.

Several scholars expressed the main goal for the topic in their research by reassessing administrative responsibility and gaining restitution. Restitution is expressed through ethnic

[289] See subchapter 4.2.2. and 4.2.3 of this thesis for the full list and/or the context.

belonging and cultural heritage based on discussions about identity, power struggles, and consent here. Childs and Williams, Carman and Sørmoen and Fforde specifically engage in this topic regarding cultural heritage. Restitution can be experienced through a sense of ethnic belonging. To gain a sense of ethnic belonging, one must experience continuity for acceptance of one's worldview, predictability, and professionalism through being taken seriously when conveying one's knowledge and interests in a bureaucratic context, as described by Sarr and Savoy in chapter 5 of the thesis. Māori perspectives must be valued in the repatriation process because Māori have an emic perspective of tikanga – which represents Māori values. And for research to reach the standard of not being harmful, as FEK argues, must tikanga and Kaupapa Māori be recognised as legitimate cultural and research values. This is necessary because, in light of traditional Western knowledge norms, are Māori knowledge has an alternative narrative – as Bishop and Hingangaroa Smith elaborate in accordance with Kaupapa Māori.

Based on the literature, cooperative cultural partnerships can be considered measures for restitution. Several of the documents used in this thesis as material express the need for partnerships. For example, the agreement between DSS and the Sámi parliament can be seen as a way of restoring the Sámi feeling of ethnic belonging and re-assessing administrative responsibility. In the revised DSS guidelines the facilitation for such a partnership is expressed as why the guidelines were renewed. This partnership represents, I would argue, an initiative for reconciliation through mutual and consensual structures, allowing both parties to acknowledge and share knowledge about their common past. Matthes argument for shared historical pasts as a way to document human remains can be interpreted here as another tool in cultural cooperation for recognition and restoring the feeling of ethnic belonging.

Diversity of knowledge is necessary to accomplish a re-definition or abolishment of administrative responsibility and restitution. Knowledge diversity and the discussion surrounding it can provide tools for facilitating a dialogue of repatriation between two institutions. This means that what earlier has been subjugated knowledge must be recognised as legitimate sources of knowledge and perspective. In the third dimension of the idea analysis, the priorities made by Holand et al. can be understood as actions taken towards recognising knowledge. Through Kaupapa, Māori principles and Mika can recognise the organisation of priorities and navigate different institutions' interests. Henry and Pene address the different sorts of prioritisation, and a greater diversity of information can be achieved by implementing a perspective of knowledge as cumulative. For instance, understanding repatriation as a social

construct means multiple contexts must be considered in a cooperative cultural partnership. Such facilitation can create a more intentional cooperative relationship between the two institutional parties. This creates a sense of repatriation as a set of collective ideas and a phenomenon experienced by several actors. By attending to repatriation through assessing different sets of priorities, one can understand how dynamic and context-based repatriation can be as a social construct. And in extending this point, such perspectives indicate a foundation of knowledge diversity.

DSS has been representing the position of holding institutions with a background in Western knowledge, social context, and bureaucracy. KARP is a bicultural research programme that is a part of both Western social and Indigenous contexts because of its agenda and employees. In the compromised context of this thesis, the two institutions represent two polar opposites. But through the analysis, their partnership illustrates how institutions navigate through issues related to repatriation.

The many facets and the complexity of repatriation drove my interest in this thesis. I am curious about how institutions and museums meet repatriation requests and approach different knowledge. In the context of the theoretical framework for the thesis, repatriation is seen as a social construct. This point means that repatriation has the qualities of being contextual and changing. Thus, negotiation and the construction of meanings for actors that are associated with the term do contribute to what qualities the term is given. From the research literature, the term was here, on an overarching level, associated with history and knowledge. In-depth, the term was linked with values through research and cultural references, knowledge through Western and Indigenous knowledge, and social structures through bureaucracy and Indigenous rights. Thus, DSS and Karanga Aotearoa are seen as social constructs conditioned by their surrounding social world. Māori are nearly entirely in charge of the government-mandated repatriation team and the repatriation processes. Hole postulates that this makes repatriation processes very different from other repatriation requests because, in other cases, Indigenous peoples might need to go to the media to be heard.[290] DSS is a repository that was a central research place in the age of physical anthropology and inhabited great research material for eager scientists. On the other side, DSS has worked closely with the Sámi Parliament and other Sámi cultural institutions over the last two decades to improve conditions and repatriate Sámi human remains.

[290] Hole, “Playthings for the Foe,” 6.

The thesis has provided analysis and research literature, that shows how multi-dimensional the field of repatriation can be. It is an "eternal construction site," borrowing the term from Bratberg in subchapter 3.1, that changes based on social context, material, time, and cultural references. Research regarding human remains is a continuous ethical dilemma with no general straight forward answers. It underscores the need for continuous research, knowledge diversity and new questions by different researchers. In so, it may seem like an eternal construction site. KARP will continue to repatriate or work towards repatriation, and DSS will perhaps soon be able to standardize repatriation policies. This suggests that more material and new guidelines will be available for research. Furthermore, the Truth and Reconciliation Commission will publish its report in the summer of 2023.[291] This report will most likely point to several more aspects that deserve investigation into holding institutions and repatriation.

[291] The Truth and Reconciliation Commission, "Commission," last seen 7th of May 2023.

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