Te Hokinga Mai O Ngā Tūpuna:

Māori Perspectives of Repatriation and the Scientific Research of Ancestral Remains

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Waerea waerea i raro i a Rangi e tū nei,
Waerea waerea i runga i a Papa e takoto nei
Waerea i runga i nga maru o wehi,
Kia tū tangatanga mātaki e Tāne-pēpēke-o-te-wao,
Whano whano haramai te toki,
Haumi e, hui e, tāiki e!

Waiho kia tangi ahau ki taku tūpāpaku,
Kāpā he uru ti e piki ake

Let me weep for my dead,
it is not like the head of the ti tree
which when cut springs up again

(Mead and Grove 2004: 418)

Abstract

The repatriation of human remains has been the subject of much discussion and debate, especially since the 1990s. Since then, there has been a marked increase in the international literature relating to museums, indigenous peoples and repatriation; however, this literature is mainly written from the perspective of museums and universities. Although there has been some publication of the views on repatriation of indigenous communities there is a conspicuous absence of Māori perspectives in this literature. In particular, there is a lack of Māori voice on the repatriation of ancestral remains, as well as a lack of commentary on the so-called scientific research on ancestral remains that has taken place, and continues to take place, in universities, museums, and medical institutions around the world. This lack of indigenous perspective in the repatriation literature has resulted in mainstream assumptions about why indigenous communities, such as Māori, have been so active in repatriation activities over the last 25 years. The assumptions have tended to view the motives of indigenous peoples as politically motivated and even go as far as describing them as "activist" in nature rather than motivated by cultural beliefs and imperatives. This perceived view, as well as the views of many writers in the scientific and museum professions who do not agree with the repatriation of human remains back to origin communities because of their "loss to science" and therefore humankind, has prompted hotly contested debates concerning these issues. These contested views lead inevitably to the question of consent and whether the taking of skeletal remains from burial contexts to carry out 'scientific' research without consent is deemed ethical by today's standards.

The primary aim of this thesis is to document Māori perspectives on the repatriation of ancestral human remains and to understand the significance of Māori ancestral human remains for descendant communities. A secondary aim is to review some of the scientific research which has been carried out on Māori ancestral remains, and to identify the benefits, if any, of that research for descendant communities.

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This thesis is dedicated to all the tūpuna who are yet to come home, you are not forgotten.

Ngā mihi nui ki a koutou.

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INTRODUCTION

The repatriation of ancestral remains back to descendant communities has rapidly increased over the last 25 years. The push for the return has come mainly from indigenous communities in Australia, the United States, Canada, Hawai'i, and New Zealand who have requested the return of their ancestors from museums, universities and private collections throughout the world. It may come as a surprise for many Māori to discover that Māori ancestral remains are located in institutions and collections on nearly every continent, even on an island such as Mauritius located in the Indian Ocean. Just how they got there may be difficult to imagine but the early European explorers used islands such as Mauritius as ports of call between Europe and the Pacific, to trade and obtain supplies during their long voyages. The issues associated with repatriation today began during those early voyages of discovery and colonisation. Writing about the issues surrounding repatriation and the scientific research on indigenous ancestral remains has increased since the 1980s (Trotter 1984; Tymchuk 1985). With the creation of the National Museum of the American Indian Act 1989 (NMAI) Native American Graves Protection and Repatriation Act 1990 (NAGPRA) in the United States of America, and the return of Australian remains from the United Kingdom in the 1990s, which gained much media attention, the issue of repatriation has sparked continued debate. The initial repatriation literature came from the perspective of museums and contributed to the debate surrounding the treatment and display of human remains in museums' collections (Tymchuk 1985; Watt 1995; Stumpe 2005; Hole 2007; Alberti *et al* 2009). Museological and scientific perspectives have tended to lean away from repatriation because it has been viewed as a loss to science (Weiss 2008; McKie 2003). Nevertheless, there has also been some support for the return of ancestral remains from a small but vocal sector within the museum and non-indigenous communities internationally (Hitchcock 2002; Palmer 2003; Besterman 2004). What is noticeable, however, is that by comparison with these discussions there is far less literature from the perspectives of descendant communities and indigenous peoples, although this literature is slowly growing in some areas.

Background

My first experience with Māori ancestral remains was in 2005 at Matata, in the Bay of Plenty. I was a first-year master's student in Archaeology at the University of Auckland and was tasked with assisting in the excavation of a man buried by his whānau (family) at Kohika, a

seventeenth-century wetland village located in the Bay of Plenty (Aranui 2006). Being chosen by kaumātua (elders) to assist the archaeologist in the recovery of this man's remains was a great honour for me. This was not the first time I had been in the company of the dead as I had, since a child, attended tangihanga (Māori funerary process) and European funerals of family and friends, but it was the first time I had come face-to-face with someone who had died many hundreds of years ago. Unaware at the time of the significance of Kohika for iwi (tribal groups or nations) in the wider region, I was present during some heated conversations regarding our (archaeologists') right to be on site. From this I took away the importance of relationships with all iwi who have a connection with the land, particularly when it comes to tūpuna (ancestors).

Since 2008 I have been a researcher for the Karanga Aotearoa Repatriation Programme (KARP), which has, from its inception, been based at the Museum of New Zealand Te Papa Tongarewa (Te Papa). As part of a programme which has been mandated with the task of finding, negotiating and returning Māori and Moriori ancestral remains to Aotearoa New Zealand, and where ever possible back to their descendants or descendant communities, I have found myself in a unique position. As part of a small team of three, I have been, and continue to be, privy to a wide range of discussions and views on the subject of repatriation. These points of view have come not only from Māori but also from institutions and other indigenous peoples throughout the world. My interest in this research has developed from being party to these conversations and experiences over the last 10 years, but also stems from my background in archaeology. It was during my studies in archaeology that I first witnessed the importance of tūpuna and the way in which they connect people to the land and their sense of identity as iwi Māori. The interface of being Māori, an archaeologist, and at the coalface of repatriation has had an impact on the way in which I have come to understand that there are real cultural differences regarding death and the human body between Māori and Pākehā (Europeans), specifically scientists and museologists, and that much of the knowledge which has been produced was done with minimal consultation with iwi. I found this to be disheartening as the Māori voice when needed was not always present.

However, it is my research for KARP which led me to investigate how Māori have reacted specifically to the theft of their tūpuna, both in the past and the present. Perhaps the most challenging part of being in this position is coming face-to-face with the actions of the past, in the form of the large amount of published literature as well as correspondence from the nineteenth and early twentieth centuries on the Western scientific view of indigenous people.

I can honestly say that I spent the first five years in this position often angered and saddened by the treatment, study, and descriptions of Māori and other indigenous peoples. This was a part of New Zealand's colonial history that I was previously unaware of. I took to heart what I perceived of as the ill treatment of and disrespect for my tūpuna. Though I was born and bred in Wellington, I am of Ngāti Kahungunu and Ngāti Tūwharetoa descent. Despite not growing up in close proximity of my marae, which is in the tiny settlement of Pakipaki in the Hawke's Bay, I have kept a connection to the whenua (land) and my whānau (family). My father and grandparents are buried at Pakipaki in an ever growing urupā (cemetery) overlooking the papa kāinga (village, home base), and so it is important for me to keep those ties strong, that is, my connection through whakapapa to my iwi, but also my self-identification as wāhine Māori (Māori woman). I took the acts of the past personally and felt it was my duty to help return 'our' ancestors home to their people and back to the whenua. In this regard I consider my position to be a dual role of insider researcher and an insurgent researcher. The insider research approach has been used successfully by other Māori academics within the museum field (Tapsell 1998, Hakiwai 2014). Tapsell explores, from the position of a Te Arawa tribal member working at Rotorua Regional Museum and the Auckland War Memorial Museum, the role of taonga (treasured object) in Māori society, and the ways in which taonga, whether tangible or intangible, bind tangata Māori (Māori people) to their whenua (Tapsell 1998: 52). Hakiwai similarly uses his position as an active member of his iwi (Ngāti Kahungunu, Rongowhakaata, and Ngāi Tahu) and his numerous experiences at Te Papa (and its predecessor the National Museum) to examine the role of taonga in Māori tribal identity. Kahotea (2006) has also discussed the role of the insider researcher as the 'native informant'. Kahotea appropriates Spivak's (1999) use of the term to describe his role as an indigenous researcher during the Waitangi Tribunal claims process in the 1990s (Kahotea 2006: 2). Rather than providing information to an outside anthropologist Kahotea sees himself as a Māori anthropologist who is "both 'native informant' and 'native anthropologist', an advocate both from within and for a community" (2006: 2).

Through this position I have experienced first-hand the effects that returning tūpuna (ancestors) have had on descendant communities, be that at the iwi, hapū (sub-tribe or extended family) or whānau level, and the way in which the return of tūpuna helps to reaffirm tribal links to land and identity. Repatriation, therefore, is another way in which Māori are actively reclaiming their heritage, culture and way of life, and at the same time attempting to decolonize museum practice. What I have also experienced is that there are many institutions

that still hold Māori ancestral remains (and those of indigenous peoples more broadly) and are not fully aware of the impact of retaining ancestral remains for the pursuit of science or curiosity. I, therefore, also see it as my duty to inform those institutions and the wider communities in which they belong of the important role tūpuna play in ensuring that the connections between the living, the dead, and the land remain strong.

Literature Review

Research undertaken for this thesis includes a review of the key writings relating to both my research question as well as the wider repatriation movement. The scope of this literature review encompasses Māori studies, museum studies, cultural studies, social sciences and the formal and natural sciences, from national as well as international contexts. This review has enabled me to identify key themes in this topic which are of direct relevance to my subject of study, and also to place this research into the context of the wider international repatriation movement. The conclusion of this literature review summarises key themes which will then be used to frame the research design.

Researching Māori

While many explorers, naturalists and early men of science came to New Zealand to learn about the people and the environment in which they lived, the cultural beliefs and practices of Māori as well as Moriori were not always seen as important and were often misinterpreted into something that was knowable in Western terms (Smith 1974). This is where words such as myth, mysticism, and savagery emerge as mechanisms for the West to explain away aspects of culture that were not understood or acknowledged. Knowledge, in the Western sense, tended to describe Māori rather than to understand cultural beliefs and practices, and the social sciences—particularly anthropology—continued for some time to do just that. For example, unilineal cultural evolution was a nineteenth-century-theory first developed by philosopher Henry Spencer (Schultz and Lavenda 1995). The theory proposed that society travelled through a series of stages in order to reach or achieve ‘civilisation’ (Schultz and Lavenda 1995). Examining the collecting of human remains shows that this theory was at the forefront of how Western anthropologists viewed Māori and categorised them depending on their perceived level of civilisation whilst always regarding themselves—as part of the European or Western culture—as the most civilised. Māori, as we shall discover, were

perceived to still be progressing on this evolutionary journey. This perspective was also commonly attributed to other colonised cultures in the Pacific, the Americas, Asia and Africa. Thinkers of that era, such as Lewis Henry Morgan, theorised that society evolved through three stages: savagery, barbarism and civilisation (Morgan 1877). Sir Joseph Banks (1771), a little over one hundred years prior, also identified Māori as savages, placing them in the 'least civilised' category. This thinking, however, soon went through its own evolution with the next generation of anthropologists.

Over time, the evolutionary view was questioned and eventually rejected, especially by Franz Boas who opposed the evolutionary approaches to anthropology and introduced a more holistic idea of cultural relativism, in the sense that cultures did not progress through stages and were not to be ranked according to their perceived level of civilisation (Boas 1887: 589). He believed that the main purpose of ethnological museum collections should be to present the fact that "civilization is not something absolute, but …is relative, and …our ideas and concepts are true only so far as our civilization goes" (Boas 1887:589), and that cultures should be seen through their own eyes instead of viewing cultures as "fossilised remnants of evolutionary stages" (Moore 2009: 26). Despite a changing view in the way indigenous cultures were studied, the perception remained that Western scientists and anthropologists were still different from those who studied them. The creation of an 'other' by Western theorists, a critique of which is most commonly attributed to Edward Said (2003), has been used to describe not only the cultures of the Orient but also colonised cultures and peoples such as Māori and Moriori in New Zealand. The Other was seen in the same way as Morgan's savage, a fossilised version of European culture. Said saw that the discipline of anthropology, and practices of ethnography, contained these stereotypes and in his view in the 1980s this issue still had not been dealt with (Said 1985: 94). As a result, he argued that there is some:

> …fear that today's anthropologists can no longer go to the postcolonial field with quite the same ease as in former times. This of course is a political challenge to ethnography on exactly the same terrain where, in earlier times, anthropologists were relatively sovereign (Said 1989: 209).

This is true to some degree with regard to the New Zealand context, especially concerning the study of ancestral remains.

Published material regarding scientific research on human remains has existed since the colonization of lands outside Europe. In New Zealand early studies began with the arrival of Captain Cook in 1769. Journals of the crew, particularly Banks' (Beaglehole 1962) and Georg and Johann Forster (Thomas and Berbhof 2000), provided detailed research on the inhabitants, culture and customs of the people they visited as well as the environment in which they lived. Though not 'science' as we understand it today, this knowledge was taken back to England and the human remains that had been collected were, in many cases, given to medical institutions that, at the time, were making discoveries new to Europeans about the human body. Museums were also repositories for skeletal remains in this period, known as the Age of Enlightenment (MacDonald 2005, 2010; Arnold 2006; MacGregor 2007; Smith and Aranui 2010). The Enlightenment and discoveries about the human body soon transformed into the search for human origins, which led to an intensification in the importance of human remains. The nineteenth century saw an increase in the collection of skulls in the interests of the sciences of craniology, anatomy and Charles Darwin's theory of evolution (Quigley 2001). They were specifically of interest to those scientists focused on the races that they thought to be on the brink of extinction, such as the Moriori of the Chatham Islands (Welch and Davis 1870-1871; Thomson 1915) and the Aborigines of Tasmania (Moses 2003). In Europe this research was considered to be of particular importance, with large collections being amassed and research being undertaken on human remains, including the publication of catalogues on the world's races (Davis 1867; Flower 1879). These collections were assembled through expeditions to the Pacific, such as that of the *HMS Challenger* from 1873–1876 (Thompson 1895; Moseley 1879), and were used to study and compare the races of the world through the 'science' of phrenology, craniology, and osteology (Blumenbach 1794; Williamson 1857; Davis 1867; Flower 1879; Rochette 2003; Turnbull 2017).

The 1870s also saw a debate erupt in New Zealand between Julius von Haast of the Canterbury Museum and James Hector of the Colonial Museum over the race of people who were present in the country contemporaneously with the moa (Thode 2008). The collection and examination of skulls from Moahunter sites were used by Haast to prove his theory that Moriori were a different race from Māori (Haast 1872 1881; Hector 1871). Linked to this debate was the view that the Moriori were of a Melanesian and Polynesian genetic mix (Duckworth 1900). Studies investigating the size and shape of the skull sought to identify the difference between Moriori and Māori (Scott 1893). This debate carried on well into the

twentieth century with people such as Skinner (1928), Shapiro (1940), and Taylor (1962a, 1962b) strongly suggesting that the theory posited by Haast was not supported by cranial measurements or physical appearance. Advances in science soon moved the focus on human remains from physical observation to more specialised and invasive scientific testing.

Modern-day scientific research has developed significantly, and research on human remains, especially indigenous remains, has been well-documented and discussed in terms of potential research opportunities (Jones and Harris 1998; Curtis 2003; Tayles 2009). DNA (Benton 2009; Port 2009; Raff 2015; Rasmussen *et al* 2014; Rasmussen *et al* 2015) and isotope research (Pate *et al* 2002; Westaway *et* al 2004; Roy *et al* 2005; Cameron 2011; Cameron *et al* 2012) have been the main foci for researchers, particularly with regard to identifying the origins or provenances of indigenous human remains. However, some indigenous scholars and repatriation officers have questioned the use of DNA in the racializing of indigenous people and cultural affiliation (e.g. Tallbear 2003; Reardon and Tallbear 2012; Lippert 2016).

The repatriation of indigenous ancestral remains excavated from archaeological contexts has also been a topic of discussion in recent years with examples from New Zealand (Douglas 2012; Buckley *et al* 2010; Brookes *et al* 2011; Brown and Thomas 2015), Africa (Schoeman and Pikirayi 2011), and the United States (Bray and Killion 1994; Painter-Thorne 2001-2002). Hibbert (1998-1999: 425-426) examines the opposition of archaeologists to 1990 NAGPRA legislation on the grounds that they would lose the right to research, he asks, "Are these archaeologists who disinter Native American skeletal remains like modern Galileos, irrationally persecuted because of their scientific method, or are they simply 'grave robbers'?" He discusses the discriminatory motives of past archaeological research and identifies that in the United States a compromise has resulted between archaeologists and communities and repatriation supporters (1998-1999: 458). Similarly, Fforde (2007: 245) in her research on the repatriation of Australian Aboriginal remains also identifies that there are significant differences of opinion between indigenous peoples and the scientific community over the retention of the remains found in archaeological sites.

Non-invasive research undertaken by physical anthropologists is by far the most widely published research of Māori ancestral remains in New Zealand. In the 1970s, physical anthropologist Robin Watt wrote about the neglect of the field and its lack of contribution to the understanding of Māori and Moriori (Watt 1972: 133). Soon after, Phillip Houghton began undertaking a number of studies on Māori skeletal remains excavated from archaeological contexts (Houghton 1795, 1976a, 1976b, 1976c, 1976d, 1977a, 1977b; 1977c,

1979). Houghton and the University of Otago held the monopoly on this research and therefore were the major contributors in the 1970s (George 2013: 30).

Repatriation Development and Debate

This repatriation moment around the world has been well documented (e.g. Day 1990; Fforde 1997; Zimmerman 1997, 2002; Simpson 2001; McKeown 2002; McManamon 2002; Hubert and Fforde 2004; Greer 2012). The work of these early non-indigenous accomplices created accords and codes of ethics that were developed by the World Archaeological Congress (Day1990; Zimmerman 1997). Debates around the issues of repatriation and their place within the museum and university contexts have been widely published and have discussed topics such as: indigenous perspectives (e.g. Bieder 1990; Pensley 2005; Karanga Aotearoa 2008; Wilson 2009; Hemming and Wilson 2010; Krmpotich 2011; Stephens 2012; Pfieffer and Lesage 2014; Aranui 2017a); the history of collecting human remains (Donne 1975; Fforde 1992, 1997; Fforde Hubert & Turnbull 2002; Hole 2007; MacDonald 2007; Smith and Aranui 2009; Hallgren 2010; Turnbull 2010, 2017; Galanakis and Nowak-Kemp 2011;); museum perspectives (Besterman 1992, 2004; Chambers 2004; Curtis 2006; Pickering 2010; Tapsell 2011; Aranui 2017b); and scientific perspectives (Peers 2004; Kakaliouras 2008; Morphy 2010; Pardoe 2013).

Discussions from symposia and conferences about repatriation issues have also been transcribed and made available to the public (Besterman 2003; Institute of Ideas 2003; Solomon 2005; Giles 2006; Frigo 2008; International Symposium 2008; Hippolite 2012). These offer valuable viewpoints from those who are for and those who are against repatriation. A number of publications have examined claims for the return of significant cultural material and ancestral remains from museum collections (Simpson 1997; Legget 2000). Some deal with the issue of providing better care and storage facilities for ancestral remains held in museum collections (Bowron 2003; Lohman & Goodnow 2006).

In recent years, post-graduate research has also been produced with specific foci on the return of Māori ancestral remains (Butts 2003; Clouse 2006; Hole 2006; Jorgensen 2009; Kleinsman 2012; O'Hara 2012; Hakiwai 2014; Phillips 2014; Schmidt 2014; Le Gall 2015; Murphy 2016; Kroeger 2017; Morton 2017), and has explored some of the circumstances in which the remains were obtained and later traded or sold through auction or private sale (Kleinsman 2012). Many of these publications have been developed due to both the involvement of indigenous communities with museums and the changing views of museum staff regarding

the care and storage of human remains in their collections. Initially, museum and scientific perspectives have leaned towards the 'do not repatriate because it will be a loss to science' view (Weiss 2008; McKie 2003) or the view that repatriation is a purely political agenda by the colonized communities (Jenkins 2011).

Repatriation and the Indigenous voice

When considering the literature around repatriation, it has become apparent that there has been far less published material from indigenous peoples and communities than scientists and museologists. The indigenous voice became stronger during the 1990s particularly in the United States following the National Museum of the American Indian Act 1989 (NMAI) and the Native American Graves Protection and Repatriation Act 1990 (NAGPRA) (e.g. Ayau 1992, 2005; Trope and Echo-Hawk 1992; Bray and Killon 1994; Riding In 1996; Mihesuah 2000; Bray 2001; Ayau and Tengan 2002; Thornton 2002; Watkins 2002, 2005; Dumont 2003; Riding In *et al* 2004). The implementation of both acts placed cultural beliefs and practices on an equal par with scientific inquiry, and was the result of decades of protest, negotiation and legal action by Native America communities (Pensley 2005: 37-39; McKeown 2012). These early writings reveal strong messages of oppression, activism, and the reclaiming of the past directed towards museums but, is equally, towards the archaeologists who looted their ancestral burial grounds (Bieder 1990; Hibbert 1998/1999; Watkins 2005, 2009). "We have a right to be angry at those who dug our dead from the ground, those who established and maintained curatorial policies, and those who deny our repatriation requests" (Riding In 1996: 241).

Authors like Riding In (1996) were inspired by the much earlier repatriation efforts from the late 1960s (Bieder 1990: 229-231; Weaver 1997: 16). Native American scholars like Vine Deloria Jr. (1969) have for many years been highlighting the concerns and injustices affecting their people. Deloria asks "why should we continue to be the private zoos for anthropologists?" (1969: 95). He believes the accumulation of "useless knowledge 'for knowledge's sake' should be utterly rejected by the Indian people. We should not be objects of observation for those who do nothing to help us" (1969: 94).

According to the latest statistics (updated in September 2016), 57,847 Native American individuals have been returned to their descendant communities by American institutions since the implementation of NAGPRA (National Park Service 2017). The Association of American Indian Affairs (AAIA) has also developed a programme focused on raising

awareness of the repatriation of Native American remains from international institutions (AAIA 2017). While the number of ancestors that have been returned is an encouraging start, these returns do not provide detail on the process undertaken, the history surrounding these ancestors, or the emotional trauma and spiritual distress which has impacted on Native American communities. For Russell Thornton, an anthropologist of Cherokee descent, the "repatriation process helps Native American groups to achieve some closure on traumatic events of their history, a closure which was not possible as long as human remains and cultural objects associated with these events were held by museums and other institutions" (Thornton 2002: 22).

Along with the positive outcomes as a result of NAGPRA, there remained strong views as to the act's challenges, particularly with regard to human hair and what was to become the most famous repatriation case in the world, that of The Ancient One, (or Kennewick Man) (Weaver 1997). The legal battle over the right to study the identity, or origins of, and the relevance to NAGPRA regarding the Ancient One, has been widely published (e.g. Thomas 2001; Weiss 2001; Chatters 2002; Zimmerman 2005; Bruning 2006; Ray 2006; Burke *et al* 2008; Coleman 2013; Owsley and Jantz 2014), including from the Native American perspective (e.g. Weaver 1997; Watkins 2004).

More recent writings coming out of the United States have examined the implementation of NAGPRA (Lyndon and Rizvi 2010; Greer 2012; Roberts 2016), the work undertaken by Native American, Hawaiian or tribal repatriation workers (Colwell-Chanthaphonh 2012; Keeler 2012), and DNA research (Reardon and Tallbear 2012). There has also been advice provided concerning international guidelines for the care of human remains in museum collections (Ayau and Keeler 2017). Acts of intellectual savagery by museums, as Ayau explains (2017: 4), is a strong theme which is also experienced by other indigenous peoples involved in repatriation (Levy 2006; Armstrong 2009; Sarkin-Hughes 2011).

Across the Pacific Ocean the Aboriginal and Torres Straits Islands, like Native Americans, have been staunchly vocal in their demand for the return of their Old People both nationally and internationally from the 1980s (Wilson 2009). Known worldwide for their successes with international repatriations, various communities throughout mainland Australia (excluding Tasmania) and the Torres Straits Islands have, at least over the past 25 years, worked with the Australian Government to bring home over 1,400 ancestral remains (Department of Communications and the Arts 2017). The Tasmanians, the Ngarrindjeri of the lower Murray River region of South Australia, and the Torres Straits Islanders have been

some of the most active in their repatriation efforts, particularly in England. These groups have often appeared in the media (e.g. Kennedy 2008; Elliot 2010; Todd 2014; Bamford 2018; Royal and Scopelinous 2018), which has made their journeys more widely known. As such their views on repatriation and its importance culturally, spiritually, and in the case of the Ngarrindjeri to the land itself, have been shared. Through media and academic publications Aboriginal and Torres Straits Islanders have been vocal regarding the pain and sickness that the removal of their Old People has caused for them as a people and for the land on which they exist (Wilson 2009; Hemming and Wilson 2010). For the communities of the Torres Straits, bringing their ancestors home is of great importance. In an interview with Nigel Warburton, Torres Strait community members explain why repatriation is important for their people (The Open University 2012). Chair of the Torres Strait Repatriation Working Group, Seriako Stephen states that the:

> issue is of cultural significance to our community in the Torres Straits…we have a mandate and the consent of the community elders and the entire community to bring back our ancestral remains to our community, and the significance of that is that we have that affinity with those ancestors that were taken over 100 years ago. We have the spiritual connection to them; we have the cultural connection to them (Stephen in The Open University 2012: 1).

Deputy Chair Ned David adds, "It's extremely important that our ancestors are laid to rest in the appropriate manner that benefits their position in our society or in our community". He goes on to say, "whilst the remains of our forebears, kept under lock and key, are so far away from home, their spirits will continue to wander lost in another land" (David in The Open University 2012: 2). Bringing further understanding to the Torres Straits perspective, Emma Loban, explains, "we Torres Strait Islanders, have a holistic view of the world…our ancestors hold a significant place within our culture. The living and non-living are inextricably linked. From a Torres Strait Islander world view, ancestors are integral to the way in which we live today. They determine who we are, where we come from and how we view ourselves in a global society" (Stephens 2012: 38).

For Ngarrindjeri, the view is not dissimilar with regard to holistic connections and the restlessness of the spirit. Ngarrindjeri leader the late Tom Trevorrow explains, "we know that their spirit has been at unrest. We believe that the things that happen around us, our lands and waters, is all connected. Its part of it, and what's happening here is part of the healing process, when we bring our Old People home" (Hemming and Wilson 2010: 183). Described

as the “First Stolen Generations”, their Old People were “torn from their country and resting places in much the same way as indigenous children were stolen from their families” (Hemming and Wilson 2010: 186). The pain and suffering caused by the theft through “acts of racialized power” sadly remains through successive generations (2010: 186). “Only through government support and culturally appropriate funeral ceremonies can the healing begin” (2010: 186). These views about the importance of repatriation for healing the hurt caused in the past and enabling the spirits of those ancestors to be at peace, all tie in with connection to land and identity. This will be a strong theme that runs through all of the indigenous perspectives discussed in this thesis. The consistency of this theme then gives weight and merit to the importance of taking indigenous perspectives seriously.

What has been written focuses on making the past known, putting the return of their ancestors into context and enabling the reader to understand the hurt, anger, sadness, and healing that takes place before, during and after the repatriation process. Granted this may not be easy for those outside the community or culture to relate to, but those people who understand the importance and unbroken connection between the past and the present, between the dead and the living, will no doubt empathise with the ongoing struggles indigenous peoples experience in order to bring their ancestors home.

Repatriation and Māori

Despite the high profile of repatriations undertaken in recent years, Māori are surprisingly underrepresented. Te Awekotuku (2004, 2007) has looked at the trade of Toi moko and their sale and collection around the world. Tapsell has published on the repatriation of taonga (1998, 2002, 2011; Shannon *et al* 2017)) and Māori ancestral remains (2005), however his focus is more towards the repatriation of taonga. Hakiwai (2014) sees repatriation as essential to the “pursuit of secure Māori identity” (2014: 19) and self-determination which is a significant aspect of my research question. Hakiwai describes repatriation as a “futures-orientated solution to cultural restoration and revitalisation” (2014: 20). What is important about Hakiwai’s research is that he explains how influential the 1980s exhibition *Te Māori* was for the development of the Karanga Aotearoa Repatriation Programme (21014: 74). Smith & Aranui (2010) have discussed the collection, exchange and repatriation of kōiwi tangata (human remains) from specific locations with in New Zealand. Herewini (2008, 2017, 2018b; Herewini and Jones 2016; Shannon *et al* 2017; Abungu *et al* 2018) has also published on aspects of repatriation. As the current head of repatriation at Te Papa, Herewini’s views

are focused on aspects of repatriation policy and procedures (Herewini 2017; Abungu *et al* 2018), as well as the work carried out by the Karanga Aotearoa Repatriation Programme since its inception (Herewini 2008). Importantly Herewini's work has provided an overview of the repatriation process undertaken by the repatriation programme (Herewini 2017: 10-11).

The importance of including community in the process of provenance research has been examined by Aranui (2017b). The role of the dead for the living in Māori society has been discussed by Aranui, which reinforces the significance of repatriation by stating that Māori ancestral remains 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" (2017a: 13). These sources provide information on specific aspects of repatriation and insights into the history of collecting. They do not, however, give detailed information as to the motives for collecting Māori ancestral remains; those specifically involved in their collection; or detailed perspectives from Māori who have been involved in the repatriation process.

Many of the unpublished sources relating to the repatriation of Māori ancestral remains have been written by past and present members of the Karanga Aotearoa Repatriation Programme (KARP), who are also of Māori descent. The majority of this material is related specifically to particular kōiwi tangata in the form of 'Kōiwi Tangata Reports' from domestic repatriations back to iwi and hapū (e.g. Karanga Aotearoa Repatriation Programme 2009a, 2009b, 2009c; Smith 2010; Aranui 2011a, 2012a, 2012b). A record has also been produced from discussions between iwi representatives at a national hui (meeting) held at the National Museum of New Zealand Te Papa Tongarewa (Te Papa) in 1998 to discuss the future management and care of the ancestral remains held there (Museum of New Zealand Te Papa Tongarewa 1998). What is missing from the literature is published material that examines Māori perspectives relating to the history of the collection of ancestral remains or the experiences of having tūpuna returned to iwi.

The academic literature on repatriation falls heavily on the side of the repatriator and those identified above who have written about development and history of the repatriation movement. Māori and indigenous voices generally are much stronger outside of the scholarly sphere, including indigenous media (e.g. Treacher 2013a, 2013b; Akaku Maui Community Media 2013), submissions relating to repatriation (e.g. Mansell 2001; Nihipali and Ayau 2001; Tapsell 2001), and even works of art such as *Detour* by Michael Parekowhai and *Vee* by Shane Cotton, on display at Te Papa (Toi Art 2018). These examples, provide a strong

indication that the academic sphere is not necessarily the place where Māori and indigenous perspectives are highly represented.

The Ethics of Repatriation and Scientific Research

An important aspect surrounding repatriation and scientific research of indigenous ancestral remains relates to ethics, the ethics of research and knowledge (Kerr 1996; Nicholas 2005; Mead and Ratuva 2007; Weiss 2008; British Association of Biological Anthropology and Osteoarchaeology (BABAO) 2017a) and the ethics of retaining human remains (Blake 2007; BABAO 2017b), particularly when they have obtained the remains without consent of descendant communities or the individuals themselves (Powell *et al* 1993; Painter-Thorne 2001-2002; MacDonald 2005; Tapsell 2011). The ethics of the treatment of human remains have been a long-standing issue (Simpson 1996; Jones and Harris 1998; Palmer 2003; MacDonald 2010; Fossheim 2013). In 1989, the World Archaeological Congress (WAC) adopted into its code of ethics the Vermillion Accord on Human Remains, which called for mutual respect to be given to the beliefs of indigenous peoples and to the views of the scientific community in respect to human remains (Day 1990). Soon after, discussions between the scientific and indigenous communities intensified, particularly over issues relating to recognising the rights of indigenous peoples and their perspectives on the display and treatment of indigenous remains, as well as issues of ownership and co-operation in terms of research between the two communities (Goldstein and Kintigh 1990; Powell *et al* 1993; Fergusson 1996; Hanna 2003; Cohan 2004; Blake 2007; Jenkins 2008; Cryne 2009-2010; Meskell 2009; Warburton 2012). Unsurprisingly, there has been some resistance from indigenous communities toward the use of indigenous human remains in scientific research (e.g. Harry *et al* 2000; Tasmanian Aboriginal Centre 2007). Human rights and repatriation have also been well documented, particularly through international declarations (Mataatua 1993; Human Rights Commission 2017), codes of ethics (Zimmerman 1997; BABAO 2017b; WAC 2017) and accords (Zimmerman 2002; World Archaeological Congress 2018).

Ethical and moral perspectives are increasingly becoming a deciding factor in many repatriation cases (Palmer 2003: 146; Besterman 2004: 3), with repatriation being part of the moral redress for "holding another culture's ancestors captive" (Tapsell 2005: 154). Publications on museum ethics (Edson 1997; Lohman and Goodnow 2006; Turnbull and Pickering 2010; Mastine 2012; Giesen 2013; Mastine *et al* 2013; Aitkinson 2014; Tythacott and Arvanitis 2014; Murphy 2016) have increased significantly, as have those relating to the

sciences and humanities (Zimmerman *et al* 2003; Cassman *et al* 2007; Márquez-Grant and Fibiger 2011; Tarlow and Stutz 2013). There are also those that view it as unethical to be prevented from undertaking scientific research (McKie 2003; Weiss 2008; Kakaliouras 2014).

Conclusion

This literature review examines the key bodies of knowledge relating to the study of Māori, the development of the repatriation movement and the ensuing debate which prevails in the academic literature. Themes of reclaiming back identity; Māori and other indigenous peoples as the 'Other'; repatriation as activism; and the subjective nature of ethics, are represented in this literature. From these key themes it is clear that the indigenous voice though present is not as strongly represented or acknowledged, as is the dominant Western view. The Māori perspective is particularly lacking, which is surprising considering how active Māori are in repatriation.

The problem with there being little publication of indigenous perspectives on repatriation and the research of ancestral remains is that museums and other institutions, as well as the wider public, are not fully informed of the details. An in-depth and true understanding can only come from Māori or other indigenous peoples and communities directly. How Māori feel about their ancestors being specimens in museum and university collections to be studied, dissected, and destroyed in the name of science brings into question how tūpuna came to be on the other side of the world in the first place. As shall be discussed in this thesis, many Māori are unaware that theft had even occurred. In New Zealand little is known about the lengths to which collectors went in order to obtain human remains, or the extent of the collections amassed especially in the latter half of the nineteenth century. I have had conversations with a variety of different people about my work as a researcher for KARP, and many have no idea about this subject. The reason why this is the case intrigues me.

This review has revealed that the gap in the current literature is an in-depth understanding of the issues of repatriation and research from a Māori perspective. Filling this gap is very much needed in order to fully understand why Māori are so active in the global repatriation movement. It is also essential to understand these views in the context of wider Māori issues and struggles for reclaiming cultural identity and authority of Māori history and cultural heritage.

Theoretical Framework

The literature review has identified that there is a significant gap in the literature regarding Māori perspectives on the experiences in and importance of repatriation. This is, I believe, linked to the imbalance of indigenous perspectives in the literature, which is currently weighted heavily towards non-indigenous views on aspects of collection, study, and the development of the repatriation movement. This thesis seeks to understand Māori motivations and participation in the wider repatriation movement, and why this imbalance exists. The literature demonstrates that the subject of repatriation and scientific research on indigenous ancestral remains is dominated by Western perspectives, though there is a growing indigenous voice emerging particularly out of the United States and Australia.

The theoretical perspective that underpins this thesis is cross disciplinary in nature and stems from the social sciences, especially anthropology, sociology and indigenous studies. In using these disciplines, I investigate the knowledge and power relations between the colonizer and the colonized with reference to the power of the narrative. By this I mean the power and influence that the written word has had on the perceptions of Māori culture, appearance, race, and perceived evolutionary development.

My theoretical framework uses concepts of reclaiming history and identity, and taking back the narrative, to explain the importance of tūpuna in past and present Māori society. Māori concepts are also drawn on to demonstrate that ancestral remains, or tūpuna, connect the present to the past and to the land, which is integral to Māori identity.

The basis of this study is grounded in critical theory and a Kaupapa Māori framework. Both are closely aligned, have their roots in post-colonial thinking, and provide a framework to discuss the effects that colonialism has had on colonized countries and their indigenous people, including their cultural beliefs, practices and knowledge. Exploring the history around the politics of knowledge, particularly in New Zealand and especially in the nineteenth and early twentieth centuries, through a critical theory lens, enables a long overdue critique of the knowledge and possession of human remains obtained in New Zealand and distributed throughout the world. I employ the concepts of Otherness, reclaiming knowledge, history and culture, and taking back control of the narrative, through the work of Said, Smith and Foucault.

This framework aligns strongly with Edward Said's writings on Orientalism, a concept which he identifies as a Western construct used in academic teaching and research; it is also "a style

of thought based upon an ontological and epistemological distinction made between 'the Orient' and (most of the time) 'the Occident'" (Said 1978: 2). Orientalism, according to Said:

> can also be discussed and analysed as the corporate institution for dealing with the Orient—dealing with it by making statements about it, authorizing views of it, describing it, by teaching it, settling it, ruling over it: in short Orientalism is a Western style for dominating, destructing, and having authority over the Orient (Said 1978: 3).

Though Orientalism and the Orient are, in the case of Said's writing, identified as India and the Biblical Lands, the concept can be applied to indigenous peoples of colonized countries like New Zealand. The Occident however remains the same, identified by Said, as mainly but not exclusively England, France and the United States (1978:4). It is in essence the study of the European Self (coloniser) and the indigenous or 'primitive' Other (colonized). That difference is, of course, imagined and no longer holds the scientific merit it did in the eighteenth and nineteenth centuries.

With particular reference to the Western-based production of knowledge about Māori by Europeans—be that in the form of scientific studies of Māori human remains from the early observations and ethnographic research of living communities, to production of Māori histories and origins—the concept of Orientalism as a discourse is important to explore. Said explains, "one cannot possibly understand the enormously systematic discipline by which European culture was able to manage—and even produce—the Orient politically, socially, militarily, ideologically, scientifically, and imaginatively during the post-Enlightenment period" (1978: 3). This is still evident in the current literature around the study of indigenous peoples and the repatriation movement.

As a response to this continued (but dissipating) domination of the discourse, in a variety of disciplines, the work of Professor Linda Tuhiwai Smith has challenged the imperialist "frame of the indigenous experience" (2012: 20). Smith's work on decolonizing research or 'researching back' is characteristic of much of the post-colonial literature including Said (Smith 2012: 8). Smith notes that research is "one of the ways in which the underlying code of imperialism and colonisation is both regulated and realized" (2012: 8). Smith also highlights the way in which research "became institutionalized in the colonies, not just through academic disciplines, but through learned and scientific societies and scholarly networks" (2012: 8). This is especially true for the collection and study of Māori ancestral remains. The representation of Māori through research is critically examined in this thesis

using the frameworks developed by both Said and Smith, and incorporated and applied through a Kaupapa Māori lens.

With collection come notions of ownership and power over human remains and the knowledge obtained from them. These are concepts which Foucault uses in his theories around knowledge and power. He employs the terms "political anatomy" and "mechanics of power" to show how one could have a hold over the body of another to do with as one wished, when one wished, and in the way one wished (Foucault 1977: 28). Foucault describes political anatomy as a "set of material elements and techniques that serve as weapons, relays, communication routes and supports for the power and knowledge relations that invest human bodies and subjugate them by turning them into objects of knowledge" (1977:28). These ideas are applied to the collection and scientific research of Māori in the nineteenth and early twentieth centuries, which are be examined in Chapter One and Chapter Two of this thesis. Foucault's notions of knowledge and power through discourse and the human body work well with Said's concept of Orientalism.

The concepts of Orientalism (Said 1978) and political anatomy (Foucault 1977) are implemented in order to understand the impacts of the collection, study, and repatriation of Māori ancestral remains in the context of colonization and the pursuit of knowledge. This includes the domination and attempted destruction of Māori culture and identity through political and social measures, but also through discourse. In response to becoming "Orientialized" (Said 1978:5), Māori went through a cultural renaissance from the 1970s where they began to actively reclaim their tino rangatiratanga, or absolute sovereignty and therefore reclaim authority over their lands, language and culture.

An important driver in this thesis is the reclaiming or taking back the narrative and the authority to produce the narrative and discourse of Māori, for Māori, and by Māori. Smith's theoretical stance encourages the reclamation of control over knowledge by becoming the researcher rather than the researched. There are also a number of themes which Smith identifies as being an important part of indigenous research, these include self-determination, healing, social justice and restoration (Smith 2012: 143). All of these are strongly represented throughout this thesis, and essential in Kaupapa Māori research frameworks.

The perspective of the so-called Other, in this case Māori, is explored by incorporating a Kaupapa Māori framework as noted above. Kaupapa Māori is both theoretical and methodological. Its principles, being both cultural and political, are employed to carve out "a

common discursive space, particularly for Māori researchers and social practitioners, to legitimately mobilise Māori concepts and practices" (Hoskin and Jones 2017: ix). Kaupapa Māori as a theory was developed by Grahame Hingangaroa Smith as a "transforming praxis" (Smith 2017: 79) which evolved to become the "arduous struggle for the revitalisation of the Māori language" and alternative forms of education (2017: 80). Developed in the 1980s as part of a conscious mind shift by many Māori towards tino rangatiratanga over their own self-development, Kaupapa Māori saw a shift from decolonization to consciousness-raising (2017: 80). This shift saw the change in focus from the interests of the colonizer to the interests of Māori being at the centre of academic and political discourse. Kaupapa Māori as theory and practice has been utilized by many Māori scholars such as Leonie Pihama (2012), Russell Bishop (2011), Linda Tuhiwai Smith (2012), Alice Te Punga Somerville (2017), Des Kahotea (2006), and Fiona Cram (2001).

Applying Kaupapa Māori as a methodology or practice (as further discussed below) allows me to explore and answer my thesis questions, by enabling Māori to explain their perspectives and beliefs from a Māori worldview. This will in turn add to the body of knowledge that has been dominated by Western-based academia and science since the arrival of Cook in 1769. Kaupapa Māori theory and practice can be seen as a response to colonization, not only of land and place but also of knowledge and research. Smith talks about the institutionalisation of research in the colonies and the transplantation of "research institutions, including universities, from the imperial centres of Europe [that] enabled local scientific interests to be organized and embedded in to colonial systems" (Smith 2012: 8). And in a sense, this thesis is my attempt at 'researching back' against the once dominant colonial-based research.

Research Design

The purpose of this research is to understand the significance of Māori ancestral remains for their descendant communities, by providing a platform from which to discuss different aspects of the repatriation process from a Māori perspective. The care and respect given to Māori ancestral remains is examined through published and unpublished sources in order to demonstrate the important place the dead have for the living. These views and reactions provide much needed insight into the repatriation issue from a Māori perspective, which is not strongly represented in the current literature. I want to make clear through this thesis that repatriation is not a new concept for Māori and is something which has a long history. It is

also important to gain an understanding of the types of research that have been carried out on Māori ancestral remains, what the results of that research were, who benefited from the research, and what sort of ethical considerations, if any, were explored. It is important to review these issues around scientific research in order to provide descendant communities with an informed perspective on what information scientific research can and cannot provide regarding their ancestors.

Initially, this research was to include Moriori perspectives on repatriation, however as I was wanting to provide an insider perspective I did not think it appropriate for me to provide a representation of Moriori views, instead, I felt that story should be told by Moriori. I do have to say, however, that the Moriori history of collection, study and repatriation is closely linked to the information presented in this thesis and so there are instances where I will include Moriori in this research.

The use of non-Māori sources like those recorded during the voyages of Captain Cook and early missionary accounts such as those of Samuel Marsden have also been used to provide evidence of Māori relationships with the dead. As there were no written accounts by Māori during the eighteenth and early nineteenth centuries these records have become valuable sources, but used in such a way that they are not so much a record of Māori actions and perspectives but rather an observational outsider record of events and conversations. I feel that there is still important information that can be gained from using these types of sources in this thesis.

My research design is structured in such a way that it draws on my own experiences and observations over the last 10 years as well as interviews and media sources to demonstrate not only the importance of tūpuna, and their return back to the whenua, but also the fact that the very act of repatriation is just one of the many ways in which Māori are reclaiming their history, culture and autonomy. By the very act of utilizing the works of Said, Smith and Foucault, in this thesis, I too am contributing to the ‘taking back’ of tino rangatiratanga for iwi Māori. This self-reflexive approach has also been utilized by other Māori scholars such as Tapsell (1998), Hakiwai (2014), and Kahotea (2006).

By taking a relativist approach to this research I am able to examine repatriation from an insider or emic perspective. By using a qualitative research methodology, I identify, via thematic analysis, why repatriation is important for those interviewed, as well as those identified through the case studies chosen, and my own participant observation and in-depth

analysis of the literature and media sources. This approach is essential for this research, as in order for the reader to understand the importance of these views, it must be presented through an insider/practitioner lens. Due to my position as the researcher/practitioner for the Karanga Aotearoa Repatriation Programme, I have a unique understanding of the context. With regard to my interviews, to prevent a biased view of repatriation, I have also included interviewees who have never experienced the repatriation of ancestral remains. This will ensure that more balanced Māori perspectives are captured as part of this research.

The main questions that I want to explore in this research are;

1. What are the perspectives of Māori on the repatriation of ancestral remains?
2. Why is repatriation important for Māori?
3. What is the benefit of the scientific research being undertaken on ancestral remains?

Methodology

There are many ways that this topic could be researched, but I have chosen to use a qualitative research and thematic analysis approach in conjunction with a Kaupapa Māori framework. As the researcher for the Karanga Aotearoa Repatriation Programme and a person of Māori descent I intend to approach this topic from an insider perspective, which places the focus of this research on the descendant communities. This form of dialogue from a Māori perspective, akin to decolonizing research, is "an attempt to retrieve space for Māori voices and perspectives" (Cram 2001:40). In many ways it is also a way for the Māori worldview to be understood by non-Māori museum professionals and university scholars, while at the same time bringing into question and analysing the long-held Western perspectives of Māori cultural practices and belief systems. It also takes away the notion of Māori being the Other and reinstating Māori tino rangatiratanga around the return of ancestral remains and decisions around scientific research going back to Māori communities.

Insider research has also been used by Chavez (2008) who discusses her experiences as an insider researcher, and notes that this position is characterised by the researcher having a shared identity and shared experiences with the participants involved. She highlights the view that an indigenous researcher who has been socialised in the community has the "greatest ascribed closeness and endorses the values, perspectives.... and knowledge of his or her community and culture and is perceived by people within the community as a legitimate community member who can speak with authority about it" (Chavez, 2008: 475). I am of

Māori descent and have been brought up with personal experiences in and an understanding of Māori cultural beliefs and practices, this places my position as an insider researcher as fundamental to this thesis. It is of vital importance for this research that the beliefs, practices and views around repatriation are presented in more Māori-centred way and do not privilege a Western way of understanding.

In using a Kaupapa Māori methodological framework my approach with "different epistemological and metaphysical foundations that [the] Western-oriented researcher" does not commonly address (Cram 2001:41), makes it possible to deconstruct the thinking of the nineteenth-century scientists and provide perspectives on how this affected Māori in the past, as well as how this manifests in the current issues surrounding repatriation today. As Fanon (1990) points out, "decolonisation never takes place unnoticed, for it influences individuals and modifies them fundamentally" (1990:28). By providing a platform for Māori views, that have for so long been suppressed or overlooked in favour of a Western interpretation or the pursuit of science, I aim to influence those institutions and individuals who hold human remains by providing a more holistic view of the importance of repatriation for descendant communities. This approach may be seen as insurgent research (Gaudry 2011) within the academic world, in that my responsibility is to the communities that are represented in this research. My thesis therefore seeks to challenge the dominant Western views and ideologies while working within a kaupapa Māori framework.

As such I will approach this thesis from a tikanga Māori (Māori customary views and practices) position. Taking Mead's approach, in order to "engage in the debates we do have to attempt to identify a position that we might call a Māori one", I must engage in tikanga Māori and "its knowledge base mātauranga Māori" (Mead 2003: 335). This position is also referred to as a tikanga Māori framework as it can provide "methods for assessing a situation or event that challenges our thinking and our values" (2003: 336), which is heavily incorporated into Māori theory and practice. Mead emphasises that using this framework will provide "*a* position and not *the* position" on a particular issue (original emphasis) (2003: 336). In the case of this thesis I want to discover Māori perspectives rather than *the* Māori perspective. In order to develop or identify a position Mead has developed five tests by the end of which a Māori point of view can be gained.

Test one is the tapu test, in which the subject, in this case the ethics around the removal of Māori remains and the research carried out on them, is tested for its breach of tapu (sacred, under restriction). Test two is the mauri test, in which I ask, does the removal of tūpuna and

the sometime destructive study of them put the mauri of that tūpuna at risk? Mauri is the life force or essence present in every living thing; even objects such as houses, personal adornments, and rocks are believed to possess mauri (Mead 2003: 338). Mauri has also been defined as "the essence which gives a thing its specific natural character" or as a "life principle" (Benton *et al* 2013: 239). Test three is the *take*-utu-ea or TUE test, which considers whether "a breach of tapu and/or mauri is established or is seen to be an issue", if so, this test must then be applied (2003: 341). *Take* relates to the cause of the issue, and in recognising the breach it must be discussed bearing in mind that the breach, which for example could be the theft of tūpuna, may only be an issue from a Māori perspective. The challenge here if that was the case, would be "achieving mutual acknowledgement of the wrong doing" (2003: 342).

The next aspect of this test is utu or reciprocity, and this involves asking, what is the most appropriate form of utu, or rebalance, for the breach? The final aspect is ea or satisfaction, where the issue has now been closed and the relationship restored, or peace has been made (2003: 342). The concept of ea is important to keep in mind throughout this thesis in order to investigate whether restoration has been reached through repatriation. Test four is the precedent aspect, where discussing the issues around repatriation and unethical research, and searching for a way forward, I ask whether we can identify any other issues which we have had to deal with in order to aid in framing a response. Finally, test five is the principles test in which the values of whanaungatanga (relationship or kinship), manaakitanga (hospitality), mana (power, authority), noa (unrestricted) and tika (correct) are considered. Mead sees these values as being particularly important as they embrace "other values such as aroha ki te tangata, concern for our people, being a good host and providing hospitality for guests, protecting the mana of people and not doing anything that threatens their mana or, worse still, damages personal mana" (2003: 345). This test helps to examine the issue against the principles and values of tikanga Māori which were not dealt with in the first four tests (2003: 344). This test which focuses on tapu, mauri, the underlying issues and a potential resolution, and the presence of any precedents which may aid in framing my perspective, provides a strong framework in helping to explore the issues in depth. This test is applied to specific aspects of this thesis in order to identify whether the concerns held by many indigenous peoples are acknowledged by museums and scientists who hold indigenous remains; why repatriation is important for many indigenous peoples; and what benefits, for Māori specifically, have come from those institutions who hold ancestors.

Mead's test is utilized in this thesis through the critical examination of the historical material relating to the collection and study of Māori ancestral remains. It is utilized also to analyse Māori and non-Māori interviewees as well as through the case study of the repatriation of tūpuna back to Wairau Bar in Blenheim.

The following methods were utilized in order to obtain the necessary data for this research;

1. Qualitative Interviews
2. Case Studies

Qualitative Interviews

In order to undertake this research through a Kaupapa Māori framework, kanohi ki te kanohi (face-to-face) interviews were have been an important part of my research design as a way to gather data on Māori perspectives concerning this topic. I under took a total of 12 interviews; with eight Māori from a variety of backgrounds and iwi across the country; and four non-Māori scientists and physical anthropologists. The way in which I chose my interviewees was initially through the repatriation process. This included four individuals who had experienced repatriation first-hand or were connected to the Karanga Aotearoa Repatriation Programme. I was advised that perhaps in order to provide a more balanced view I should also include perspectives from those who had not participated in the repatriation process. As a result, I interviewed a further four individuals. I was also interested in understanding how repatriation was viewed by non-Māori New Zealanders who were involved in the study of Māori ancestral remains. I was able to speak with four women who are well known and respected in their fields.

The interviews were structured around specific questions which focused on how participants felt about repatriation and why it was important. For those who had experienced repatriation first-hand they were asked to share their experiences and reflect on the effects of the return. Participants were also asked what they knew about the period of New Zealand history where tūpuna were collected, traded, and exchanged by museums. Their thoughts on the scientific research of Māori ancestral remains were also discussed. For those who had not experienced repatriation, the questions were very similar. The main difference focused on their experiences with the dead, such as tangihanga.

The interviews of scientists included questions which focused on the type of scientific research they were involved in; whether they had experienced any opposition to their

research; whom does their research benefit; their relationship with Māori and communities; and their experiences of repatriation. These provided an interesting insight into how repatriation affected the scientific community in New Zealand. All of the interviews were transcribed and common themes were identified and have formed the foundation of this research.

The interviewees were as follows;

- Āwhina Twomey, Kaiwhakaako Māori and Kaitiaki Taonga Māori at Whanganui Regional Museum, Ngāti Raukawa, Ngāti Kahungunu, Ngāti Rangitāne, Ngāti Tūwharetoa, Ngāti Kuia, Ngāti Maniapoto.
- Bayden Barber, Chair of Waimārama Marae, Hawke's Bay, Ngāti Kahungunu.
- Associate Professor Derek Lardelli, member of the Karanga Aotearoa Repatriation Advisory Panel, Associate Professor at Toihoukura, Rongowhakaata.
- Rose Mohi, Ngāti Kahungunu kaumātua, iwi researcher.
- Anaru Moke, Rereahu.
- Claire Nesus, Ngāti Porou, currently living in London.
- Olive Pierson, Ngāti Kahungunu.
- Simon Hirini, Māori language teacher, Ngāti Kahungunu.
- Professor Hallie Buckley, bioarchaeologist, Professor of Bioarchaeology, University of Otago.
- Beatrice Hudson, archaeologist and osteologist, ArchO's Archaeology.
- Professor Judith Littleton, physical anthropologist, University of Auckland.
- Professor Lisa Matisso-Smith, biological anthropologist, University of Otago.

Case Studies

I have chosen seven case studies to demonstrate the effects that the repatriation of ancestral remains has had on Māori and other indigenous peoples. The four case studies situated outside New Zealand have been selected based on a number of criteria. Firstly I wanted to focus on indigenous peoples who had not been colonized by England to demonstrate that other Western countries were involved in the collection and trade of human remains, secondly I wanted to show the diversity of indigenous peoples currently involved in the repatriation of their ancestors and last, I wanted to use the diversity of these examples to explore the similarities and differences, and what that might mean for Māori. The international case studies include;

- Kanaka Maoli—Hawaii
- Kanak—New Caledonia
- Sámi—Scandinavia
- Herero and Nama—Namibia

Two New Zealand case studies have been chosen based on my own personal experiences (participant observation), and a third was selected due to its high profile and long turbulent history. All three case studies have been chosen because they provide insights into Māori perspectives regarding the importance of tūpuna and their return to the whenua and their descendants. These case studies also act as a platform for Māori views and the physical representation (observed by me) of repatriation. Used in conjunction with the international examples these cases studies provide the reader with valuable information necessary to understand the complexities, struggles and positive outcomes possible with the repatriation of ancestral remains. The New Zealand-based case studies consist of repatriations back to;

- Wairau Bar, Blenheim
- Oparau, Kāwhia
- Waimārama, Hawke's Bay.

Thesis outline

This thesis has been is set out in two parts, and consists of eight chapters. Part One comprises a historical analysis of the collection, acquisition, and scientific interest in Māori ancestral remains, as well as indigenous perspectives of repatriation; Part Two examines Māori perspectives, the development of repatriation in New Zealand and explores issues of consent.

Chapter One examines the early acquisition, theft, trade and exchange of Māori ancestral remains from the eighteenth and nineteenth centuries, including the Māori involvement in the trade of Toi moko.

Chapter Two explores the history of scientific interest in Māori during the nineteenth century, from Darwinian theories of evolution, to the use of science in the colonization of New Zealand and control of land by military forces. This chapter also considers the development of science in New Zealand and the theory around Māori as a dying race.

Chapter Three analyses the scientific research of Māori ancestral remains during the twentieth century and the rise of physical anthropology. This chapter also presents the first

case study—Wairau Bar—and examines the discovery, excavation and subsequent return of a large number of individuals removed from the site. This case study also explores the scientific research undertaken on those tūpuna prior to their return and considers the benefits for the descendant community. The remainder of this chapter examines two further cases where scientific research was undertaken of Māori ancestral remains and discusses their results and benefits for their communities.

Chapter Four comprises two parts; part one look at the four international indigenous repatriation case studies, from Hawai'i, New Caledonia, Scandinavia, and Namibia. These case studies explore the experiences and perspectives of four indigenous peoples from various parts of the world which were colonized by European countries other than England. I have chosen this diverse selection to explore the similarities and differences, in order to better understand Māori perspectives and experiences.

Part Two of this thesis begins with Chapter Five which places Māori perspectives into their cultural and historical context. I examine the differences between Toi moko and kōiwi tangata, and explore Māori cultural concepts integral to the understanding of repatriation and the close connections between the living, the dead and the land.

Chapter Six considers the history of the repatriation movement in New Zealand and the development of the Karanga Aotearoa Repatriation Programme, and its successes over the last 15 years.

Chapter Seven examines Māori responses to the collection, scientific research and return of Māori ancestral remains by analysing Māori reactions to the theft and collection through the historical record and Māori perspectives on current scientific research, and returns to the case study of Wairau Bar to explore Rangitāne reactions to the theft and return of their tūpuna. This chapter also considers my own experiences and observations of repatriation as well as the views of those not involved in repatriation.

Finally, Chapter Eight analyses issues of consent regarding not only the collecting but also the research of human remains and the mechanisms in place to protect indigenous peoples from the unethical and morally questionable events of the past, and analyses continued scientific research today.

PART ONE: HISTORICAL ANALYSIS

1. A History of the Acquisition of Māori Ancestral Remains 1770–1980

> *"A true measure of enlightenment lies in the respect shown to those who stand disposed through the abuse of power"*
> (Besterman 2008: 17)

The acquisition of Māori ancestral remains can be divided into two time periods. From 1770 to the1840s was a time focused mainly on the trade of Toi moko: from approximately the 1850s to approximately 1980 was a period focused on the theft and excavation of kōiwi tangata. This chapter explores these two time periods with regard to the acquisition of Māori ancestral remains, whether as curios, souvenirs or as scientific specimens; and examines the perspectives and drives of early explorers, scientists and, particularly, New Zealand museums in their desire to possess the perfect Māori specimen.

Early Acquisition of Tūpuna Māori

When scientists ventured into the South Pacific they discovered peoples physically different from themselves. Typically, the people of the Pacific had much darker skin, shorter or taller statures and different facial features, for example. They were described as being 'primitive' and 'savage' (Darwin 1933: 363; Dieffenbach 1843: 155, 386), and it was believed that these newly discovered cultures were Stone-Age people, and that through these cultures Europeans were seeing their past primitive selves in the present (Howe 2008: 30). It was during the Enlightenment (1650–1800) that the real pursuit of Western scientific study emerged and with it the increased reference to the 'Other' (Blanchard *et al* 2011). European society was first presented with the people of the South Pacific via two men. The first was Louis Antoine de Bougainville after his circumnavigation of the world from 1766, and the second was Captain James Cook following his second voyage of the South Seas (Blanchard 2011). Both Bougainville and Cook returned to Europe with men from Tahiti (Blanchard 2011; Salmond 2003). Both men were 'presented' to the scientific community and Cook went further by presenting a Tahitian named Mai to King George III. Mai was taken to Royal Society

dinners, and other events such as the opera and society garden parties where he was the object of much attention (Salmond 2003). Mai was experimented on during a visit to the Duke of Manchester's home, where he was shocked with an electrifying machine "to see how he would react" (Salmond 2003:297). These occurrences can be seen as the creation of the Pacific 'Other' from a European perspective, a view that would become embedded in European thought and which would have a devastating effect on indigenous people particularly in the coming century.

Though it was Cook's second voyage which introduced the South Pacific to England, it was Cook's first expedition to observe the Transit of Venus in 1769 that brought Joseph Banks and Western scientific thought and practice to New Zealand. This first expedition was initiated, planned and led by the Royal Society in order to observe the Transit of Venus in Tahiti (Williams 2004:37). Following the observation, the remainder of the voyage was a government-led expedition with the purpose of identifying countries yet unknown and to further explore those countries that had been discovered but where very little was known. Secret instructions were given to Cook to take possession of land, and to collect, observe and record as much as possible (McNab 1914; Williams 2004). These instructions were then passed on to Banks, illustrating that there was a conscious decision by the Royal Society and the British Government to learn more about New Zealand and the wider Pacific, and to take back as much as they could to England for further study. In regards to the people themselves the instructions conveyed the following:

> ...you are like wise to observe the genius, temper, disposition, and number of the natives and inhabitants where you find any—making them presents of such trinkets as you may have on board and they like best—inviting them to traffick, and show them every kind of civility and regard… (McNab 1914: 27)

Māori human remains from New Zealand were among the items traded at that time, including: at least one arm bone, to show evidence of cannibalism (Edwards 1999; Hawkesworth 1773); the preserved head of a teenage boy obtained by Banks (Banks 1770; McNab 1914); and a Māori scalp collected by William Monkhouse, surgeon on board the *Endeavour* (Beaglehole 1968). It is not known what became of the arm bone or the scalp as there is no further mention of either in the records, and Monkhouse died during the voyage home to England. However, the preserved head was noted by several men on board the *Endeavour* and is likely to have been sent by Banks to the surgeon and anatomist John Hunter

in London (Aranui 2010: 32). If the Toi moko obtained by Banks during the first voyage did end up in Hunter's collection, it was probably destroyed during the bombing of the Royal College of Surgeons in England during the Second World War, along with much mummified remains (Fforde 1992: 25). Hunter's private museum was purchased by the government after his death in 1793 and became the foundation for the college's collections in the early nineteenth century (1992: 22).

Both Banks and Hunter were fellows of the Royal Society and the collection and housing of the head at the Royal College of Surgeons in England, following Hunter's death, illustrate the early interest of the scientific community in indigenous human remains from New Zealand for the study of comparative anatomy. Other notable members of the Royal Society included: Hunter's brother, William Hunter; Johann Reinhold Forster; Darwin; Everard Home; and Johann Blumenbach. All of these men were well-known for the study of humans, be that from a medical, anthropological, or evolutionary perspective (The Royal Society 2016). Early papers published by the Royal Society include observations of Egyptian mummies (Blumenbach 1794) and fossil bones (Hunter and Home 1794), prior to the nineteenth century.

Forster, who was on board Cook's second voyage, also had an interest in the cultures of the Pacific. He believed that Pacific societies might provide further understanding of the human species in general, and especially with regard to 'human progress' and how societies were thought to have developed from savagery into more civilised societies. The Polynesians, he believed, were at the stage of savagery (Forster 1996:140; Howe 2008).

The Acquisition and Trade of Toi moko

Following the 'discovery' and early study of New Zealand by Europeans after Cook's voyages, scientists took a great interest in Māori. Subsequent to Banks' collection of the first Māori ancestral remains in 1770, he came into the possession of two more Toi moko in the early nineteenth century (Banks 1807a: 1, 1807b: 1), both of which were presented to Hunter and eventually became part of the collections of the Royal College of Surgeons in London. It was not until after the 1820s, at the height of the Musket Wars, when there was a significant increase in Toi moko as they began to be sought after for scientific purposes as opposed to mere curiosities. This is demonstrated through the dates of acquisition for the Toi moko currently housed at Te Papa, as well as those still remaining in British and European museums. The majority of Toi moko were collected in the 1820s and 1830s and were

presented directly to museums and universities whereas those collected earlier primarily became part of private collections, like Hunter's, before eventually finding their way to museums.

Toi moko were not only collected by the English. Visiting ships from all over the world came into the possession of Toi moko throughout the first half of the nineteenth century, either from New Zealand or from one of the busy Australian ports such as Port Jackson in Sydney. Following Cook's first two voyages in the eighteenth century it was, as noted above, through Australia in the early nineteenth century that the Toi moko made their way to England (Banks 1807a, 1807b), and France during the voyage of the *l'Uranie* (Freycinet 1829: 909). The French are also recorded as acquiring Toi moko from the Bay of Islands in 1924 during the voyage of the *La Coquille* (Lesson 1839), and also most likely during the voyage of the *Astrolabe* in 1827 under Dumont d'Urville (Herewini 2012: 4). In 1840 during the United States Exploring Expedition, Toi moko were also obtained from the Bay of Islands (Wilkes 1842, 1844). These are a few examples of the most well-known voyages, to have acquired Toi moko during the first half of the nineteenth century. I believe with further provenance research on the growing number of Toi moko at Te Papa, further voyages will come to light.

Aside from the exploratory and scientific voyages, whalers, flax traders and merchant ships from Australia, England and the United States have had a significant role in the trade of Toi moko. Even prominent religious men were involved in the early nineteenth century. Reverend Samuel of the Church Missionary Society, is believed to have obtained two Toi moko in 1820 at the request of a man from the University of Oxford. According to Reverend John Butler who was with Marsden in the Bay of Islands:

> …when Mr. Marsden was here with the "Dromedary", he informed me that a gentleman at the University of Oxford had applied to him for native head or heads, and he signified his desire for obtaining a skull or two without hair. I must confess (tho' I said nothing), it appeared a strange and unnatural thing to me. However, he employed Mr. Wm. Hall to go to the village of Rangee Hoo to see if he could purchase such a thing. I am credibly informed that before he left New Zealand he purchased two native heads.
>
> One head he purchased of one of my native sawyers, who journeyed with him to New Zealand. I saw the head in the native's possession before he took it on board, and when he came back I asked him what he had done with the head, and he said he had

sold it to Mr. Marsden for an axe. He then showed me an axe, which he said he got in payment for the head.

I make no comment on these things; I leave them for others (Barton 1927: 166-167).

The *Prince of Denmark* under Captain Jacks is reported to have taken a number of Toi moko from Tauranga to Sydney in 1831. Due to the heads being seen by a Māori chief during a stopover in the Bay of Islands, the incident was made known to the governor of New South Wales, interestingly through Marsden (Elder 1932: 497-499). As a result, that same year the Colonial Secretary's Office under the authority of Governor Ralph Darling issued the following government order:

COLONIAL SECRETARY'S OFFICE, SYDNEY, 16TH APRIL, 1831.

WHEREAS it has been represented to His Excellency the GOVERNOR, that the masters and crews of vessels trading between this Colony and New Zealand, are in the practice of purchasing and bringing from thence human heads, which are preserved in a manner, peculiar to that country; And whereas there is strong reason to believe, that such disgusting traffic tends greatly to increase the sacrifice of human life among savages whose disregard of it is notorious, His Excellency is desirous of evincing his entire disapprobation of the practice abovementioned, as well as his determination to check it by all the means in his power; and with this view, His Excellency has been pleased to order, that the Officers of the Customs do strictly watch and report every instance which they may discover of an attempt to import into this Colony any dried or preserved human heads in future, with the names of all parties concerned in every such attempt. His Excellency trusts that to put a total stop to this traffic, it is necessary for him only thus to point out the almost certain and dreadful consequences which may be expected to ensue from a continuance of it, and the scandal and prejudice which it cannot fail to raise against the name and character of British Traders, in a country with which it is now become highly important for the merchants and traders of this Colony, at least, to cultivate feelings of mutual goodwill; but if His Excellency should be disappointed in this reasonable expectation, he will feel it an imperative duty to take strong measures for totally suppressing the inhuman and very mischievous traffic in question. His Excellency further trusts, that all persons who have in their possession human heads, recently brought from New Zealand, and particularly by the schooner Prince of Denmark, will immediately

> deliver them up for the purpose of being restored to the relatives of the deceased parties to whom those heads belonged; this being the only possible reparation that can now be rendered, and application having been specially made to His Excellency to this purpose. By His Excellency's Command, ALEXANDER McLEAY (Darling 1831: 1).

The apparent waning of the Toi moko trade from New Zealand in the late 1830s (Robley 1896) implies either a reduction in demand or an issue of supply. This aspect of the acquisition of Māori ancestral remains will be examined in greater detail in Chapter Five. It is however important to note that with regard to Toi moko, they were acquired mainly through active trade by Māori for items such as muskets and gunpowder (McLean 1999: 177; Aranui 2014: 5). This is reflected in the provenance research I have undertaken using accession records and archives of museums and universities throughout the world (Flower 1879; von Luschan 1907; Aranui 2012c, 2014, 2016).

The Theft and Exchange of Kōiwi Tangata Māori

Given the research that has been published in New Zealand and overseas on Māori ancestral remains that have been collected over past 248 years, it must be asked, 'what have been the effects on the communities whose ancestors have been stolen?' When we look at the lengths gone to in order to obtain human remains it is clear that this was done with no respect to the views of Māori, collectors such as Tomas Edward Donne, Thomas Cheeseman, Henry Travers, Andreas Reischek, and Frederick Huth Meinertzhagen, providing ample evidence. Two collectors in particular, Cheeseman and Reischek, note in their writings just how important skulls were to the Western scientific community as well as the communities they were taken from (Cheeseman 1885; Reischek 1952). Cheeseman was curator of the Auckland Museum (now the Auckland War Memorial Museum) and his international connections were extensive particularly during the mid-1870s and 1880s which, according to Auckland Museum archival records, was a period of intensive exchange with overseas institutions. The demand at that time was high for Māori skulls for institutions, for example, in Australia (Robinson 1878:1; Cheeseman 1878b: 1), England (Cheeseman 1885: 1), France (Quatrefages 1876: 1), and Italy (Giglioli 1883: 1).

Cheeseman enlisted the help of two men from the Whāngārei area to obtain skulls which had been 'ordered' by the British Museum of Natural History and the Royal College of Surgeons,

London (Carruth 1878; Cheeseman 1885). In a letter from James Carruth to Cheeseman in 1878 he notes, regarding obtaining skulls for Cheeseman; “After I got your last letter, I sent a verbal message to the gum diggers stating that if they could get 50 skulls I would give them 1/- each for them, and take the trouble of bringing them in myself” (Carruth 1878: 1). Charles Tothill, who was enlisted in the 1880s was able to obtain a large number of skulls for Cheeseman from a burial cave at Maunu in Whāngārei. In a letter to Tothill, Cheeseman notes;

> The two boxes, containing 49 crania, arrived safely, and I am much obliged to your son for looking after the business promptly. Most of them are very fair specimens, but there are five skulls of children which are valueless for scientific purposes, so that the number which I can make use of is 44. Since I returned I have unexpectedly received a small lot of crania from the north, and I shall now require so many as I expected when I spoke to you—if you can make the number up to 60—that is 16 additional to what has been sent already it would meet my present requirements—indeed if there is any difficulty in getting more I could manage with what I have… I should also be glad to have as many lower jaws as possible—as only a small number of those sent out fitted the skulls…What I have got altogether will satisfy the orders that I have and leave balance over… (Tothill 1885:1).

Cheeseman had prior knowledge of the cave at Maunu, and was aware of the sensitivities that the local Māori community had regarding their burial caves. In a letter to Professor Henry Flower at the Royal College of Surgeons, he states:

> The crania are from a Maori burial cave called Maunu, in the Whangarei district…I have known of it for some time, but until very lately some Maoris resided in the immediate vicinity, and kept such good watch that it would not have been prudent to have made an attempt to secure the skulls. (Cheeseman 1885:285).

Cheeseman’s comment to Flower clearly shows that Māori did not consent to the removal of their tūpuna from the burial cave. More importantly this also shows that Cheeseman was well aware that the removal of tūpuna would be opposed. Knowingly acquiring skulls and skeletal remains from wāhi tapu (sacred space) despite opposition from Māori appears to have been a common occurrence for Cheeseman, as his correspondence provides ample examples. A letter to Cheeseman in 1913 reveals that even at this time he was continuing to acquire Māori ancestral remains, “I am quite willing to lend it [mummified remains] to you so long as my

name is not published in the paper. The Maoris might make it unpleasant and I don't want any bother with them" (Honore 1913: 1). These examples, though focused on the acquisitions of Thomas Cheeseman and the Auckland Museum, are representative of the collecting practices and attitudes towards the looting of burial caves and other wāhi tapu, by museums throughout Aotearoa New Zealand.

It was not only New Zealand collectors and museum staff who held Māori perspectives around the dead and their wāhi tapu in disregard. Reischek came to New Zealand in 1877 at the request of Julius von Haast, Director of the Canterbury Museum in Christchurch (Reischek 1952). Initially his employment at the museum was to last only three years, but was extended by a further nine years due, according to his son Andreas Reischek Jr., to the fact that "his work and his interest belonged to this strange country and to the cause of Science" (1952: 306). His primary purpose was as a taxidermist for both the Canterbury and Auckland museums; however, he also spent a large portion of his time on explorations of both the North and South Islands (Reischek 1952). Though unconfirmed, it is believed Reischek was requested by Ferdinand von Hochstetter to travel to particular locations to collect Māori skulls and skeletons, and specifically to obtain mummified remains from burial caves at Kāwhia (Johnston and Nolan 2011: 77). Hochstetter, an Austrian geologist, was part of the 1857–1859 Austrian scientific expedition of the naval frigate the *Novara* (Johnston and Nolan 2011). In December 1858 the *Novara* arrived in New Zealand and during that time visited the King Country with Julius von Haast, also a geologist, who had also just arrived in the country. Hochstetter notes the existence of the caves in the King Country and makes specific mention of the burial cave at Hauturu in Kāwhia:

> A second cave was pointed out to me as the cemetery of the Ngatitoa-tribe, to which the famous Maori chief Rauparaha belonged. It is said to be crowded with Maori corpses, shrivelled ad dried up like mummies. This cave, however, is, at yet, strictly tapu, and no admittance granted to it (Hochstetter 1867: 329).

Letters between Hochstetter and Haast provide further evidence to the theory that Reischek was asked to visit specific regions in order to obtain Māori ancestral remains (Nolan 2013: 175, 180, 183). In a letter dated 5 February 1877, Hochstetter writes, "Reischek will be able to tell you enough about us and will also mention our requirements of human skulls, prehistoric and historic ethnographic objects from the South Seas" (Nolan 2013: 182).

Reischek's journal (1924), initially in German, documents his travels and specifically his questionable actions in the theft of both taonga and kōiwi tangata despite being warned by both Māori and Pākehā settlers not to venture into tapu areas (Reischek 1952). His journal has provided first-hand accounts and admissions relating to how Māori felt about entering into areas under tapu. While in the Kaipara district, Reischek was taken to an urupā along the Wairoa River on the property of a Mr Webb. Webb's son would only show him the location stating, "natives threatened every violator of the grave—tapu with death" and so left him to his own devices (Reischek 1952: 62). A few days later while staying with a Mr Wilson he learnt that his farm was located very close to two pā, one of which had been placed under tapu. Both he and Wilson explored the old pā called Marekura and Reischek wanted to take some of the carvings and other objects but was dissuaded by Wilson who 'thought it would be unwise to take away' (1952: 63). However, Reischek returned the following day to collect items which were later sent back to Hochstetter at the Imperial Natural History Museum in Vienna Austria. On his way back to Webb's he was approached by two Māori men who asked what he was doing in the area, to which he replied he was hunting, and they followed him until he climbed a tree to hide. His reaction to the two men clearly showed his fear and perhaps guilt, as Reischek knew that if he was caught he might have had to pay with his life. His theft was later discovered, and Wilson, Reischek's host, was paid a visit by a Māori prophet who said that "it would go badly for him if he was seen again" in the vicinity of the pā and Webb warned him that he should leave his station (1952: 66).

This was not the only time Reischek was warned or felt his life would be in danger because of his disregard for Māori customary law. For example, while in Kāwhia during his so called 'scientific' exploration of the King Country, he took the mummified remains of two individuals from the limestone caves on Hautapu (Reischek 1952). He writes:

> The undertaking was a dangerous one, for discovery might have cost me my life. In the night I had the mummies removed from the spot and then well hidden; during the next night they were carried still farther away, and so on until they had been brought safety over the boundaries of Maoriland. But even then I kept them cautiously hidden from sight right up to the time of my departure from New Zealand (1952: 215).

Reischek's knowledge about the existence of the mummified remains most likely came initially through Hochstetter's writings as well as through conversations with Haast, (King 1981:96). He would also have enquired as to their existence among the people in the area, and was able to persuade two Māori men to help him remove the remains. The involvement

of these men will be discussed in Chapter Five. He noted in his journal that "the tapu on such graves is indissoluble and any who disregards it is killed" (Reischek 1952: 170). It is clear from his own admission that he had been told several times that the ancestral remains of Māori should not be disturbed and that there were severe consequences for those who disregarded such warnings. Considering the difficulty in getting permission to enter the King Country, due to the feelings of mistrust by Māori of the area towards Europeans, Reischek took a great risk in disregarding Māori custom. He was clearly determined to create a collection of New Zealand's natural and cultural history at any cost as this would, according to King "enable him to secure status and financial security when he returned to Europe" (King 1981: 52). Much of his motivation was probably also due to the fact that during the last quarter of the 1800s the controversial debate regarding the evolution of the human species was in full force and places like New Zealand were thought to provide the perfect environment to test this theory, hence the lengths taken to obtain human remains.

Reischek left New Zealand with communities in Northland and Kāwhia knowing that he had desecrated wāhi tapu and taken with him their tūpuna. Public knowledge of Reischek's theft was not widely known across the country until an article was published in the *Evening Post* in 1926 (*Evening Post* 1926). This article shared a portion of the translation of Reischek's time in New Zealand which had been published by his son in 1924 under the title 'Sterbende Welt. Zwölf Jahre Forscherleben auf Neuseeland (A Dying World. Twelve Years of an Explorer's life in New Zealand)'. German language student H. E. L. Priday, who was studying in Berlin, completed the translation and in 1930 published the book under the name *Yesterdays in Maoriland*. The English version was widely read in New Zealand including by Maori and their feelings about his exploits did not come to light until 15 years later following the end of the Second World War. A newspaper article in the *Auckland Star*, includes an interview with Rotorua resident J. W. Hedley who notes that "By his own writings Reischek stood condemned as a betrayer of trusted friendship extended him by the Maoris. Surely when Vienna fell the New Zealand Government should demand restitution on behalf of the Maoris and the Dominion as a whole" (*Auckland Star* 1945: 4). This view was shared by members of the 28th Māori Battalion and will be discussed in detail in Chapter Five.

The collection of kōiwi tangata continued well into the twentieth century, the most significant and controversial of which was the removal, beginning in the 1940s, of over 50 burials from Wairau Bar (located at the north eastern tip of the South Island) (Duff 1956). Even the general public became involved in depositing Māori ancestral remains in New Zealand museums for

the benefit of science, as it was a common belief that the right thing to do when finding Māori burials or skeletal remains was to give them to a museum to study. Letters written by the public to museum curators show that people were even prepared to search out and obtain skulls and skeletons if the museums required them (Body 1918; Aranui 2012c, 2012d). One letter in particular goes into some detail about how to obtain remains:

> The Maori owners of the island held a meeting at Bowentown a month or so ago and decided that if the Island should at any time be sold, the cave should be closed off by drilling holes and exploding heavy charges of gelignite around the entrance. If at any time you think it possible to have your assistant search for the cave on the pretext of prospecting for minerals or any other workable idea I could give you directions which I think might lead to the discovery of the cave. I could not promise to take my launch there again for a time, as it would arouse suspicion and I would not advise you to take anyone from Waihi as we are already being watched (Bell 1920:1).

Accession records from Te Papa's archive show that 67.6 per cent of Māori ancestral remains were presented or sold to the museum by members of the public including those handed in to the Police. The remaining 33.4 per cent were presented by known collectors, medical doctors, university field workers, people involved in museum-related activities, government departments and unidentified donors, and one was the result of repatriation (Table 1). Rather than leave the remains where they lay or contact local Māori communities about them, people acted in ways which meant the remains became, like those of science, specimens to be studied. Using Te Papa's accession records as a guide it appears that the public ceased bringing human remains into the museum during the latter part of the 1970s, however one or two did come in following the death of a family member. This may indicate that Māori cultural views were being taken into consideration far more frequently from the 1970s.

TABLE 1: NUMBER OF INDIVIDUAL ACCESSIONS OF KŌIWI TANGATA INTO TE PAPA'S COLLECTIONS BETWEEN 1904 AND 1988, HIGHLIGHTING THE NUMBER OF ACCESSIONS BY THE PUBLIC (ARANUI 2016).

Decade	Number of public accessions	Total number of accessions
1900	0	2
1910	2	7
1920	7	8
1930	10	15
1940	2	3
1950	9	12
1960	25	29
1970	9	15
1980	1	5

Discussion

The acquisition of Māori ancestral remains from the time of Cook in 1769 to the latter part of the twentieth century shows that the interest in the remains of Māori, particularly skulls, went from one of curiosity to one of scientific interest, and was a valuable exchange item in the development of museum collections throughout the world. The lengths taken to obtain Māori skeletal remains, whether under the cover of darkness, or through bribery, or blatant theft, was done regardless of the strong Māori views relating to the dead. In contrast, the trade of Toi moko is not so clearly defined due to the active involvement of Māori as well as Pākehā New Zealanders. The political and social structure of Māori evident from the time of Cook through to the present day has an important part to play in the Toi moko trade, which will be discussed in detail in Chapter Five, and was perhaps a contributing factor in the relatively small number of Toi moko traded (in comparison to the later collection of skeletal remains) from New Zealand and Australian ports during the first half of the nineteenth century.

This chapter demonstrates that Māori saw the desecration of their burial sites and theft of their ancestors as contrary to their cultural beliefs and practices. The removal of remains to more secret locations by Māori is a clear indication of their wish for their ancestors to remain with the living on their whenua though there are exceptions to this, particularly with the trade of Toi moko in the nineteenth century. It must be made clear however, that the individuals traded, were not whānau or hapū, but the enemy. And this was in some ways in keeping with their cultural traditions, despite the added adaptation of being taken overseas. The benefits to

science during this time were viewed by museums, scientists and the public as outweighing the interests of Māori. However, this view was clearly not shared by Māori communities.

2. A History of Scientific Interest in Māori Ancestral Remains in the Eighteenth and Nineteenth Centuries

> *"Just knowing that someone measured our 'faculties' by filling the skulls of our ancestors with millet seeds and compared the amount of millet seed to capacity for mental thought offends our sense of who and what we are" (Smith 2012: 1).*

The previous chapter explored the acquisition of Māori ancestral remains from the time of Cook, including the trade of Toi moko in the nineteenth century. This chapter examines the scientific interest in Māori human remains, in the context of broader ideas around evolution, craniology, and extinction during the eighteenth and nineteenth centuries. The development of scientific theories about Māori aided in the justification for colonization and the rise of museums particularly with regard to their extensive trade in Māori crania. Theories of Māori extinction further increased the desire to possess and study Māori.

Darwinian influences

Darwin visited New Zealand in 1835 during the voyage of the *HMS Beagle.* The survey voyage, which took place from 27 December 1831 to 2 October 1836, provided the perfect opportunity for Darwin to make field observations which would become the basis of his later works. It is not known if he collected Māori ancestral remains during this voyage but he did visit and explore burial caves near Waiomio (south west of the Bay of Islands) (Darwin 1933: 374), and his later comments would no doubt have had some influence on the way those who followed his theory perceived Māori. Darwin himself was influenced by the science of physiognomy, and he compared Māori with Tahitians due to their obvious familial connections. He notes the comparison "tells heavily against the New Zealander. He may, perhaps, be superior in energy, but in every other respect his character is of a much lower order. One glance at their respective expressions brings conviction to the mind that one is a savage, and the other a civilised man" (Darwin 1933: 399).

By the time Darwin's *Origin of the Species* was published in 1859, research into human difference was well established. Early scientists like Carl Linnaeus and Johann Frederich Blumenbach had paved the way in the previous century, with classifying human variation and providing theories on racial hierarchy. And by the mid-nineteenth century Darwin as well as Alfred Russell Wallace had developed theories which identified the process of 'natural

selection' as being the main catalyst for the evolution of the natural world, including the human species (Darwin 1871). Following his publication of *The Descent of Man* in 1871, Darwin's theory of evolution was introduced into scientific thought, comparisons between modern humans, archaic human species such as *Homo neanderthalis* and *Homo erectus*, and apes, took on a whole new significance, especially within anthropological circles in debates around racial diversity (Fforde 1997). Darwin's theory suggested that species had, through a process of natural selection, evolved gradually overtime, a concept termed 'survival of the fittest' (Darwin 1888: 46). By this time race collections were well established in universities and medical institutions throughout Europe and Britain containing skulls and other skeletal remains from most parts of the world (Fforde 1997). There was a significant increase in the collection and exchange of human remains from New Zealand in the latter part of the nineteenth century, though this was not an isolated incident, as can be seen in catalogues from around the world (e.g. Flower 1879; von Luschan 1907). The 1850s saw the increased popularity of phrenology and craniology in Europe (which was established in the first half of the nineteenth century), and this captured the attention of newly graduated surgeons and physicians on board convict, trading and naval vessels headed to the Pacific (Turnbull 2013:7), and was a factor in the increase in collection of crania. As a result, there was a dramatic increase in the size of 'race collections' throughout the world. This is likely due to the influence of Darwin's work as well as the need to have significant sample size with which theories could be tested. Whatever the case, this provided Western scientists with collections resembling a Noah's Ark of the human race to study. Aside from the well-established collections such as Samuel Morten's in the United States (Morton 1849), race collections were beginning to develop in other parts of the world especially those newly colonised countries such as New Zealand and Australia. Following the establishment of museums in New Zealand in the 1850s, these institutions began forming collections of Māori ancestral remains as early as the 1860s.

In the new colony, New Zealand's colonial scientists and government officials were still learning about the physical, mental and social Māori. Darwin's theories are likely to have provided a whole new way of looking at Māori not only from a biological perspective but also from a political standpoint with regard to colonization and the relationships between Māori and Pākehā, especially prior to and during the New Zealand Wars (Stenhouse 1994). John Stenhouse is of the view that "the Darwinian enlightenment had a distinctly dark side" in New Zealand, as Darwin's ideas would come to further cement among Pākehā, an ideology

with “racist, elitist, and totalitarian dimensions” (1994: 396). Even before the publication of *The Origin of Species* there was belief in the inferiority of Māori that may have been further influenced via Darwin’s early observations during his visit to New Zealand in 1835. He observed that the common Norway rat had in a short space of time annihilated the Pacific rat in parts of the North Island, this according to Stenhouse (1994: 402), was also applied analogously to Māori by Pākehā. An article which reflected this view appeared in the *Taranaki Herald* in 1852 stating, “The truth is the Maori race is doomed where ever the Anglo-Saxon appears. The firewater or blanket, the small-pox or musket ball, do the work of extermination. Hereafter the green stone mere, or half obliterated mound will be the only trace of them” (*Taranaki Herald* 1852: 2). There was strong belief among both the scientific community and the colonists in New Zealand at this time that the deficiency of Māori, according to European standards, in mental capacity, physicality, and degree of civility would in due course bring their demise (Thomson 1873; Travers 1869; Stenhouse 1994). This theme is also evident in Darwin’s 1871 publication *The Descent of Man*, where he focuses on the evolution of the human species specifically. He notes that “the sole object of this work is to consider, firstly, whether man, like every other species, is descended from some pre-existing form; secondly, the manner of his development, and thirdly, the value of the difference between the so-called races of man” (Darwin 1871: 2-3). He poses the question, “Do the races or species of men whichever term may be applied, encroach on and replace one another, so that some finally become extinct?”—to which he answers “yes” (1871: 10). For colonists in New Zealand, Darwin’s views on the value of difference between the races, and the perception that stronger races would eventually replace the weaker ones, seem to have had some influence especially with regard to legitimizing colonization (Newman 1881; Buller 1884; Stenhouse 1994).

Darwin (1871), makes note of the immorality of the savage races in comparison to the civilized European, he believed that “Differences of this kind between the highest men of the highest races and the lowest savages, are connected by the finest gradations. Therefore it is possible that they might pass and be developed into each other” (1871: 35). The differences he proposes are a direct correlation between the size of the brain and the development of mental facilities, an idea which had come from the many comparative studies of the skulls of both the ‘savage’ and ‘civilized’ races (Darwin 1871: 140). This was also the view taken by military surgeon Dr A. S. Thomson, who notes over a decade prior, that Māori had “the minds of children and the passion of men” (1859: 84) due to the size of the skull and brain

capacity, which was determined by weighing the quantity of millet seed contained in Māori skulls (1859: 81). It was, however, Darwin's views on the extinction of the uncivilized races which were to impact on New Zealand science the most. The belief that the savages who were weak in body and mind would soon be eliminated led to a rapid increase in the collection of skulls for study in both New Zealand and internationally, in order to learn as much about these people before they were inevitably gone forever (Dieffenbach 1843; Newman 1882; Buller 1884).

Visiting Scientists

In the nineteenth century New Zealand was visited by a number of scientists and naturalists who were interested in knowing more about the flora, fauna, geography, and inhabitants of New Zealand. Some were interested in adding to their natural history collections back in Europe and America, for example, while others were interested in the geological makeup of the islands. Some were sent to New Zealand in order to gather information with the view to settle and colonize the country (Dieffenbach 1843). Whatever the reason, Māori skulls in particular were almost always amongst the items collected, and observations of the physical, mental, and social characteristics of Māori were recorded in great detail.

In 1839 Johann Karl Ernst Dieffenbach, the naturalist on board the New Zealand Company[1] ship *Tory*, arrived in New Zealand. A German-born and trained physician and geologist, he was known in London's scientific community by men such as Darwin and Richard Owen. Dieffenbach's time in New Zealand was spent journeying around the North and South Islands in order to understand and assess the land and its environment for new European settlers. He visited places such as Rotorua where he observed the Pink and White Terraces (known as Otukapuarangi and Te Tarata to Māori), which were to become a popular site for scientists and tourists alike. During his time in Rotorua he collected at least two Māori skulls, one of which is recorded as being the skull of a chief (Dieffenbach 1843: 9). In the publication of his travels, Dieffenbach's aims are made clear with regard to the study of Māori in relation to race and its hierarchy. He notes, with regard to Māori:

[1] The New Zealand Company was a British company set up to organise the settlement New Zealand from the 1840s, and was headed by Edward Gibbon Wakefield.

> There are many circumstances to interest us, particularly at the present moment, in the history of that division of the human family to which the inhabitants of New Zealand belong. (Dieffenbach 2013: 5-6)

During this period, the idea of Māori as a living people to be observed and studied was new. Granted their skulls had graced the anatomical institutions and museums since the time of Cook, and a few living examples had travelled to England, however no in-depth anthropological study of Māori as a living culture had taken place before this time (Howe 2008). There was a separation between the skull on the shelf and observing Māori in their natural 'habitat'. Māori were viewed like many other indigenous peoples as "weak and uncivilized" (Dieffenbach 2013:6). Dieffenbach saw it as his, and every other traveller's, "paramount duty to become acquainted with everything regarding these islanders, as a means of awakening an interest in the minds of the powerful and civilised", in order to help protect and instruct Māori amidst the danger of annihilation (Dieffenbach 2013:6). To fulfil what he saw as his duty, Dieffenbach obtained skulls during his travels and used them in his descriptive analysis of Māori (Dieffenbach 1843; Grant 2003: 30). This is an early example of what has been termed "intellectual colonialism" (Alatas 2003:600), and one that would develop in New Zealand over the coming century.

Dieffenbach, along with others such as Haast, thought that Māori were originally made up of two different races. The first, he presumed to be "generally tall, of muscular and well-proportioned frame, very rarely inclining to *embonpoint*[2], but varying in size as much as Europeans do. Their cranium often approaches in shape the best and most intellectual European heads" (Dieffenbach 2013:7). The second race he believed to be "darker, fuller larger features prominent cheek-bones, full lips...short and ill-proportioned" (Dieffenbach 2013:10). These 'two races' he believed to have mixed throughout New Zealand with the latter belonging to a lower grade, inferring they were the earliest native migrants to New Zealand conquered by the true Polynesians and nearly exterminated (Dieffenbach 2013). This view, which may have led to discussions amongst the men of the Royal Society, would consequently have influenced the thinking of the 'men of science' who were to become directors of two museums in New Zealand in Wellington and Christchurch, Hector and Haast.

[2] Plumpness

Following Dieffenbach's time in New Zealand, the United States South Seas Exploring Expedition, led by Navy Lieutenant Charles Wilkes, entered the Pacific, arriving in New Zealand via Australia as part of his four-year survey voyage around the world. It was a naval operation consisting of six vessels and over 300 men including artists and nine scientists. The main objectives of the expedition were: to explore the Pacific in search of commerce and to instil a strong diplomatic presence in the Pacific; to chart the Pacific for whalers and sealers as well as china traders; and to explore the southern portion of the world, which was as yet unexplored at any great length, particularly the Antarctic (Wilkes 1842:6). Aside from the main objectives, the voyage was also "with the great purpose of the undertaking, to extend the bounds of science, and to promote the acquisition of knowledge" (Wilkes 1842:6). The voyagers included several scientific gentlemen who would spend three months in Australia (then known as New Holland) and New Zealand collecting and making observations, while the expedition travelled to the Antarctic. The expedition was to later regroup in the Bay of Islands (Wilkes 1842:17). During the time that the expedition was in the Bay of Islands unnamed officers went on board a missionary brig to purchase curiosities and other objects such as mats from the steward. Following the purchase, the steward offered the officers two Toi moko, which he did not have on board, for the price of ten pounds. He appears to have met with the officers on shore sometime later to complete the purchase (Wilkes 1844:423). Aware of the existing law against the trade of Toi moko, as well as the value and demand they commanded in England Wilkes notes;

> The penalty for selling them was fifty guineas, and he conjured them to the most perfect secrecy. These proved to be beautiful specimens, and now form part of our collections. So effectually has the fine prevented this traffic, that it is an extremely difficult matter to obtain a head; they are as rare now as they have been common before; and the last place in which it could have been expected to find them, would have been on board a missionary vessel (Wilkes 1844:423)

Though the ban on the trade did not apply to the United States, or Māori for that matter, it can be assumed that because of the attempt to dissuade the purchase and sale of Toi moko in New Zealand and Australia, their value increased significantly, therefore making their rarity all the more enticing.

Wilkes commented on the eventual demise of the living Māori population as had been witnessed in other places, "where the savage is already sinking imperceptibly before the advances of civilization" (Wilkes 1844:403). Seven years after the United States Exploratory Expedition's time in New Zealand, the Austrian frigate the *Novara* entered New Zealand's waters. The purpose of this expedition was to circumnavigate the globe. On board was the geologist Christian Gottlieb Ferdinand Hochstetter who, along with zoologist Georg von Frauenfield, headed the scientific expedition. The expedition was supported by the head of the Austrian navy Archduke Ferdinand Maximillian and his brother Austria's Emperor Franz Joseph, who were both strong advocates for science (Johnston & Nolden 2011:16). The archduke wanted to use a warship from his fleet specifically for the expedition so that he could fly the Austrian flag and provide his navy with the experience of open waters. The purpose of the expedition had a scientific focus, and the six scientists on board were given "orders to visit several places, the natural history of which is still unknown to a certain degree, but more than any other science, anthropology required conscientious researchers, the knowledge of mankind being still in its infancy" (Schwarz 1862:3). There was also the objective to gain intelligence on the potential impact on world trade if the proposal to build a canal at Suez materialised, as this would provide Austria with a major trade route into the Far East as well as creating opportunities to obtain colonies (Johnston & Nolden 2011: 16). During the voyage toward New Zealand the expedition stopped in at Cape Town where members of the crew, including Hochstetter, visited Governor George Grey, who had also been governor of New Zealand from 1845 to 1854. Hochstetter was able to spend time with Grey, having access to his library as well as receiving first-hand information about New Zealand, in particular the volcanic plateau and surrounding areas of the central North Island (Johnston & Nolden 2011:19).

The expedition then moved on to Australia, where they explored Sydney and Newcastle while the ship underwent repairs. While in Sydney, Hochstetter and his colleagues visited the Australian Museum, where they obtained two Moriori skulls from Dr George Bennett, director of the Australian Museum (Zuckerkandl 1875: vi). When the expedition arrived in New Zealand on 22 December 1858 they anchored at Auckland. It was here that Hochstetter would gain the reputation as being the father of New Zealand geology (Johnston & Nolden 2011:13). He was asked to give advice on coal found at Drury, and was given leave from the expedition for six months, so he was able to carry out further geological surveys throughout New Zealand. His leave was granted and the *Novara* left on 8 January 1859. Hochstetter

visited other areas such as the lower Waikato Valley and the Auckland volcanic cones, and was given six Māori skulls, collected from Kings Cave, in Auckland by Dr Charles Heaphy, Dr G. F. Fischer and Dr Arthur Purchas, who accompanied him on his travels while in New Zealand. It is likely the skulls were collected during the time Hochstetter's was mapping the Auckland volcanic cones: they were presented to him and included as part of the expedition's collection (Zuckerkandl 1875: vi). Though Hochstetter does not specifically discuss his views on Māori as a living culture, his time in New Zealand would come to influence the views of another Austrian—Reischek—, who travelled to New Zealand in the following decades, and plundered many burial sites throughout the North Island with the encouragement of Hochstetter. This will be discussed in detail below.

The final significant scientific expedition which came to New Zealand in the nineteenth century was led by University of Edinburgh's professor of natural history Charles Wyville Thomson, who arrived on board *H.M.S. Challenger*, a British naval corvette, in 1874. The purpose of the voyage was to map the world's oceans, and contribute to the advancement of science, which resulted in making "Oceanography a science in its own right" (Linklater 1972:12). Thomson had asked the Royal Society to request that the government "lend and furnish one of Her Majesty's ships for a prolonged and arduous voyage of exploration across the oceans of the world", which was granted and the ship was modified for the scientific expedition (Linklater 1972:14). Following the mapping of the Tasman Sea, particularly between Sydney and Wellington for the prospect of laying a telegraphic cable (Spry 1876: 179), the expedition spent just over a week in Wellington from 28 June to 7 July 1874. Here the members of the expedition met with men of New Zealand's scientific community including botanist Thomas Kirk and naturalist William Thomas Locke Travers who provided the expedition's scientists with specimens of natural history as well as one Māori skull (Moseley 1879). The scientists visited the Colonial Museum and its director Hector who also presented the expedition with three Māori and four Moriori skulls (Turner 1884:73 & 76). These skulls became part of a larger collection of skeletal remains held at the University of Edinburgh[3], and were included in various studies by anatomists and osteologists over the next 100 years (Turner 1884; Scott, 1893; Schofield 1959; Houghton 1980; George, 2013). As

[3] Repatriated back to New Zealand in 1999.

shall be discussed further below, the exchanging of Māori skulls by New Zealand's museums, particularly from the 1870s, reached unprecedented rates.

Military Studies of Crania

Among the scientists who collected and studied Māori crania were British military surgeons and physicians who secured skulls and other skeletal material from army personnel stationed in New Zealand. A catalogue of the Army Medical Department Museum at Chatham in southeast England was compiled by Surgeon Major George Williamson in 1857. In the catalogue, Williamson arranged crania into classes based on the shape of the skull or facial area, with the purpose of identifying and categorising the differences in racial characteristics. He described 601 skulls from 43 different locations throughout the world, as well as those identified as being of "maniacs", "idiots", and "murderers" (Williamson 1857:7-8). Just what the purpose of the study was is unclear from the publication itself, aside from the aim of identifying difference through the study of craniology and anatomy. Military surgeons who came to New Zealand, during what is known as the New Zealand Wars which took place between the 1840s and the 1870s, took cranial measurements (Houghton 1980) and obtained skulls from the battlefields. For example, in correspondence with George Rolleston, professor of Anatomy and Physiology at the University of Oxford, Staff Surgeon Major William Alexander Mackinnon, advised that he had procured four Māori skulls as requested by Rolleston in 1862. Mackinnon noted that two of the skulls he obtained were from people killed in action and belonged to the Ngāti Ruanui tribe located in South Taranaki (MacKinnon 1867).

Science in New Zealand

The development of European science did not just occur in Britain and Europe, it also occurred in the colonies, most notably via museums and other institutions like the New Zealand Institute (later to become the Royal Society of New Zealand). In New Zealand the first museums were created in the three major cities of Auckland, Wellington, and Christchurch. The Auckland Museum (now the Auckland War Memorial Museum) opened in 1852 initially in a small two-room cottage in the Auckland suburb of Grafton under the care of J. A. Smith (*New Zealander* 1852). Early collection and the exchange of human remains from this institution began from at least 1872. The museum's first annual report recorded Māori crania were donated to the museum from this time. Exchanges of cultural objects and

natural history specimens appear to have begun in the 1880s, with international connections being made by the Auckland Museum through the exchange of well over 60 Māori and Moriori skulls being sent by curator Cheeseman to leading institutions in the United States, England, France and Italy (Aranui 2011b).

The Colonial Museum (Te Papa's predecessor) opened in 1865 as a 'scientific institution' under the direction of Hector, who was also the director of the New Zealand Geological Survey (Nathan and Varnham 2008). Human remains first entered the Colonial Museum in April 1866 in the form of a Moriori skull from the Chatham Islands. Within the first 10 years of the museum's existence, over 50 Māori and Moriori skulls and other skeletal remains were accessioned (Colonial Museum 1866), but this does not include those not formally accessioned but used in exchanges with other institutions around the world. These ancestral remains were collected from throughout the country with the vast majority coming from the Chatham Islands via the collector Travers.[4] Other active collectors included members of the public, bird enthusiasts, government officials, and geologists, who often travelled through areas where burial sites were found.

The Canterbury Museum was opened five years after the Colonial Museum in 1870, with German-born Haast, Surveyor-General of Canterbury as its first director. Haast recorded that the first exchange occurred in April 1866 with the Museum of Comparative Zoology at Harvard University, some four years before the museum officially opened (Haast 1881). Over the years, Haast was able to establish far wider exchange relationships, particularly in German-speaking countries (Haast 1881)

From the 1860s until about the 1930s, museums, universities and medical institutions throughout the world contacted these New Zealand museums requesting 'specimens' of Māori and Moriori origin. While there were frequent exchanges between New Zealand and Australian museums, the demand from Europe was even stronger. This demand is relayed in a letter to Cheeseman from E. P. Ramsay of the Australian Museum in 1878, "There has been such a scene on crania lately that we seldom have many on hand. I will look up some and endeavour to send one or two. The English and European museums are mad on crania" (Cheeseman 1878). All three of the museums contributed significantly to the exchange of

[4] Henry Travers collected the vast majority of Moriori remains located in museum and university collections throughout the world.

Māori and Moriori human remains from New Zealand to institutions throughout the world for the study of craniology and the evolution of the human race. Through the provenance research I have undertaken on the tūpuna returned to New Zealand, I have found that the majority of the human remains which left New Zealand did so via these three museums.

Skulls were not the only part of the human body sought after in England; scalps were also the subject of study (Nichols 1886). Scientific thinking in 1886 was still very much void of consideration for indigenous peoples and their cultural beliefs, and Western science was believed to trump any other view. Cheeseman received a letter on behalf of Professor Henry Nottidge Moseley at the University of Oxford, who at the time held the position of Linacre Chair of Human and Comparative Anatomy, and who had also visited New Zealand as part of the voyage of the *H.M.S. Challenger* in 1874. In that letter, following the examination of a Māori scalp at Oxford, Moseley requested, "as soon as may be" further examples of Māori scalps, and he even specified how he would like the scalps to be preserved. He goes on to say, "You will no doubt find it difficult to induce the Maoris to die in order to provide Oxford with scalps, even in the cause of science, but, if they are not to be obtained from the Auckland Hospital they might be had more readily from some of the same institutions in different parts of the North Island" (Nichols 1886). The implicit suggestion espoused in this letter is that Oxford and indeed 'science' had every right to obtain scalps or skulls for scientific research.

Māori as a Dying Race

The increased frequency of the collection and exchange in Māori remains from the 1870s came from the belief that Māori were dying out and at risk of extinction. Māori were seen by Western scientists to be a 'dying race', and comments of their inferiority in comparison to Europeans was a regular topic of debate in the latter half of the nineteenth century. Scientists and government officials believed that since the time of Cook's first voyage in 1769 until 1881 the population had decreased significantly from between 100,000 and 200,000 to about 44,000, providing evidence of its rapid decline (Stenhouse 1996). Dr Alfred K. Newman argued that this was a phenomenon which was taking place all over the Pacific, and he believed that these races were "coming to the end of their life cycles" (Stenhouse 1996:124). Newman felt that Māori in particular "are dying in a quick, easy way, and are being supplanted by a superior race" (Newman 1882: 447). Racism of this kind was prevalent not only in Victorian England but also in New Zealand, especially between the 1870s and 1900s

when Social Darwinism was at its height (Stenhouse 1996). According to the Western scientific men of New Zealand at the time, there was only one thing that could be done—as noted by Dr Walter Buller—who reflected on the words of Dr Featherston who said, "Our plain duty as good, compassionate colonists, is to *smooth down their dying pillow [original emphasis]*. Then history will have nothing to reproach with us" (Buller 1884:444). By this Featherston meant that it was up to the scientific community to collect and preserve the history, objects and customs of Māori while there was still time. And he viewed it as the role of the New Zealand Institute to record, publish and disseminate the findings from ethnographical and ethnological points of view (Buller 1884). From the mid-1870s the desire from Europe and the United States for Māori and Moriori remains escalated so much that the colonial museums could not keep up with the demand. Interest in the indigenous people of New Zealand initially came from Europe in terms of the phrenology, craniology (Flower 1879; Davis 1867; Williamson 1857) and the categorisation of races (Blumenbach, 1795), however, this was not the only input from the scientific community. Research from New Zealand was also carried out from an anthropological perspective, with a focus on the cultural beliefs and practices of Māori as well as Moriori (Travers 1868; Colenso 1868).

Discussion

The scientific interest in Māori ancestral remains increased significantly following Darwin's 1859 publication of *The Origin of Species.* From the late 1850s to the 1880s there was an exponential increase in the desire to possess Māori skeletal remains (mainly skulls), in order to understand the evolution of the human species. As a result, scientific expeditions from England, Scotland, France and the United States, for example, actively obtained Māori ancestral remains, via collection and exchange with New Zealand museums. The military, through its colonial forces, was also involved in obtaining Māori skulls in their many forays during the New Zealand Wars.

The development of science in New Zealand, particularly through the four main museums in Auckland, Wellington, Canterbury, and Otago, saw theories about the origins of Māori as well as their supposed eventual extinction become the topic of much debate within New Zealand's scientific circles. So much so, that the discipline of anthropology became an important focus for future research. The benefits of studying Māori ancestral remains was at this time of vital importance for the European world, particularly with regard to colonization. It was believed that by studying the skull and therefore the perceived intelligence of Māori

information gathered would be valuable for the gradual settlement and eventual colonization of New Zealand.

3. Scientific Research on Māori Ancestral Remains in the Late Twentieth and Twenty-first Centuries

> *"It is not possible to study human skeletal material in New Zealand, and indeed throughout Polynesia, without becoming aware that one is dealing with things of the deepest import to traditional belief, where the past and all relating to it is one with, and indivisible from the present" (Houghton 1980: 10).*

In the previous chapter I discussed the collection of and early scientific interest in Māori ancestral remains. Early research was focused on craniology and phrenology which looked at: the measurement and shape of human skulls in order to identify and classify racial difference, origins, intelligence and human evolution; studying the development of the brain in relation to one's psychology; and, most significantly, furthering the development of theories on racial superiority. Social Darwinist theory was used to justify the colonization of New Zealand, and had an influence on the confiscation of Māori land from the 1860s. The decline of the Māori population through disease and war was viewed as a natural cycle for uncivilized races. As a result of the perceived extinction of Māori, the collection of Māori skulls increased significantly. As this chapter moves into the twentieth century, the research of Māori ancestral remains takes on a different form. The research focus develops from comparative anatomy to physical anthropology and bioarchaeology and the development of scientific testing such as DNA and isotope analysis. The focus shifts from racist theories to learning more about the past lives of Māori, including their lifestyle, health and disease, fertility, and dental pathology.

This chapter critically reviews some of the scientific research that has developed during the twentieth century, particularly that of Professor Philip Houghton (1975, 1976a, 1980, 1983). I also want to review more recent research undertaken in the twenty-first century, specifically the research which has been carried out on the tūpuna from Wairau Bar prior to their repatriation in 2009 (Buckley *et al* 2010; Knapp *et al* 2012; Kinaston 2013). The chapter analyses the research which was undertaken on the tūpuna, the relationship between the Rangitāne o Wairau and the University of Otago as well as the comments made by the iwi on the results of the research. A critical review is also carried out on the recent PhD research

undertaken by Amanda George on Māori and Moriori dental pathology (2013); and the excavation of burials during the Auckland Airport northern runway development (Campbell and Hudson 2011). I have chosen to focus on these three projects firstly because they provide a good representation of the current research being undertaken on Māori ancestral remains in New Zealand both within the museum and archaeological context, and, secondly because of the information available relating to relationships with descendant communities and the ethical views relating to the research, the results of which will be discussed in detail in Chapter Eight.

The Rise of Physical Anthropology in New Zealand

From the 1970s, Professor Philip Houghton was sent, via the National Museum (now Te Papa), skeletal remains from archaeological sites in areas such as Castlepoint, Poukawa, and the general Wellington region, for the purposes of obtaining information pertaining to the individuals' age, sex, and health. He also carried out the first anthropological study of the tūpuna excavated from Wairau Bar in the 1940s and 1950s (Houghton 1975), Great Barrier Island (Houghton 1977a), and the Chatham Islands (Houghton 1976b). Influenced by the work carried out by John H. Scott in the 1890s and Peter Buck from the 1920s (Houghton 1980), Houghton's interest in the physical appearance, health, and disease of Māori and Polynesians in general prior to European settlement (Pietrusewsky and Douglas 2012) was realised in his publication *The First New Zealanders* (1980). This was the culmination of the work he had carried out while in his position as professor of Anatomy at the University of Otago, which he held from 1973 until his retirement in 1997 (Pietrusewsky and Douglas 2012). Through his various examinations of Māori and also Moriori ancestral remains, Houghton had opportunities to have conversations with local communities regarding his research. In his book he acknowledges the Māori groups who approved his research, though he does not identify who those groups are. He also notes:

> it is not possible to study human skeletal material in New Zealand, and indeed throughout Polynesia, without becoming aware that one is dealing with things of the deepest import to traditional belief, where the past and all relating to it is one with, and indivisible from the present (Houghton 1980: 10).

Initially the reader assumes that Houghton understands and respects Māori views around their dead. Houghton's correspondence, however, does provide interesting insights into his

view on the importance of physical anthropology in New Zealand, and also on his interactions and attitudes on returning ancestral remains back to Māori (Houghton 1983).

In February 1975, Māori burials were found eroding out of a burial site at Castlepoint in the Wairarapa, and over the following 18-month period several more burials were discovered. The site was recorded as a Moa Hunter burial site (NZAA Site Number U26/13), and excavations were begun in 1976 by the National Museum. The purpose of the excavation was to "collect any further skeletal remains that the site may contain to protect them from further destruction and, with the consent of the Wairarapa Tribal Executive, to study them and any associated artifacts" (McFadgen 1976: 1). This reveals that some iwi allowed the study of their tūpuna to take place to a certain degree. Overall a total of 17 burials were recovered from the site between February 1975 and April 1979. Following the initial excavation by the National Museum, nine individuals were sent to Otago University for analysis by Houghton, who had identified that seven of the individuals were "provisionally dated to about 1200AD" (Houghton 1976d: 2). Houghton also notes the significant lack of tooth wear, similar to that found at Wairau Bar, in comparison to later coastal groups, suggesting a markedly different diet (Houghton 1976d: 1).

As noted above, correspondence between the National Museum and Houghton regarding the skeletal remains provides an insight into Houghton's views on the importance of physical anthropology. He notes that he, along with Muru Walters and Doug Sutton, had recently spent much time preparing submissions on the study of human skeletal remains for the Historic Places Trust, and in particular had tried to impress that "if any sense is to be made of physical anthropology in N.Z. then all human material must be fully assessed even if it is to be reinterred—in fact it is more important that it is fully assessed if that is to be its fate". He mentions also his desire "of retaining material above ground, a matter which can only be determined by discussion with the local Maori community for each specific site" (Houghton 1976c: 1). Houghton had also hoped that the local Māori Council would approve of him retaining the remains for at least two to four weeks for analysis. As will be explored in Part Two of this thesis, Māori were becoming far more active in protecting their cultural heritage, which was part of a much wider Māori renaissance (Anderson *et al* 2014: 416). This included ensuring that human remains were to be reinterred following excavation. Houghton's comments therefore reveal the need for local Māori councils and communities to agree to the long-term retention of Māori ancestral remains for future study.

It is assumed that the material from Castlepoint was then returned to iwi following Houghton's analysis, however, at the time of writing this cannot be confirmed. In December 1976 further burials were recovered by local Pākehā man Keith Cairns who contacted the National Museum and the Historic Places Trust to seek permission to recover the bones. Cairns also suggested that the National Museum approach the Wairarapa Māori Tribal Executive and ask for permission to send the skeletal remains to Otago University Medical School for "professional laboratory study" before being reinterred. He notes in his report the "loss of information critical to the pre-history of New Zealand should not be allowed to occur in the future" (Cairns 1976: 3). However, from a report sent to the Historic Places Trust by the National Museum in April 1977, it seems that the Wairarapa Tribal Executive did not consent to any further study of the remains and requested that the site be left alone (National Museum 1977: 2). This decision by the Wairarapa Tribal Executive not to allow further research to take place reveals that the continued disturbance of Māori burial sites for the purpose of increasing Pākehā knowledge was not congruent with Māori cultural views.

The most telling set of correspondence obtained regarding the importance of studying Māori ancestral remains is between Houghton and Raewyn Sheppard of the New Zealand Historic Places Trust. The discussion took place in 1983 and is concerned with ancestral remains uncovered during an excavation at Ihumātao or Elletts Mountain, in Auckland in 1982. The excavation was led by archaeologist Sue Bulmer, who had the remains sent to the University of Otago for examination by Houghton. In a letter from Sheppard to Houghton dated 30 March 1983, she notes, "I omitted to mention to you that we require the return of the bones; a condition of the approval of the local Maoris for excavation and examination for the bones was that they should be returned to them for burial" (Sheppard 1983). Sheppard also notes, "…it may be necessary in future for all bone material to be returned to us for reburial—this matter is currently under review; there is even the suggestion that we should obtain from you all material we have sent to you over the past few years" (Sheppard 1983).

What is most interesting is Houghton's reply, dated 7 April 1983, in which he relays to Sheppard that the "fate of Polynesian human remains uncovered in New Zealand" had been discussed thoroughly several years prior. He notes that both he and Muru Walters had spent time creating suggestions that "might prove acceptable to both Māori and Scientific communities" (Houghton 1983). He also mentions that he and Walters met with members of the Māori Council in Wellington and Dunedin, as well as with other Māori communities. The letter gives the impression that Houghton was of the opinion that the matter of retaining

Māori ancestral remains for research purposes was no longer an issue, due to the consultations he had carried out with several Māori councils on the matter (Houghton 1983: 1). However, this was apparently not the case, as the letter by Sheppard shows. What Houghton may not have been aware of was the fact that, despite the role of the Māori Councils the decision about the fate of Māori ancestral remains was made by the descendant community.

Houghton appears to have had a sense of entitlement, or perhaps ownership with regard to the remains that were sent to him, despite the wishes of iwi. This is reflected in the further letter from Sheppard who writes to Houghton five months later in relation to further remains being sent for examination, and again requests the return of the remains from Elletts Mountain. Houghton never returned the remains of this tupuna; instead they were sent to the National Museum following his analysis. It is not known why he did not return the remains to iwi or why they were sent to the National Museum as there exists no documentation or correspondence relating to this other than copies of the letters discussed above. It can therefore be surmised that he felt strongly in his view that skeletal material should not be reburied but retained for future investigation.

Though these two examples above occurred approximately eight years apart, it nevertheless suggests that there was a much wider discussion being had around the retention of ancestral remains excavated from archaeological sites, which appears to have begun in the 1970s. It is likely that these discussions were the result of the 1975 amendment to the Historic Places Act, where a number of insertions were added including; "Section 9H. Scientific investigations of archaeological sites". In this section it states, with regard to the conditions set out by the Historic Places Trust in the authorisation to carry out scientific archaeological investigation, "Provided that no such investigation shall be carried out except with the concurrence of the owner and occupier of the land on which the site is situated and, where the Trust considers it necessary, with such Maori Association within the meaning of the Maori Welfare Act 1962 as the Trust considers appropriate" (Historic Places Amendment Act 1975: 333). This means that, aside from consultation with the landowner and occupier, if the site was seen as having Māori significance, then the appropriate community was also to be consulted. Prior to this amendment there was no mention of consultation with Māori within the Act. This introduction was likely the result of the Archaeological Committee of the Historic Places Trust, which was responsible for the 1975 Amendment, having in 1970 included Māori as part of the committee. In 1970 there was an amendment under "Section 5

Membership of the Historic Places Trust", in which there was the inclusion of "One member, being a Maori, to be appointed to represent the Maori race" (Historic Places Amendment Act 1970). This shows that from at least 1970 Māori were beginning to be included and consulted in the process of archaeological excavation and research. These changes came in the period when Māori were going through a time of resistance and renaissance. The 1970s was a time of great change in New Zealand and the discipline of archaeology was also affected by this. Māori were ensuring that they had a voice when it came to their past buried within the landscape, however that voice was not always welcome. In his thesis on Māori and Pākehā perspectives of the past, Walters (1979) highlights the attitudes of archaeologists towards New Zealand's past and the Māori involvement or lack thereof, in the excavation and study of archaeological sites, particularly in the Bay of Plenty area. Walter's thesis provides a valuable snapshot of the attitudes at a time when change was occurring, and just how that Māori voice was manifested. He provides examples that show Māori views and knowledge of the past were not sought; their role was to provide ceremonies to "raise the tapu" of sites or consultation in the form of approval from kaumātua before excavation could begin (Russell, in Walters 1979:40).

Four archaeologists were interviewed by Walters as part of his research, and they provide some telling views for the time. Two were empathetic to the Māori perspective noting the importance of consultation with Māori including site visits during the excavation process, or even to become the drivers in archaeological work, the other two were of the view that Māori should take an interest in archaeology. Archaeologist A goes so far as to say "The trouble with New Zealanders is that they do not care about archaeology. The Maoris are the worst offenders. Their attitude is one of indifference, they couldn't care less…However, the decision is not really for the Maori to decide when I am working on Pākehā land, and anyway the land does not belong to the Maori it belongs to all" (Walters 1979: 88). The views of kaumātua who were interviewed by Walters however, show a very different view of the way archaeology is seen from a Māori perspective, particularly with regard to the disturbance of ancestral remains. Comments included, "Leave the bones as they are sacred. Whether one is a slave or no, at death all bones are sacred" (Walters 1979:96).

> The Pakeha wanted five acres of sacred ground as a camping ground for them. Ngatiawa would not agree to it because it was a sacred area and must be respected. It is by not losing it that the truth behind the attitude of the Māori towards sacred things

> can be seen. The archaeologists did not seek permission from the Maoris. Their written material does not reflect the opinion of the Maori (1979:98).

The view that human remains are sacred and to be respected, appears to have remained somewhat constant through time. Noting the sacredness of bones, (be they chief or slave) and the sacredness of land, it is clear the past is important and is to be respected, not destroyed and studied for the sake of scientific or academic interest. Walters' research shows that Māori (in the Bay of Plenty area) did not want these areas disturbed and the information said to be gained from that disturbance was for them of no importance.

Wairau Bar Discovery and Excavation

The most well-known case of burials being found by a member of the public took place in January 1939. The discovery of a moa egg, human skull and other objects by twelve-year-old James Eyles, who had been collecting moa bones and artefacts from his backyard excavations at Wairau Bar (NZAA Site No: O33/4) (Figure 1)gained much media attention (*The Press* 1939; *Evening Post* 1939; *New Zealand Herald* 1939; *Auckland Star* 1939). This site has, since its discovery, been viewed as the most important archaeological site in New Zealand as it relates to the early settlement of this country by the east Polynesian ancestors of Māori (Duff 1942, 1956). Following the discovery of the egg and the human remains, and their display in a shop window, archaeologists descended on the Wairau Bar. And after more than two decades of excavation, mainly by the Canterbury Museum, on the 7-kilometre long gravel bank, the bar revealed what was to become one of the most important sites in New Zealand archaeology. Within the site over 50 burials were excavated, some with grave goods including moa egg shells, toki (adze blade), and whale tooth pendants (Figure 2).

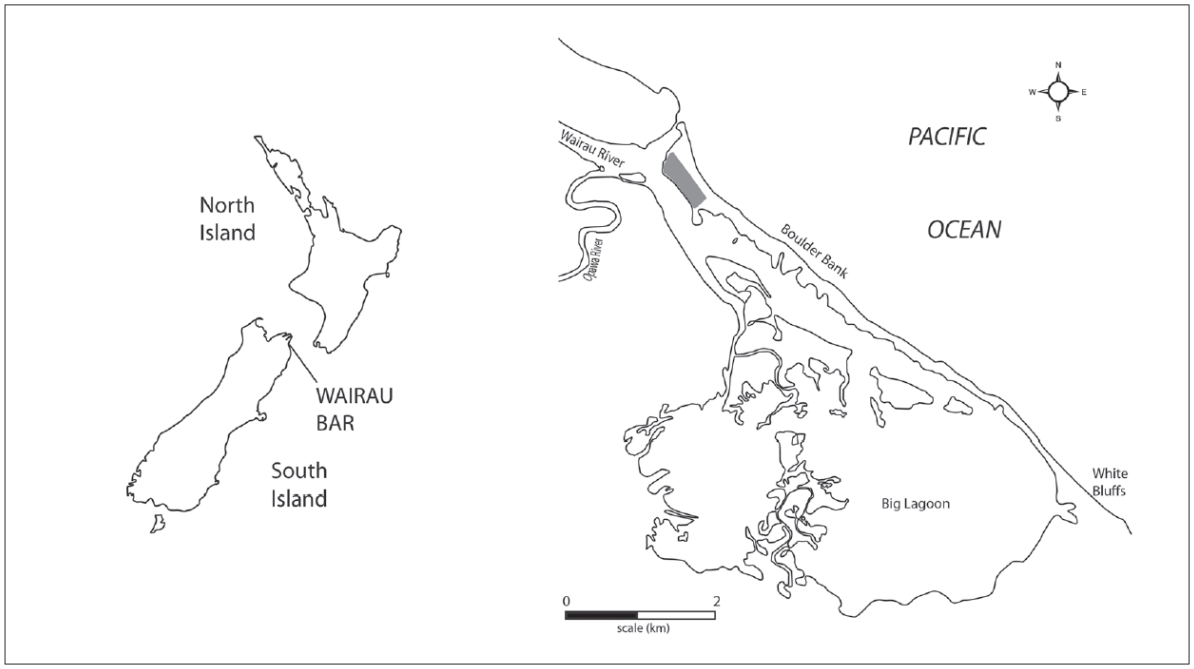

FIGURE 1: LOCATION OF WAIRAU BAR SITE (FROM BROOKES ET AL 2011: 14)

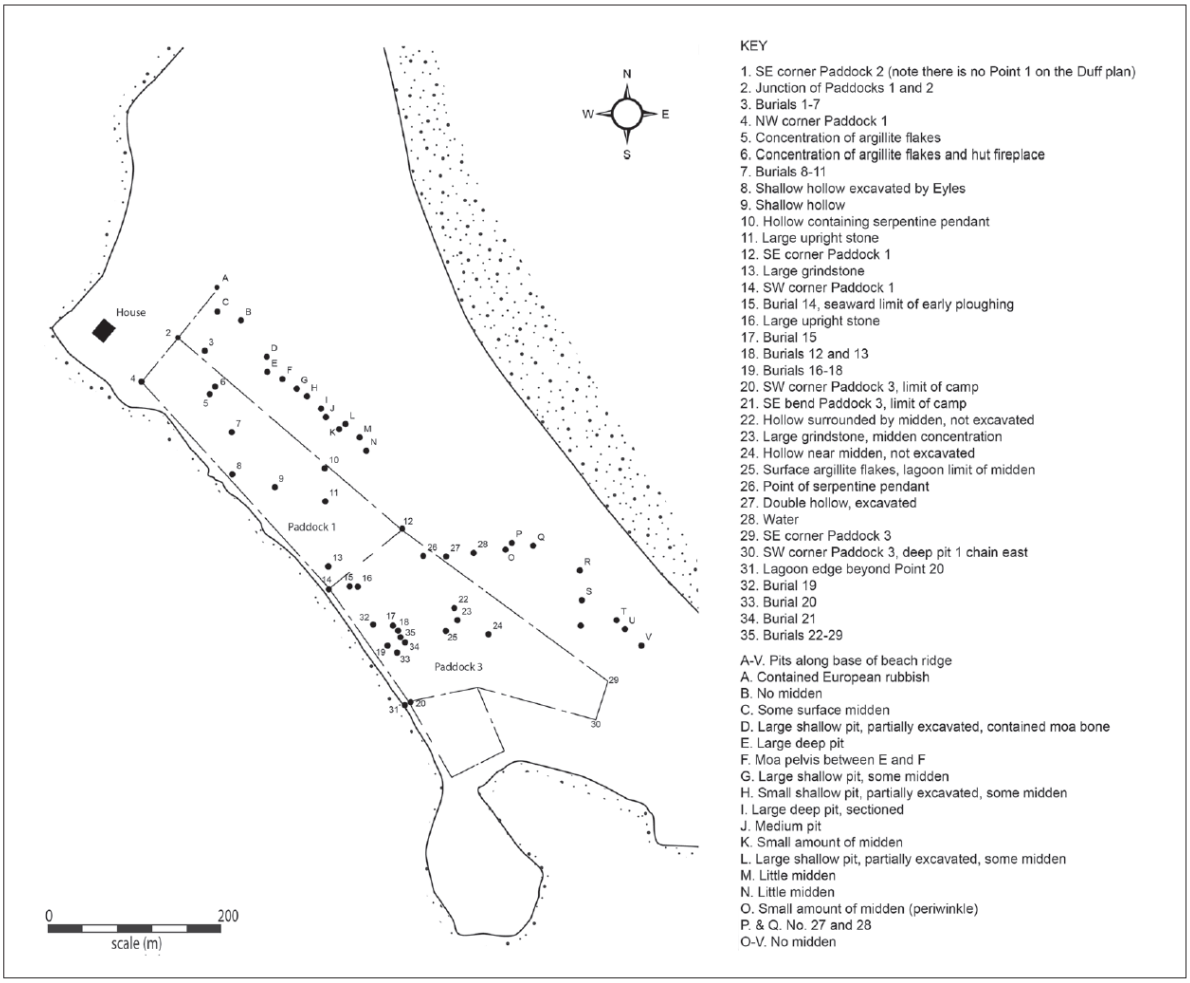

FIGURE 2: PLAN OF WAIRAU BAR SITE BASED ON DUFF'S 1950 PLAN (FROM BROOKES ET AL 2011: 16)

Almost all of the taonga and kōiwi from the excavations, were taken to the Canterbury Museum, except the skull, moa's egg and necklace from the first burial. These were sent to the National Museum where they remained for almost 70 years. During that time an array of research was undertaken on the material culture taken from the site, as well as the human remains questionably removed from their resting places. The early research of the kōiwi tangata excavated by the Canterbury Museum was surprisingly almost non-existent, (given the large number removed and, as will be discussed further in Chapter Five, and the apparent lengths taken in order to remove them) the majority of the research was focused on the burial objects and other taonga found at the site. A newspaper article published in Christchurch's *The Press* on 11 January 1943, by which time the remains of seven tūpuna were removed from the site, mentions that "No expert examination has yet been made of the craniums of these skeletons" (*The Press* 1943: 2). Roger Duff's publications in 1942 and 1947 note only information relating to burial contexts, depth, preservation, evidence of reburial, estimated date of burials, and a detailed focus on the types of burial taonga that were present with each tūpuna. He describes the site as a "small but important burial ground" (Duff 1942: 1), which provides important clues to the culture of the people who lived during the time of the moa. In his 1950s publication *The Moa-Hunter Period of Maori Culture* (Duff 1955), Duff postulates the theory that culture change is continuous and is best observed in the case of Polynesia, by studying peripheral cultures like New Zealand back towards the centre, in this case central eastern Polynesia (Duff 1955: xi). His hypothesis is that the earliest Polynesian cultures left their traces in the marginal islands like New Zealand, and the remains excavated from the graves at Wairau Bar provide clues as to where these people may have come from and what their culture was like.

Twentieth-century theories on Māori origins began to move away from the theories relating to an early Melanesian migration which emerged in the nineteenth century. Instead, Duff's intention was to show that the Moa Hunter period of Māori culture was "clearly distinct from pre-European Māori culture, although it is probably ancestral to it" (Duff 1956:6). He describes in detail the 29 burial locations and contexts within the wider village site and provides detailed information about the associated grave goods, and the reconstruction of what has been identified as Burial No. 2 as a display at the Canterbury Museum. He also notes the use of a plough in what was identified as the 'southern urupa', as a quicker method of exploring the area where grave goods were found and uncovered at Burials No. 19 and No. 20, which is a questionable archaeological method of excavation even for that time. Rough

age and sex determinations were made at this time and detailed drawings of the majority of the burials were presented.

It was not until the 1970s that more focused research was carried out on the tūpuna from Wairau Bar. This began with Houghton's work in 1975, in which he analyses the remains of 35 individuals by identifying sex, age at death, body morphology, dentition, as well as health and disease. He also discusses the condition of the remains including the unfavourable soil conditions for the preservation of bone, and notes that while only one child is represented (by a single bone) it is possible that the poor soil conditions led to the disintegration of children's remains (Houghton 1975:231). Houghton identifies in detail that there were 19 males and 16 females, many of whom were identified through cranial morphology. He found that determining the ages of the tūpuna was difficult due to the incomplete state of the skeletal remains and the poor condition of the bones, and he was only able to determine age at death of two individuals; Burial 13 a female of 20 years, and Burial 26 a female of 19 years. He does however provide estimates of the age at death for the remainder. A significant amount of study of the skeletal material was undertaken in order to estimate age including x-rays, the degree of attrition on the teeth, and the presence of unfused clavicular epiphyses. While Houghton (1975:232) found the average age of the individuals to be 27.9 years, none appeared to have lived past their early forties. Overall, Houghton identified that the people of Wairau Bar were of Polynesian origin, they were of tall muscular build and led a very physical lifestyle. They had, by comparison to other remains studied in New Zealand, a less abrasive diet with adequate nutrition, showing little dental wear or disease. In terms of health those who survived to adulthood did not appear to suffer from many childhood illnesses, however their life spans were short, which is similar to other past populations. Houghton's final remarks focused on the possibility of future research such as chemical analysis of the bone in order to determine the timeframe in which these people lived as well as to confirm the sex of the individuals and provide further information as to their diet (Houghton 1975: 238).

In the same year, Michael Trotter published an article in *Asian Perspectives* (Trotter 1975), where he reviews some of the techniques used by Duff and provides an update on the subsequent excavations which took place in 1959 and 1964. He notes in relation to the number of burials in the area that the "number was probably greater originally, and we cannot be sure that some were not missed, as the digging was a little careless at this point. It was therefore decided to use a plough as a quicker method of exploring this area" (Duff 1955:

55). Trotter also notes that Duff formulated his theories on the Moa Hunter period of Māori culture principally on the skeletal remains and their associated burial goods. Interestingly, as seen in Duff's 1942 and 1956 publications, he mentions little about the remains themselves other than providing a description of the burial context, depth, orientation and preservation, but instead focuses more on the taonga associated with them and what they inferred about wider Polynesian culture. Wairau Bar became the 'type site' for this early period of New Zealand's history. Trotter discusses the Carbon 14 dating of the site by Duff in 1952 (935 ± 110BP and 850 ± 50BP) and notes that his own 1974 dates using shell (680 ± 50BP) as well as human (780 ± 80BP) and moa bone collagen (590 ± 60BP) obtained from the 1959 and 1964 excavations provided a more accurate date (Trotter 1975: 80).

It took over 20 years, from the time the tūpuna were excavated by Duff to Houghton's study, for any significant research to be undertaken on these tupuna, and at no point during this time were Rangitāne or any other iwi associated with Wairau Bar consulted or provided with this information. Even Houghton's acknowledgement in the publication (1975) shows, at this time, his lack of communication with relevant communities, which is interesting given his efforts noted above in that same year with Walters and Sutton on the importance of informing communities about the significance of physical anthropology, and his acknowledgement of iwi in his publication of *The First New Zealanders* in 1980. Duff's early work was a descriptive analysis with regard to the kōiwi excavated from Wairau Bar which, aside from the information relating to burial practices, seems to have provided little information relating to the individuals specifically which could be of benefit to other researchers or Māori themselves. Perhaps this has something to do with the lack of technological advances of the time or perhaps it was more to do with archaeological research at the time being more focused on material culture rather than the people themselves to answer the questions about the origins of the first settlers in New Zealand. The latter theory makes sense from an archaeological perspective, and the means of locating some of the burials via plough further supports the presumption that the remains themselves had little real value for Duff. Because of the significance of the site regarding the early phase of New Zealand settlement, Wairau Bar elevated Duff's career significantly, specifically in the form of his 1950s publication *The Moa Hunter Period of Maori Culture*, which is still a foundational text used in the study and interpretation of New Zealand archaeology (Brookes *et al* 2009:260).

Wairau Bar Return and Reburial

The last of the excavations by Canterbury Museum took place at Wairau Bar in 1964, following an embargo on site that occurred because of pressure by Rangitāne (Blundell 2013: 2). Aside from the research carried out by Houghton in the 1970s the kōiwi and the site remained untouched until 2008, when an agreement to return the tūpuna back to the bar was finally reached. This result was a combination of over three generations and over six decades of fighting, and a Treaty of Waitangi Tribunal claim (Armstrong 2009), to have the tūpuna returned to the site, and it was not without its setbacks. But in the end, taking their grievance to the Waitangi Tribunal finally brought about the result Rangitāne had fought so hard for. The agreement, developed as a result of the tribunal case between the Canterbury Museum and Rangitāne, stated that in order to return the remains the Canterbury Museum required further scientific research to be carried out on the tūpuna by a biological anthropologist to ascertain what information could be gained about the early New Zealand settlers, and further excavations should be carried out at the bar in order to examine the area in preparation for their reburial. This research was done in partnership with Rangitāne and, while many members of the iwi were "sceptical" and "deeply suspicious" about just what this research would entail, Rangitāne iwi representative Richard Bradley credits Professor Richard Walter and his team from Otago University with "mending a broken bridge" by inviting iwi to "hang out" at the site, assist with the excavations and talk about their history (Mutch 2013: 6).

Dr Hallie Buckley and Dr Lisa Matisoo-Smith led teams in the research on the tūpuna. This was an extremely rare and important opportunity as these tūpuna are the only large collection of well provenanced Māori human remains from the early, or possibly initial, phase of New Zealand's colonization by East Polynesians (Kinaston 2013: 2). Buckley, a bioarchaeologist, was charged with researching aspects of the tūpuna's quality of life, diet, life expectancy and any evidence of changes due to responses to the environment (Mutch 2013:7). The results generally support those outlined in Houghton's research (1975), however, further information was found in relation to childhood stress, infectious diseases, and diet through the detailed study of their teeth (Buckley *et al.* 2010). Research results have produced new information relating to their quality of life. Evidence has found that there is an over representation of women in the 42 individuals available for study, with individuals aged between 20 to 34 years and more than 50 years making up the majority of the age ranges represented. The stature of those represented show that males were "among the taller of Pacific peoples", which may reflect their ability to recover from childhood stress (Buckley *et al.* 2010: 6).

There is also a suggestion that tuberculosis and gout were present within this group, both of which were thought to have been introduced by Europeans (2010:17). Overall this initial research showed that the people at Wairau Bar led a vigorous, mostly active lifestyle.

Research into stable isotopes of the Wairau Bar tūpuna have provided further information about their health and lifestyle, particularly relating to seven individuals (Burials 1–7) who have provided evidence suggesting that they may not have grown up in New Zealand but perhaps somewhere in tropical Polynesia and could theoretically be among the first New Zealanders (Mutch 2013:7-8). The aims of the isotopic research was firstly to characterize the diet of the people buried at Wairau Bar by analysing the carbon and nitrogen isotope ratios contained in human bone collagen, and secondly to investigate the mobility of those people through the study of strontium isotope in tooth enamel (Kinaston *et al* 2013:1). The results of this research therefore show that the people buried at Wairau Bar are not a homogenous group of people, and together their diet and strontium ratios show that not only did they consume different resources but they grew up in geologically different locations (Kinaston *et al:* 6-7) suggesting that Group 1 (burials 1-7) were not from the Wairau region and therefore could represent the founding population to the area or even the country (Mutch 2013). This case has been made stronger with the results of carbon 14 dating which indicates that the site was inhabited from about the end of the thirteenth century (Kinaston *et al* 2013).

DNA research lead by Dr Lisa Matisoo-Smith has produced the first successful mapping of the mitochondrial DNA of "an ancient Pacific people" (Mutch 2013:8). Of the 19 individuals tested for DNA preservation only four had enough data to be analysed (Burials 1, 2.1, 16A, and 18), being three females and one male (Knapp *et al* 2012). DNA samples were taken from the teeth of the four individuals, according to Knapp *et al* (2013:18351), and they share two of the three mutations which are said to be unique to Māori (Benton 2012). Burials 2.1 and 16A have also been shown to have mutations which have been previously unidentified, further increasing the mtDNA variation of East Polynesians (Knapp *et al* 2012:18352). The research also found that three of the four individuals were "not recently maternally related" (2012:18352). The two women represented as burials 1 and 2.1, though found in the same burial location (Group 1) were not related at all. This indicates according to the research, that the founding population of the Wairau, and perhaps of Aotearoa, was "not from the same matrilocal source", that is, the women are likely to have come from different unrelated communities (2012:18352). This genetic diversity, according to Matisoo-Smith, was a surprising discovery (Atkinson 2012). This provides more information relating to the overall

peopling of Polynesia and more specifically provides further data to be able to "narrow down those specific East Polynesian homelands that were the source of the founding population, we might find Hawaiki—or various Hawaikis" (Atkinson 2012), something scientists have been wanting answers to since the time of Cook. Health indicators were also identified during this research which include a genetic mutation associated with insulin resistance (Atkinson 2012).

From a scientific standpoint this research could answer many questions relating to the health, lifestyle and perhaps even the origins of past populations in New Zealand. But what benefits does this have for Māori today? In particular, how has this research benefited the descendants who still live in the area, including but not exclusively, Rangitāne o Wairau? Since the discovery of the burials over 70 years ago, Rangitāne have been vocal in how they felt about the removal of their ancestors. So, coming forward to the present and with the repatriation agreement and research partnership in place, how has this research been received by Rangitāne? The research publications have thanked Rangitāne for their support, and according to Nichola Mutch (2013) iwi are said to be interested in learning more about the people and life at Wairau Bar which has resulted in discussions about future projects, particularly with regard to looking at the site in its wider context. This newfound interest may be partly the result of bringing life to what was originally identified as Burial 1, who has now been affectionately named 'Aunty'. Aunty, the first burial discovered at the Bar, has been identified as a female, aged young to middle age (20–49 years old at death). The first to be returned back to iwi, she and two other burials (Burials 2.1 and 6, both male) from Group 1, underwent facial reconstruction (Hayes *et al* 2012). The aim of the reconstruction was to "provide Rangitāne with a visual representation of their *tupuna*" (2012:307). For Rangitāne, to ensure the future protection of their tūpuna, it was vitally important that they be given more human characteristics and not be seen as "mere scientific curiosities" (2012:307). Spokesperson Bradley comments, "Instead of seeing a collection of bones and skulls, we start to see what the person looked like. Up till now all we've seen are figures in a museum that don't really bear much resemblance to how we see ourselves today. Looking at this image [of Aunty]…I can immediately think of a couple of people in my own family who bare a resemblance" (von Wel 2010). As well as being able to see and find familiarity with the tūpuna, Rangitāne were able to receive confirmation of their connection to them. Aside from the DNA research which looked at how the tūpuna were related to each other, DNA samples were taken from some members of Rangitāne to see if they were directly related to the tūpuna they had fought so hard to bring home. The iwi agreed to the study of the tūpuna because

they could benefit from what could be learned, and as far as Bradley was concerned this is exactly what happened. For him it was a way for the tūpuna to talk to them and tell them new things. Bradley saw the DNA research as a way of confirming and validating their connection, "If I have my DNA proof done and I match one of the original ancestors, I can actually say I'm descended from one of the first people that came to this country" (Lewis 2016). The results were able to confirm, despite the questionable connection to Rangitāne as had been viewed by others since the removal of the tūpuna in the 1940s that members of the iwi were in fact direct descendants of Aunty and others buried at the site including Burial 18.

Shannara Thwaites, a member of Rangitāne and an archaeology student at Otago University became far more interested in the site and more connected when she found that she was linked to one of the tūpuna (McPhee 2016). Milly Finlay told *The Marlborough Express* that she was pleased to find that she was also related to a female (Burial 18) in the group, and she stated, "we've been here for 800 years, this is living proof we are descended from the early inhabitants" (McPhee 2016). Rangitāne also believe that this connection will strengthen their claim to have the taonga that were taken from the site returned (Lewis 2016). So, the overall benefit for the descendant community was to confirm and validate their connection not only to place, but also and most importantly to the people. This shows that whakapapa has remained an important part of Māori society, and this is will be explored further in Chapter Five.

While the information gained from the research undertaken by Otago University is extremely interesting, and potentially ground-breaking, the benefits to descendant communities must still be critically examined. The agreement to repatriate under strict conditions is the first concern. The museum ensured that as much research as possible was undertake on the tūpuna before they relinquished them to Rangitāne. With the excavation and display of taonga and tūpuna from Wairau Bar being the museum's main drawcard, losing the tūpuna, who were thought to have been some of the first peoples to settle in Aotearoa New Zealand, would have been a great loss. Science verses culture, and control of knowledge was, from my perspective, at the heart of this agreement, and though the tūpuna were eventually returned it was, I believe, science which gained the most knowledge in the end. The reason I say this is because the Canterbury Museum, through Otago University, was finally able to carry out scientific testing and thorough research on the tūpuna, something the museum was prevented from doing since the embargo was put in place by Rangitāne. This was a rare opportunity to have free rein on what research could be done. Secondly, the fact that the tūpuna were placed in

crates which would prevent or significantly slow further decay of the remains showed that if further research was required then the opportunity to conduct further scientific testing was possible. I argue that this is not repatriation, rather it is merely allowing Rangitāne to be the kaitiaki (guardian or caretaker) for the tūpuna until such time as further research is desired. Could this be a tactic in which the museum still regains some control? Perhaps. But nevertheless, repatriation and reburial should be unconditional. Chapter Five will explore some of the feelings expressed by some members of Rangitāne when they could not bury their tūpuna in a way that was respectful and in line with their cultural practices. Granted the research undertaken identified previously unknown information about the health, disease and lifestyle of the tūpuna buried at Wairau Bar, including identifying that the oldest members did not grow up in the region and surmising that they may have come from East Polynesia. While this is interesting information and was ground-breaking for the scientific and archaeological community, what are the benefits for iwi? In the first episode of the television series *Artefact*, Judith MacDonald, a member of Rangitāne o Wairau, holds in her hand a small shell tool, identified as not originating in New Zealand (Davidson *et al* 2011: 94). Looking at this tool, MacDonald says, "It's living proof I guess for us, that the stories of our ancestors who talked about those travels and how we got here is proved in one tiny little shell" (Artefact 2018). She also states, "There are 35 generations between me and Aunty, I know that because my father told me that. And so now the science says 'yes that's right your DNA connects you to these people'. Well you know we already knew that" (Artefact 2018).

The research results show that while the benefits for science and archaeology have been significant and ground-breaking, these benefits do not outweigh those of Rangitāne, whose main concern was to have their tūpuna returned to the Wairau and laid to rest. It is apparent that members of Rangitāne feel that they have benefited greatly from the research gaining knowledge of who those people are and how they lived. The DNA results confirmed what they had always known as the connection to their tūpuna.

Māori and Moriori Dental Morphology

Another recent study in the discipline of bioarchaeology has also examined Māori and Moriori ancestral remains in order to investigate the health of past populations. Like the research undertaken by Buckley and her team, Amanda George's 2013 PhD thesis looks at "the dental health of the first New Zealanders" (George 2013:1). George sought to explore whether a dental pathology profile for New Zealand and the Chatham Islands could be

established using skeletal remains located in museum collections, and whether it would provide "meaningful information regarding the existence of disease, its patterning and variation and impact upon individuals and communities" (2013:2). With the view that these collections would soon be inaccessible, George was of the opinion that there was a need to "re-examine existing collections in order to gain all possible knowledge" as there had been no large-scale systematic reviews undertaken since Scott (1893) and Taylor (1872) and that there were still many unanswered questions regarding the health and the life of past populations (George 2013:2). In order to carry out this research it was necessary to gain access to collections of Māori and Moriori remains in museum and university collections throughout New Zealand. Letters were sent to the Auckland War Memorial Museum, Whanganui Museum, Te Papa, Canterbury Museum, Otago Museum, University of Otago's Anatomy Department, and the Southland Museum and Gallery. The letters outline the aims and objectives of the research, and seek to identify who were the appropriate iwi representatives to contact in order to discuss her application. Of the seven institutions, only the Southland Museum and Otago University's Department of Anatomy provided access to their collections for her study. Access to the kōiwi tangata held in the Otago University's Anatomy Department was actually the motivation for George's PhD thesis as part of the ongoing negotiations between the university and Ngāi Tahu about moving all of the kōiwi tangata with provenance to the South Island (as well as those of unknown origin) from the university to the Otago Museum. Interestingly, George describes the move as a "repatriation", which was in actual fact the movement of the tūpuna out of the Anatomy Department into a wāhi tapu located at the Otago Museum at the request of Ngai Tahu. Looking further into this relationship between Ngāi Tahu and the university it appears that the Anatomy Department did not agree with the iwi preference that all kōiwi tangata should be kept in a single wāhi tapu (O'Regan 2006:99). Interestingly, at the time the university was part of a Treaty of Waitangi audit, which reviewed the institution's relationship with Māori. It was made known to the auditors by iwi that the Anatomy Department's reluctance was of concern to them. The result of the audit was that the kōiwi would be moved to the Otago Museum's wāhi tapu once the department had ensured current projects were completed (George 2013:99).

The museums which did not provide access to the kōiwi tangata in their collections did so mainly as a result of the decision being made by the museums' Māori advisory boards. Auckland Museum's Taumata a Iwi made the decision to "decline any future access to its collections of kōiwi for research purposes", and that access would only be for the purposes of

repatriation (2013:40). Whanganui Regional Museum's Māori Governance Board also recommended that "all future access to kōiwi be prohibited" (2013:40). The Hokotehi Moriori Trust, Te Rūnanga o Ngāti Tahu, and Te Rūnanga o Kaikōura were also contacted as part of the process. Hokotehi Moriori Trust when contacted regarding the study of their ancestors held at Te Papa and the Canterbury Museum declined consent as they felt that "their ancestors should not be disturbed or subjected to further scrutiny" (2013:41). Interestingly, it appears that Te Rūnanga o Kaikōura gave permission for their tūpuna held at the Canterbury Museum to be included in the research, however the curator refused to allow George access to their collections (2013: 41). This lack of access to collections within New Zealand forced George to venture to Europe in order to gain a large enough sample to complete her research. There was no discussion in her thesis regarding the consent process or the fact that consent was not needed to study collections overseas this will be discussed in detail in Chapter Eight. Of the 14 international institutions identified, five were chosen and access was granted by the Natural History Museum, London; Royal College of Surgeons, London; Duckworth Laboratory at the University of Cambridge; Musée de l'Homme in Paris; and Museum fur Volkerkunde in Dresden. Overall George was able to examine a total of 1,165 kōiwi tangata for her dental pathology study of pre-historic or early proto-historic Māori and Moriori.

Aside from the information relating to dental pathology, George was able to identify that of the 1,165 tūpuna examined 20 per cent (228) were unprovenanced; 63 per cent (736) were able to be identified by sex, with 411 females and 325 males; age estimates included 9 per cent being children (aged 4–15 years), 24 per cent being young adults (21–30 years), and 34 per cent being identified as adult (more than 20 years) (2013: 79). A re-measurement of specific bones to determine stature was also carried out as part of the study. The results of the research showed that in general the dental pathology of the Māori and Moriori remains examined was remarkably uniform, with what is "considered 'normal' levels of dental disease". The variations, however, are present in association with age and diet (2013:375). This however is an observation that was made in the 1960s by R. M. S. Taylor (1963), in the 1970s and 80s by Houghton (1975, 1980), and even in the twenty-first century by Kieser *et al* (2001). It seems from George's concluding remarks that the aim of the thesis, aside from a dental pathology profile, was to achieve a number of 'firsts' within the scientific discipline of biological anthropology. She states that this study has created "an in depth analysis of dental health at the regional level, in a manner not previously achieved" (George 2013:329); it is

also the “largest study of Māori and Moriori dental health systematically conducted” (2013:330). Because of the large numbers of individuals examined being both male and female, as well as having all age ranges present, this study also “makes a significant contribution to our knowledge of pre-European Māori and Moriori health in general and of dental health in particular” (2013:331). Her research has resulted in the development of “a comprehensive set of methodologies” as well as the provision of “a tool set for future research” as the data collected through this research, was more up-to-date and fits in with current archaeological thought. It can also, therefore, be used to answer future questions related to the health and substance of Māori and Moriori prior to the settlement of Europeans in the nineteenth century, and could also allow comparisons with other populations of people.

Aside from confirming observations and ideas which had been discussed since the 1960s regarding the relationship between tooth wear and diet, George highlights the fact that in comparison with similar populations the levels of dental disease present in the individuals examined are considered normal and healthy (George 2013:374). When looking at this data taking into account the sex of the individuals and regional provenances there is a “remarkable uniformity in the frequency of occurrence of the dental pathologies examined…with no significant variation”. These pathologies include calculus (tartar), caries and periodontal disease which were found to be quite rare among the 728 individuals examined (2013:369). On the other hand, intrabony defects and antemortem tooth loss were considered to be high (10 per cent), particularly in Moriori (2013:369). With regard to tooth wear, on the other hand, George notes that this was considered to be moderate particularly in relation to age (i.e. the degree of tooth wear appeared to increase with age). Past discussions around dental pathology in relation to the types of diets of Māori and Moriori are also discussed. Particularly with regard to what the past diets consisted of and how these are reflected in the dental pathology of those individuals, be that with regard to gender division of labour in the procurement and preparing of food; the regional variation of food sources in the North Island, South Island and Chatham Islands; or the specific types of foods consumed over time (2013: 371-372). Māori have generally been identified in the ethnographic literature as ‘fish-eaters’ who also hunted, gathered and at times produced crops (2013:373). Moriori are described similarly though without horticulture or the wide variety of plant foods that were available on the North and South Islands. This, according to George, may explain why there was slightly more wear present in the Moriori remains she examined, and why there were higher numbers who showed evidence of infection and tooth loss (2013:373).

George notes that this will likely be the last major study of its kind due to access to these and other collections becoming unavailable for research (2013:375), mainly due to repatriation requests. That being so, her research may provide important information relating to each of the individuals including sex, age, and stature as well as aspects of health which are all important pieces of the ancestors' life histories From my experience, and perhaps from a Māori or Moriori perspective, this can be considered some of the most important aspects of this research. George identifies the current ethical nature of this type of research specifically as contentious and becoming increasingly difficult because of the "worldwide endeavours of indigenous peoples to gain control of their history" (2013:5). Her views appear to be centred on the perceptions that the study of human remains is of benefit for all humanity rather than specifically for descendant communities, or even Māori or Moriori in general. Her desire to carry out this type of research before it becomes impossible, is confirmed by the fact that she went as far as using overseas collections where she did not need to seek Māori or Moriori consent. She did not even need to consult with communities, which appears to have been an easier option due to the clear unwillingness by most of the institutions and communities approached in New Zealand to allow her access to their tūpuna in order for her to complete her research. What is also telling is the fact that George does not thank any of the iwi who provided access in the acknowledgement section of her research.

It seems fair to say that George's research has confirmed much of what has already been established in this field of study (Scott 1893), and therefore it is difficult to see what benefits this research has for iwi Māori and Moriori. George's struggle to secure a large enough collection in New Zealand with which to carry out her research with iwi or museum consent, also implies that there was little interest in the research outside of academic circles.

Auckland Airport Runway Development

The final example of scientific research carried out in New Zealand which provides some important insights into the New Zealand scientific focus of studying smaller well provenanced groups of ancestral remains, relates to the Auckland Airport northern runway development and the associated archaeological investigations which took place between March 2008 and February 2009 (Figure 3). The archaeological work was undertaken by CFG Heritage Ltd, and the research undertaken on the tūpuna was carried out by osteoarchaeologist Beatrice Hudson. The site which dates back to as early as AD 1430 (Campbell and Hudson 2011: 38) was uncovered in the early part of the archaeological

excavation. Human remains were found to have been scattered over an area of the site identified as Area A and Area B (Figure 4) (Campbell and Hudson 2011). Work was halted and tangata whenua (people of the land) were called to the site to consult on the next steps and also to bless the site. The remains were then recorded and gathered together and then buried in the urupā at Pūkaki Marae (2011: 75). From here it was made clear that if further burials were found excavations would discontinue, and the burials would be covered with a geotechnical cloth and soil to await a decision on how to move forward. The consultation with local iwi discussed the best way to proceed and the kind of information that could be obtained from the remains prior to their reburial. According to Hudson (2015) iwi representatives present at the meeting had an interest in knowing more about their tūpuna, such as who they were and how they lived, and therefore consented to the analysis of tūpuna excavated from the site. By the end of the excavation a total of 88 individuals were identified, consisting of scattered remains as well as partial and full skeletons, comprising both males and females of all age groups, including infants. This is the largest number of burials recorded from a single site in New Zealand (Campbell and Hudson 2011:74). As part of the process of removing the remains from their burial context great effort was taken to be respectful and gentle particularly during the recording of information, and no destructive research was undertaken. All the remains were kept together, initially in a laboratory set up onsite adjacent to the burial area, however, they were then moved to a more secure area within the airport (Campbell and Hudson 2011:76). The remains were finally reburied with care taken to "make sure that the people who had been buried together were placed next to each other again", in one large grave at the Pūkaki Marae urupā which is located close to the site (2011:74). All individuals were numbered, measured and specific bones such as the crania, jaws and teeth, were photographed which helped to identify age, sex, and diseases (2011:76). Some of the results of the research identified mortuary practices, health problems such as infections, as well as tooth wear, evidence of gout, kidney stones, arthritis, spinal abnormalities, and various types of injuries (2011:74).

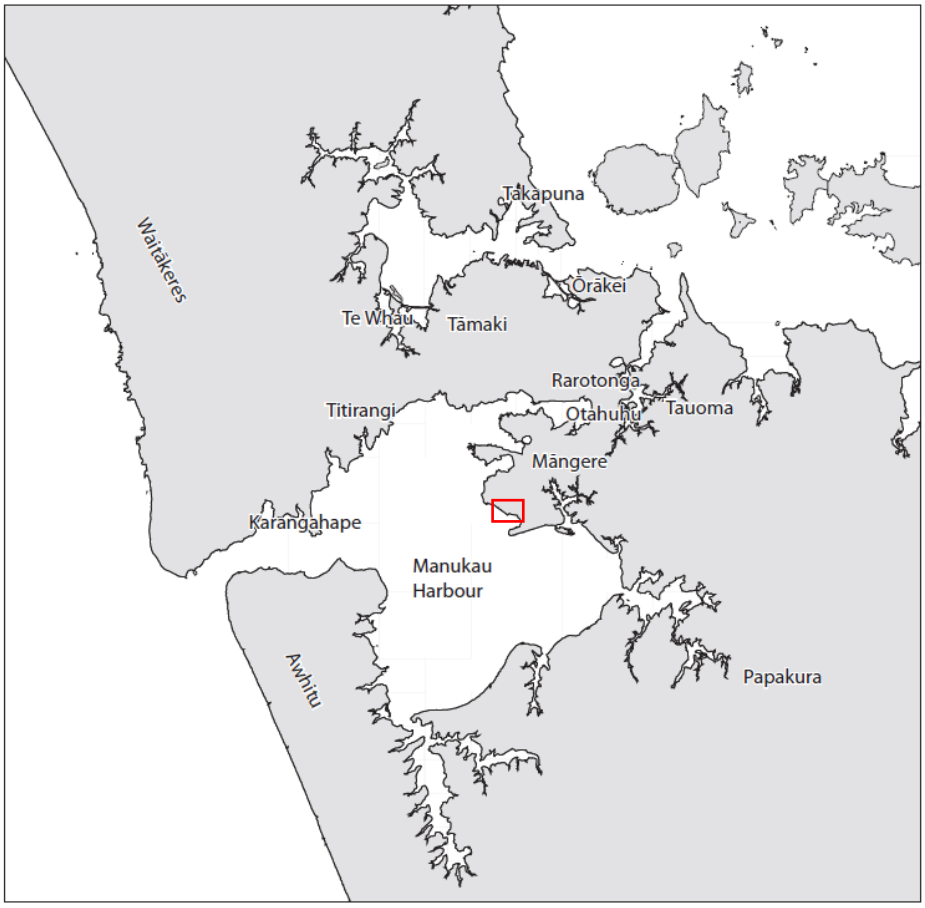

FIGURE 3: AUCKLAND REGION SHOWING LOCATION OF NORTHERN RUNWAY DEVELOPMENT SITE IN RED. (FROM CAMPBELL 2011: 8).

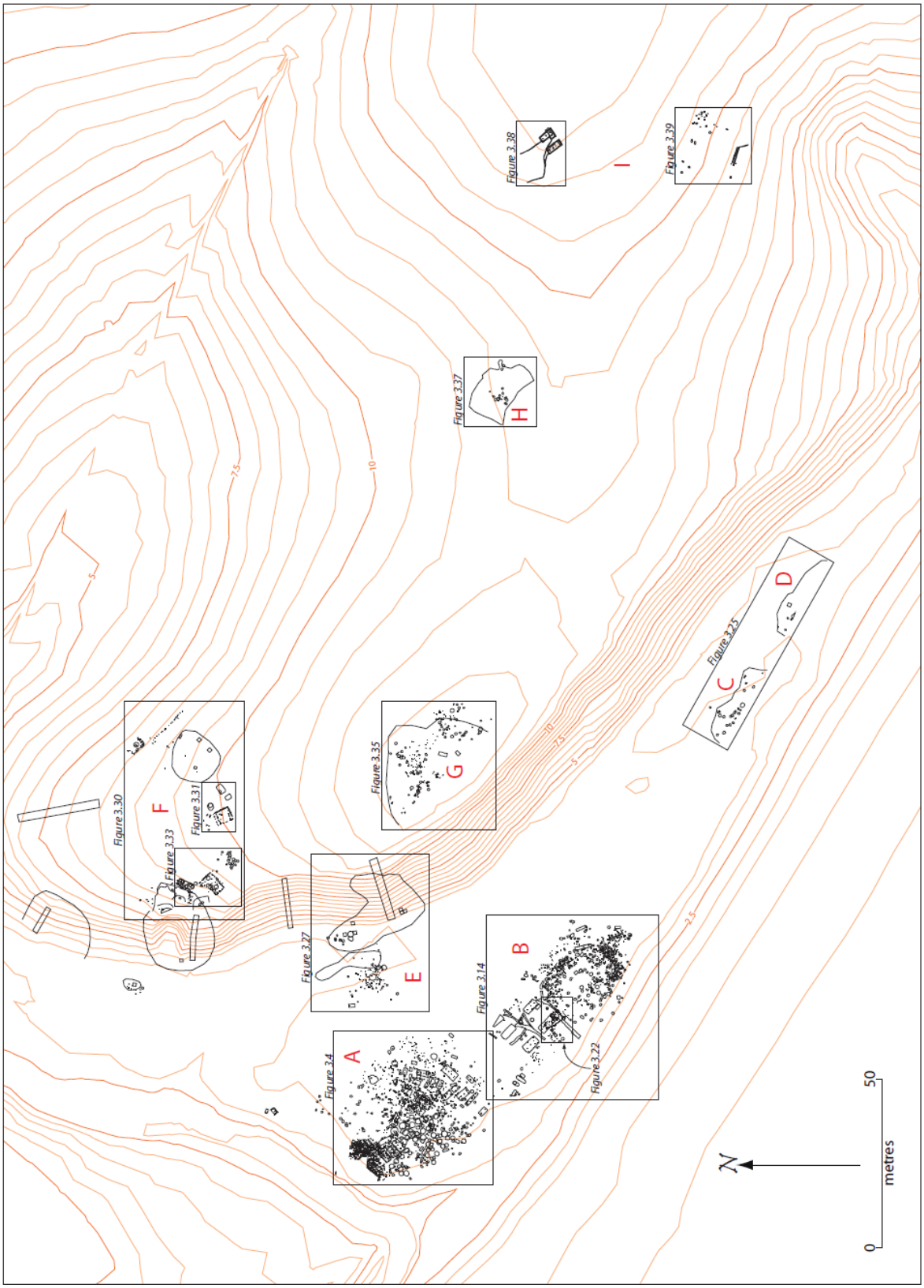

FIGURE 4: SITE MAP AND EXCAVATED AREAS OF THE NORTHERN RUNWAY DEVELOPMENT (FROM CAMPBELL 2011:25).

The results of the research have provided some answers as to the identity of the people, but there are still questions, such as, what exactly is the relationship between one burial to

another? It is unclear if they are from a single community or if the relationship is far more complex (Campbell and Hudson 2011:78). What can be identified is that the average height of men was 172 centimetres and for women 160 centimetres. Observations indicate they were all identified as pre-European Māori showing typical Polynesian characteristics, such as the pentagonal skull shape, and 'rocker jaw', which was present in two thirds of the adults (2011:79). The site also shows that there was no uniform burial practice, as they ranged from "sizable pits to barely discernible scoops" (2011:82). The position in which people were buried and their degree of completeness also varied, some were complete and articulated, with some appearing to have been dismembered with limbs deliberately removed, and there was also evidence of violent deaths. There was evidence of individuals being "partially or fully decomposed prior to burial" (2011:82). Elements of ceremony were also visible in some burials with toheroa shells and kōkōwai (red ochre) being present. There is evidence of burials being previously dug up and skulls as well as other bones removed. Crouch burials, extended burials, and a double interment were also observed. In the case of the latter it appeared that the male and female (Burials 61 and 62), both thought to be young/middle age were lying together on their right sides holding hands, which were also believed to have been bound together. This has been suggested due to the position of the upper arm of the woman (2011:88). It is fair to say that there was a relationship between the two because of their embracive position, but just what that relationship was or the cause of their deaths is unknown. The site also revealed a number of what can only be described as extremely disturbing burials in which there was evidence of dismembering, de-fleshing, cutting and burning of the bones which could suggest cannibalism, though it could equally be related to mortuary practices (Oppenheim 1973). However, with regard to at least some of the individuals, the former seems more likely, according to Campbell and Hudson (2011). Given the date range for this site (1400–1690) it is possible that scattering of human remains across areas A and B, could be evidence of growing intertribal warfare in the area as surmised by Campbell (2011: 161-163).

In terms of the benefits for the descendant communities as a result of this study, the concluding remarks of the research report state:

> While the complete skeletons give better information about an individual or patterns of disease in the group, the skeletons that were incomplete contribute to our understanding of the variety of burial practices at the site. The ability to excavate and record these people's burials gives an insight into pre-European life there. Through

> them we have gained some understanding of the group of people who lived and were buried at this site" (Campbell and Hudson 2011:107).

And according to Hudson (2015) this is something that the iwi were interested in knowing more about. It is also noted that the information gathered from this archaeological excavation has the potential to help understand the history of particular diseases, such as gout and arthritis, which still affect Māori today. It is important to note that those involved in the excavations appeared, from the report, to be sympathetic to the views and needs of tangata whenua. The report states:

> Although this report often discusses the kōiwi as bones or skeletons in anatomical terms, it is not forgotten that these are the remains of people, individuals who deserve respectful consideration and treatment, and whose remains carry considerable significance for their descendants, the tangata whenua (2011: 74).

The report also thanks both tangata whenua from Pūkaki Marae and Makaurau Marae for their "kindness, interest and support" (2011: iii). Interestingly, an article which appeared in the *New Zealand Herald* on 9 May 2009 shows that the removal of their tūpuna was upsetting for members of Makaurau Marae, who believed that the desecration of their burial grounds must stop. According to the article the presence of burial sites was known prior to any earthworks taking place. It also appears from the article that the people of Makaurau Marae were not consulted specifically about the remains on the site and instead archaeologists were only dealing with Pūkaki Marae, which emphasises the importance of creating relationships with all iwi or hapū with interests in an area. This, however, came as a shock to the archaeologists involved as they believed that the relationship with iwi was positive (Hudson 2015), even acknowledging both iwi in their report. It is possible that there was a much bigger issue at hand as inferred to when a change in the district plan for the area was also opposed by representatives of Makaurau Marae for fear of uncovering further burials and disturbing their ancestors. This site was believed to be of national importance and therefore "outweighed the commercial demands of the airport" (NZ Herald 2009). The issue here between the airport and the iwi of Makaurau Marae mirrors in some ways that of Rangitāne and the Canterbury Museum in that perhaps the airport did not think that they needed to consult with iwi. Just what specifically went on in regards to the consultation between iwi, archaeologists and the airport is unknown, however, it shows that it can be difficult in areas with a particularly complex tribal landscape, such as Auckland and the top of the South Island where the settlement history of particular peoples and iwi have changed over time.

Though one particular iwi may be seen as having mana whenua (authority over the land) it does not mean that other groups, who have a history or connection to an area, should not be consulted as well. Tribal boundaries can be blurred and overlapping so it is important, especially with regard to tūpuna and their reburial, that all who have an interest are given the courtesy of consultation.

Discussion

Research carried out in twenty-first-century New Zealand has gone through some major changes. With the initial focus on Māori origins and the date of settlement, to looking at site specific burials which sought to find out more about individuals and their lives in New Zealand. The attitude towards access to Māori skeletal remains within the fields of archaeology, anthropology and the biological sciences has also gone through a major transformation, though this has not been without its battles. Science versus culture, Pākehā versus Māori, these opposing views, though they still exist, are beginning to shift towards showing more respect for the cultural and spiritual views of Māori. This is a shift which is not specific to New Zealand, but is a movement that appears worldwide. The lesson here is in the case study of Wairau Bar. When we look at the issues, the hurt and the disregard for cultural beliefs which occurred from the 1940s, how Rangitāne fought for three generations to have the tūpuna returned to their place of burial, and the relationships which were formed particularly with the University of Otago and specifically with the experiences of Buckley, it is clear that if communication is open and honest and the results of the research actually have some benefit for the descendants then there is no reason why scientific research and the reburial of tūpuna cannot co-exist. The balance of power does not always have to be one way or the other, and it shows that creating real and meaningful relationships with communities can open up opportunities. It also shows that the relinquishing of control does not necessarily have to mean the loss of knowledge.

If we look at how views towards Māori over time have developed, regarding their history and origins, as well as the information their skeletal remains have provided, there still remains a Eurocentric view and sense of ownership of the knowledge obtained through scientific research in New Zealand. The perfect example is a letter written by Duff to Manny McDonald regarding the identity of the people buried at Wairau Bar, in which he says, “I know and you don’t” (Armstrong 2009: 50). This is a powerful statement (examined in detail in Chapter Six) which reflects the attitude towards Māori expertise and knowledge of their

own past, including their ancestral remains. Beginning in the eighteenth century with the arrival of Cook and developing in the nineteenth century, this view was still in place throughout much of the twentieth century until Māori and indigenous people in general pushed even harder for their views to be acknowledged. Acts of Parliament, legislation and Treaty claims brought to the forefront Māori views and concerns particularly with regard to the discipline of archaeology. Attitudes towards Māori knowledge of the past were rarely taken into consideration prior to the establishment of the Historic Places Amendment Act 1975 when areas with potential Māori association were required to undergo a process of consultation prior to excavation. This acknowledgment of the land and history shows that the general view by the government and Historic Places Trust at least, was moving away from the Eurocentric colonial dominant view to a slightly more balanced relationship. Science, on the other hand, has taken much longer to shift its view of the scientific pursuits which were seen to be more important than those of the indigenous peoples whom they studied. Even in the twenty-first century the idea persists that science and the potential knowledge it can uncover are more important than the cultural beliefs and practices of the people they study. Initially, Rangitāne was sceptical about the research, and the lack of support by some Māori for the study of their ancestors' remains shows that there is still a wariness towards scientific research and the knowledge that could be gained. This was made clear in George's PhD thesis (2013). In saying that, however, New Zealand researchers, in general, do respect the wishes of communities with regard to the study of their ancestral remains today. The way in which New Zealand science regards the study of human remains has undergone significant change, and most significantly, ethically approved consent must now be sought before any research work is undertaken. There exists today a general acknowledgement of the importance of relationships between researchers, of whatever nature, and tangata whenua. Though not all in the scientific community agree with this type of control over knowledge (as will be explored in the following chapter), it is, nevertheless, the case, and it must be acknowledged here in Aotearoa New Zealand.

4. Indigenous Repatriation and Academic Responses: An Overview

> *"Aborigines were not put on this earth for British scientists to do research on"* (Rodney Dillon, Palawa Elder, Tasmania, in McKie 2003).

The previous chapters set the scene and provide a historical background to repatriation in Aotearoa New Zealand. Before we examine the effects and perspectives of Māori regarding scientific research and collection of their tūpuna, it is important to explore how other indigenous peoples have been affected by the removal of their ancestors, and how they are now dealing with their return. It is also important to consider how repatriation is viewed and even experienced by museums, scientists, and academics, particularly as the issues of repatriation are being discussed increasingly throughout the world. In 2016 I attended the World Archaeological Congress held in Kyoto Japan. I was involved in the organisation and presentation of a number of sessions during the congress. I discovered that during that congress there were 10 sessions on repatriation (WAC8 2016). The previous conference held in Jordan in 2012 had only one session dedicated to repatriation. This huge jump in numbers, is due in large part to the increase in indigenous participation in reclaiming ancestors throughout the world, and the highlighting of it by media coverage. Also, there are international projects being undertaken (for example, Return Reconcile Renew based in Australia) and an increasing number of academic papers being published on the topic from various perspectives.

The first part of this chapter explores four case studies of repatriation by indigenous peoples from Hawai'i, New Caledonia, Scandinavia, and Namibia. I have chosen to look specifically at these four cases firstly because they were not colonised by England. It is important to identify that there were other countries involved in the collection of indigenous human remains, so as to identify this as a wider Western-based practice. Secondly, I want to show the diversity of indigenous peoples who are currently participating in the repatriation process. And finally, I want to use this diversity to explore the similarities and differences, and what these may mean for Māori.

The second part of this chapter considers the views of those who may also be affected by the repatriation of indigenous remains, specifically museums, scientists who are engaged in

repatriation and academics who write about repatriation and/or are involved in the provenance research of indigenous remains. This chapter explores the perspectives of those institutions who agree or disagree to return ancestral remains to the communities from which they were taken. While the indigenous views, as shall be discussed, appear fairly uniform, this chapter investigates why institutional views, on the other hand, seem to vary significantly. This chapter also provides some context for the attitudes and perspectives held by institutions with whom indigenous people are negotiating and seeks to gain some understanding as to why the retention of Māori human remains for research purposes is seen by some as more important than the desire of the descendant communities to have them returned. This argument for and against has been a topic of discussion since the repatriation of indigenous remains began in the 1980s.

Case Study One: Kanaka Maoli—Intellectual Savagery versus Ohana

Hawai'i is politically part of the United States, since it became a republic in 1898. As such, the National Museum of the American Indian Act 1989 (NMAI) and the Native American Graves Protection and Repatriation Act 1990 (NAGPRA) are the pieces of legislation which apply to the return of iwi kūpuna (ancestors) within the territory of the United States. As it is a Polynesian culture Native Hawaiians' beliefs and practices can be compared to and aligned with Māori cultural beliefs specifically relating to connection to land, which will be discussed in detail in the following chapter. Edward Halealoha Ayau, the former executive director of the now disestablished organisation, Hui Mālama I Nā Kūpuna O Hawai'i Nei (Hui Mālama)[5], explains that from a Hawaiian perspective "Burial imbues the land with the *mana* (Hawaiian term meaning spiritual essence) of the people and their possessions, which is necessary for the physical and spiritual nourishment of the living" (Ayau 2005: 195). The importance of the land and its relation to the living and the dead is a central issue for Hawaiians particularly with regard to repatriation.

Hui Mālama I Nā Kūpuna O Hawai'i Nei was set up in 1988 as a response to the protests and outrage felt by Native Hawaiians over the desecration of 1,100 ancestral burials at Honokahua on the island of Maui, which were exhumed during the development of the Ritz-

[5] Hui Mālama I Nā Kūpuna O Hawai'i Nei was disestablished in 2015, and the duties relating to repatriation are now the responsibility of the Office of Hawaiian Affairs

Carlton Hotel (Ayau 1992: 193-194; Greer 2012: 39). The focus of the organisation which was founded by Edward and Pualani Kanahele is "the care and protection of ancestral remains and burial sites" (Ayau 1992: 196), and since its inception it has been involved in the return of ancestors and associated moepū (funerary items) from all around the world. Since 1990 Hui Mālama has been involved in the return of over 6,000 iwi kūpuna and moepū from over 50 institutions as well as government and military organizations, throughout the world (Hui Mālama I Nā Kūpuna O Hawai'i Nei 2014). In 2015 Hui Mālama was disestablished, and the duties relating to the return of iwi kūpuna were transferred to the Office of Hawaiian Affairs. Ayau now works with the Office of Hawaiian Affairs to bring his kūpuna home. The most recent repatriations of Hawaiian kūpuna have been the return of 114 iwi kūpuna from the Natural History Museum in London, England in 2012, and in October 2017 the return of four iwi kūpuna from the Museum of Ethnology in Dresden.

With his background in law, Ayau is integral to the Hawaiian repatriation movement, so much so that if it were not for his dedication and sacrifice the inclusion of Native Hawaiians into NAGPRA may not have taken place (Greer 2012: 39). During the removal of burials at Honokahua, Ayau was completing a law degree at the University of Colorado, where he was focusing on federal Indian law as well as working with the Native American Rights Fund (Greer 2012: 40). As a result of the issues taking place at Honokahua, Ayau decided to return to Hawai'i and become part of the Hui Mālama. As a young attorney in the Congressional office of the Hawaiian Senator, Ayau used his position to include Native Hawaiians into the language of repatriation in the United States. "Ayau was 'instrumental in drafting the NAGPRA federal provisions requiring consultation with Native Hawaiians'" (Nihipali in Greer 2012: 40).

Ayau's involvement in the repatriation of iwi kūpuna back to Hawai'i, shows the incredible impact even individuals make in this growing movement. His commitment to enabling his kūpuna to reunite with the land and be proactive in righting the wrongs of the past, even going so far as to be incarcerated as a consequence, is incredibly commendable. The Kawaihae dispute, involving the Bishop Museum and Hui Mālama, developed over the reburial of moepū (funerary items) at Forbes Cave (Ayau 2005: 195). The Bishop Museum requested the return of the items after it was found that not all Native Hawaiians agreed with the reburial (Ayau 2005: 196). Refusing to disclose the location of the moepū, Ayau was ordered to prison by a federal judge for contempt of court (Johnson 2007: 18). Despite this, Ayau continues to be staunch in his beliefs. He believes that a successful repatriation, either

from within the United States or elsewhere around the world, begins by envisioning the reburial of their kūpuna (Akaku Maui Community Media 2013). As told to him by Hui Mālama cofounder Edward Kanahele: being able to envision the return of their kūpuna back to the place of their origin and work back, would provide them with the confidence to ensure that they will return home. It was only a matter of time. "What that also did for us is it taught us to rely on our traditions, on our beliefs and our prayers. To give us the confidence we needed, give us the knowledge, all the tools that we needed to be successful" (Akaku Maui Community Media 2013). In a documentary by Akaku Maui Community Media (2013), Ayau talks of his experiences with the Natural History Museum since the early 2000s. He talks of the intellectual savagery shown by staff members of the museum in the early part of the negotiation process. By this he means that he was told many times that the human remains or 'osteological material' cannot be repatriated because of their scientific value. "Because it is very intellectual in its approach, in saying 'important for our scientific advancement, or advancement of our understanding of the world, our understanding of mankind' all very intellectual things to say. But in total disregard of the values and the aloha of an ohana, of a family and that is the savagery" (Ayau in Akaku Maui Community Media 2013). He notes that the Hawaiian experiences with the Natural History Museum in London and its staff over the twenty-one-year relationship was not always negative. From 2011 the relationship changed to a more positive rapport with a view to return the ancestors back to Hawai'i. "The museum had been their prison for over a century and for all intents and purposes [they were] forgotten" (Ayau in Akaku Maui Community Media 2013), until the work of Ayau and Hui Mālama began the long battle to get them home.

The documentary *Ka Ho'ina: Going Home*, follows a team of Hawaiians led by Ayau, who travel to the Natural History Museum in London to bring their ancestors home. It shows the heaviness and the sadness of the experience which the small team undertook. The documentary discusses the journey from initial contact to the eventual return to Hawai'i and shows the importance of returning kūpuna and the increased awareness of the younger generation of the need to care for land and kūpuna, which are inextricably connected (Ayau 1992). Ayau discusses the field studies he has conducted over the years on how native communities feel about their ancestors being referred to as biological resources and osteological material. He poses the question: 'did they think their ancestors were made for the purposes of creating osteological material?' To date no one has said 'yes' (Ayau in Akaku Maui Community Media 2013). This has led Ayau to understand that all of our ancestors

were made for family and love, and therefore these values must be included in the discourse on repatriation. These values are what discussions around consent must consider, as there is no proof that the ancestors held in museums and other institutions gave their permission. If we are to take into consideration what their values were and what values still are in the living communities today, it clearly shows that consent would not have been given. It is therefore the duty and the responsibility of Native Hawaiians to look after their ancestors (Ayau 1992).

Case Study Two: Kanak—A Fight for Sovereignty

New Caledonia is situated in the southwest of the Pacific Ocean approximately 1,200 kilometres east of Australia. Anthropologically identified as Melanesian, the indigenous people of New Caledonia, known as the Kanak, can trace their history back to approximately 2550 B.C. (Fagan 2004). The colonization of New Caledonia began when it came under French rule in 1853 (Thomas 1886). Its initial purpose was not as a French colony but as a penal colony similar to those established by Great Britain in Australia (Chappell 1993). By 1872 this island was known as "a place of deportation for the Communists who were sentenced by court-martial at Versailles" (Thomas 1886: 47). As the number of convicts increased, the capital, Noumea, became commercially important. At the time the French are said to have paid little attention to the Kanak, and French authorities were seizing the most fertile lands either for themselves or to be leased to the French settlers. The copper and nickel mines were also exploited by the merchants at Noumea (Thomas 1886). During this time the Kanak were treated much the same as the Australians, "*feræ nature,* having no personal right to the land" (Thomas 1886: 47). With their land and villages being taken from the Kanak it is no surprise that in 1878 a revolt lead by the great chief Ataï broke out. Ataï stood up and voiced his opposition to the taking of his people's lands. The revolt killed 200 Europeans and over 1,000 Kanak. Ataï was killed during a co-ordinated ambush by Canala warriors who were fighting on the side of the French administration (Latham 1975: 54).

Following Ataï's death his head was removed and placed in a tin container[6] and preserved in alcohol. It was then sent by a naval doctor to the Paris Anthropological Society, where it was presented by Dr Broca in 1879 (Clifford 1992: 124). A report in the *Journal of the Anthropological Society* noted that "the magnificent head of the Chief Ataï attracts special

[6] His hand is also said to have been placed in the tin.

attention", and went on to describe his many features (Clifford 1992: 124). Ataï was then placed on display at the Musée d'Ethnographic du Trocadéro as, some say, a sign of the barrier between the Kanak and the French (Chappell 1993). When the museum closed in 1935, Ataï was taken to the Musée de l'Homme in Paris. Following this it was believed that Ataï had been stolen (Cascone 2014) as his descendants who had been searching for his remains were not able to locate them in the museum, and believed that he was lost forever. In 2011, Noumea reporter Anne Pitoiset, a novelist who had written about New Caledonia and Kanak revolts, visited the Musée de l'Homme in Paris and asked about Ataï. His skull was found and clearly labelled as 'Ataï' (Coutts 2011). From there Ataï was taken to Paris' National Museum of Natural History (Cascone 2014).

During his long battle to have Ataï returned, Chief Berge Kawa, a direct descendant, pressed the French government to apply the Noumea Accord 1998 to this case. The accord, an officially recognised government document, acknowledges the trauma caused by the colonisation of the Kanak people by France. However, it justifies this by noting that "colonization of New Caledonia occurred as part of a broad historical movement which saw the European countries impose their domination on the rest of the world" (Berman 2001: 282). The accord also identifies a series of measures to be put in place in order to protect Kanak cultural heritage, including identifying and protecting sacred sites and returning cultural material from overseas museums, particularly those in France (2001: 287).

During a visit to New Caledonia in 2013, French Prime Minister Jean-Marc Ayrault promised to return the head of Ataï (RFI 2013). That same year, I was lucky enough to meet Chief Kawa during his visit to meet with our repatriation programme at Te Papa. Though we were separated by language, it was clear from our meeting that ensuring Ataï's return was extremely important. The chiefs's visit at the time was to be kept confidential as it might have affected their chances of bringing their ancestor home. Their reasons for meeting with us were twofold: firstly, to learn more about our processes, and secondly to thank us for opening the repatriation door to France (see Chapter Six). On 28 August 2014 a ceremony was held at the Natural History Museum in Paris, and Ataï's remains were returned to New Caledonia.

In September 2014 Ataï's head was handed back to his descendant, Chief Berge Kawa. As yet there has been no published material in English, aside from media articles, discussing the perspectives of Chief Kawa or any other New Caledonians about the importance of Ataï's return home. The articles themselves give few direct quotes, however what detail they do

show is that Ataï was important not only to his descendants but also to the indigenous people of New Caledonia. Chief Kawa is reported as saying, "I cannot tell you how emotional I am. I have waited for this moment for so many years. I had started to give up hope." He went on to say, "These remains bring us back to our own reality: we are two peoples, two cultures which have never ceased to clash with each other and still clash today" (Cascone 2014). "We were ravaged by the French state. It is therefore up to the French state to give us back our property" (Cascone 2014). These three statements hold strong emotion and show the continued struggle the Kanak face for sovereignty. Ataï is not just an ancestor and great chief, but he also symbolises the reclamation of self-determination for his people.

Case Study Three: Sámi—Recognition of 'Sáminess'

When discussing the taking of indigenous skulls and skeletons it is easy to imagine colonized countries like the Americas, Australia, Africa and the islands of the Pacific. But located in Europe's own backyard are the Sámi. They are indigenous people of Sápmi, the Sámi homeland, which is an area covering the northern regions of Norway, Sweden, Finland, and the Kola Peninsula in Russia (Levy 2006; Webb 2006). For many years the Sámi have been struggling with their position within these four nation states for recognition as indigenous people, as well as for control over how their history and cultural heritage is disseminated (Mulk 2009). This struggle for identity has been linked in more recent times to the "expanding ideology of the European Union" (Levy 2006:136), and the push by governments for a national identity, however the origins of these struggles lie in the intensive colonization of the region in the seventeenth century (Mulk 2009: 195). In Sweden, the work of Carl von Linné (Linnaeus) helped form attitudes towards Sámi culture and the representation as the 'exotic Other' (Mulk 2009: 196). However, with the onset of more intense nation-building, museums took on the important role of controlling and disseminating Nordic history, which either misused or left out the Sámi presence (2009: 199). In a study of four national and regional museums across Sweden, Finland, and Norway, Levy (2006) notes that Sámi culture is not well represented. The focus, Levy believes, is that of nationhood. One museum, according to Levy, showed that a "transparent sense of antiquity is granted to 'Scandinavianness' but not to 'Saaminess'" (2006:136). Similarly, in Finland the Museum of Northern Ostrobothnia goes so far as to exclude Sámi from the story of northern Finland (Levy, 2006). In contrast, Sámi community museums illustrate themselves as a nation "that cuts across the modern nation-state boundaries" (Levy 2006:141). The creation of Sámi

museums came as an outcome of political demands from the mid-1970s, materialising as a response to the fight for self-determination (Aronsson 2013: 66) and regaining control over the "documentation of their own culture, the writing of history, and the management of heritage" (Mulk 2009: 200). The Nordic Sámi Council (a non-governmental organisation established in 1956), set up a committee in 1976 to investigate how Sámi museums should be organised. They should be situated within Sápmi (the Sámi homeland) and governed by Sámi. Though the majority of Sámi museums are currently located in Norway, some have also been established in Finland, Sweden and Russia (Mulk 2009: 201).

The aim of the Nordic Sámi Council is the "promotion of Saami rights and interests in the four countries where the Saami are living" (Saami Council 2017). Sámi parliaments were also established in Finland (1973), Norway (1989), and eventually in Sweden (1993). These parliaments were the result of increasing politicization in the recognition of Sámi as an indigenous people and the solidarity developing amongst indigenous peoples throughout the world (Mulk 2009: 200). The purpose of the Sámi Parliament in Sweden, for example, is identified through the Sámi Parliament Act 1992 as "a special agency…with the primary task of monitoring issues concerning Sami culture in Sweden" (Sámi Parliament Act 1992:1). Prior to the establishment of the parliament in Norway, for well over a hundred years Sámi were treated "like colonized people, in that they experienced imposed government, forced taxation, missionization, stigmatized language, attempted exclusion from traditional subsistence practices, and denigration in racial terms" (Levy 2006:138). The ethnicity of Sámi was contested (2006:139) and portrayed as "a classic example of people without history" (2006:140). The biology of the Sámi has been debated since the eighteenth century, and from at least the first half of the twentieth century, Sámi have been seen as a separate and inferior race (Levy 2006; Holand and Sommerseth 2013).

Like many other indigenous peoples of the world the Sámi were seen as a primitive version of modern Europeans, an undeveloped and static 'leftover' of evolution (Schanche 2002:47). The Sámi skulls taken from burial sites and cemeteries were used as a means of testing theories around human evolution by universities and museums. The theory that the earliest inhabitants of Scandinavia were the forefathers of the Sámi (Holand and Sommerseth 2013: 24) led to the measurement of Sámi skulls, and comparisons were made with those from southern Scandinavian Stone Age graves, which led to the trade in Sámi skulls and the desecration of Sámi burial sites in the beginning of the nineteenth century (Schanche 2002; Holand and Sommerseth 2013). In the 1860s social Darwinism was introduced and created

further racial divisions throughout the Scandinavian region. And by the end of the nineteenth century Norway had succeeded, under the guise of nationalism, to establish a policy aimed at eliminating Sámi language and culture (Schanche 2002: 48; Holand and Sommerseth 2013: 39).

The twentieth century saw the continued collection of Sámi skulls for research, with hundreds being sent to the Institute of Anatomy in Oslo (Schanche 2002). These were collected in contemporary settings like the churchyards of Sámi communities despite objections from the local people (Schanche 2002: 51). Sámi had their own beliefs that their ancestors were not able to rest in peace if taken away (Schanche 2002: 49-51). Despite community opposition, the Norwegian authorities apparently approved of the collecting of Sámi skulls by the Institute of Anatomy (Schanche 2002: 60). Regarding the reburial of Sámi ancestral remains, a Sámi man from Neiden expresses, "We are not allowed to bury our forefathers in the ground. Once they have come out of the ground we are obliged to do research on them so that the excavation has not been in vain" (Svestad 2013: 194).

Repatriation efforts are said to have been of limited interest to most Sámi due to Lutheran religious influences from the eleventh century (Levy 2006: 138). However, in 1985 the first request for repatriation occurred in Norway, for the return of the remains of Mons Somby, one of two men involved in the uprising against the Norwegian Authorities in 1852 (Sellevold 2002). On 14 October 1954, Mons Somby and Aslak Hætta were sentenced to death and decapitated (Sellevold 2002: 59; Holand and Sommerseth 2013: 27). The bodies of the men were buried in the churchyard in Kåfjord, Alta, however, their heads were sent to the University of Oslo where they became part of the Institute of Anatomy collection, where they remained until 1997 (Schanche 2002; Sellevold 2013).

The 1985 request came from Niilas Somby, the great nephew of Mons Somby. He wrote a letter to the Institute of Anatomy requesting the return of Somby's skull so that it could be returned to his family for burial (Schanche 2002). The institute claimed, "the skull was a very valuable scientific specimen, and that Niilas Somby was not a direct descendant, and therefore had no rights to the skull" (Schanche 2002:59). It was not until 1997, when the grandchildren of Aslak Hætta joined Niilas Somby in demanding that the Institute of Anatomy return the skulls of their ancestors. Initially the institute refused to release the skulls, discussions were held by the university, the Sámi Parliament, and the Ministry of Church and Education, and finally the institute was ordered by the university to give up both skulls for burial (Schnache 2002:60; Sellevold 2013: 140). After 145 years the skulls of Mons

Somby and Aslak Hætta were finally buried in November 1997 (Schanche 2002; Sellevold 2013). Symbolically, the burial was seen as a "rectification of past and present oppression, both against the families of the deceased and against the Sámi people by the Norwegian authorities" (Schanche 2002:60). Sellevold believes this case was the first step in the process concerning the future of all Sámi remains in Norwegian collections.

A decade later, as a direct result of the controversy surrounding this symbolically important return, Norway established the National Committee for Research Involving Human Remains (Sellevold 2013: 140), and there has been much discussion on the ethical considerations surrounding the study of Sámi remains (Fossheim 2013). More recently, the University of Oslo has established two committees which include representatives from the Sámi Parliament, who are responsible for evaluating "ethical, political and scientific aspects" relating to the human remains in their collections (Sellevold 2013: 158). Sámi remains which are held in the university are now under the control and responsibility of the Sámi Parliament (2013: 160).

The importance of repatriation for Sámi is in the associated autonomy and self-determination and recognition of their past and their future, including the study of their ancestral remains. Their ancestors confirm their place within the land of Sápmi, a place which crosses the contemporary boarders of four nations. Their view of the dead is still one of respect and emphasizes letting their ancestors rest peacefully, and where possible ensuring the wrongs of past scientific endeavours are made right.

Case Study Four: Herero and Nama—Justice for Genocide

Ancestral remains of the Herero and Nama peoples of Namibia had been taken to Germany through the guises of colonization, scientific curiosity and trophies of war (Erichsen and Olusaga 2010). Germany began to claim parts of Africa in the 1880s, and by 1884 had taken control of almost one million square miles (almost 1.6 million square kilometres)of what was known as German South West Africa (now the Republic of Namibia), as well as areas of the Pacific such as Samoa and New Guinea. Though the control of this land had been recognised by Europe and the United States, the Namibian people themselves had no idea they were now the colonial subjects of Germany (Erichsen and Olusaga 2010). As the German colonial presence grew the Herero and Nama communities became dispossessed of their land, and so they resisted. The uprising of both communities in an attempt to expel the German presence

from their lands took three years before the German colonial army took control. Chief Riruako states, “The perceived audacity of the Herero resistance to a self-absorbed German nation resulted in the Kaiser dispatching their most feared general, a man of ruthless resolve, General Lothar von Trotha” (Sarkin-Hughes 2011: v), and led to the first extermination order. Trotha’s arrival further resulted in the creation of the first concentration camps of the twentieth century, such as Shark Island in Lüderitz (Erichsen and Olusaga 2010; Hoffman 2016b). Initially used as a quarantine station for German army troops, as early as 1904, Shark Island was used to hold Herero prisoners before officially becoming a concentration camp or work camp in early 1905. Many Herero and Nama people were worked to death and buried in and around Lüderitz. Not all of those who died at Shark Island ended up in the shallow graves which today mark the desert. Some “became a resource exploited in the name of medical and racial science” (Erichsen and Olusoga 2010: 224). The exportation of Namibian skulls was so widespread and accepted that it quickly developed into an industry, with camps like Swakopmund forcing its female prisoners to “boil the severed heads of their own people and scrape the flesh, sinews and ligaments off the skulls with shards of glass” (Erichsen and Olusoga 2010: 224; Hoffman 2016b: 2). The skulls were then packed up and shipped to German museums and universities.

In 1905 after receiving a Herero skull from Lieutenant Ralph Zörn, the German anthropologist Dr Felix von Luschan made enquiries about obtaining more skulls from Namibia. Zörn informed him that “in the concentration camps taking and preserving the skulls of Herero prisoners of war will be more readily possible than in the country, where there is always the danger of offending the ritual feelings of the natives” (Zimmerman 2001: 245), which shows an eagerness to obtain skulls without openly offending communities. By 1906 the preparation and exportation of skulls from Shark Island was no longer carried out by people like Zörn but was now done in a more scientific manner (Riruako in Sarkin-Hughes 2011: 314). The heads of 17 Nama, including a one-year-old child, were prepared by the camp’s physician. He preserved them in alcohol and sealed them in tins to be exported to the Institute of Pathology at the University of Berlin. These skulls became part of the research collection used by Christian Fetzer, an aspiring racial scientist, “to demonstrate the anatomical similarities between the Nama and the anthropoid ape” (Zimmerman 2001:225). What took place in Namibia can only be described as; “The emergence from Europe of a terrible strain of racial colonialism that viewed human history through the prism of a distorted form of social Darwinism and regarded the earth as a racial battlefield on which the ‘weak’

were destined to be vanquished" (Erichsen and Olusoga 2010: 361). As we shall see throughout this thesis, this attitude is not unique to Germany.

In 2011, 20 Namibian skulls obtained from the first German death camp at Shark Island in 1906, were returned to Namibia from Charité Hospital in Berlin. The efforts to return these ancestral remains began in 2008, when the former Namibian ambassador to Berlin, Peter Katjavivi, was told about this collection of Namibian skulls. Soon after his return to Namibia, he spoke publicly about having these ancestors returned (Katjavivi 2012). Katjavivi notes:

> It is no accident that the Namibian past comes back to confront its present. The past reminds us about the ugly colonial legacy of Namibia. The cruel aspect of the German colonial history in our country is undeniable. Therefore, the German authorities should not be surprised if several questions are being asked concerning the purpose of the removal, transportation and experimentation of the skulls that were undertaken in Germany (Katjavivi 2011: 1-2).

Katjavivi's words echo the pain and trauma that have been inflicted upon the Herero and Nama people in Namibia. It is disturbing to know that your people, your ancestors were taken and used for "perverted scientific experimentation" as well as being "trophies" of colonialism (2011: 2). This sentiment is also shared by the Herero Paramount Chief Kuaima Riruako who states:

> The anthropologist of the time held closely the social Darwinian concept of evolution, permitting the racist seed to germinate the colonialists' view of the natives of the land as sub-human and backward. The anthropologist's role was to scientifically legitimise these cataclysmic events (Sarkin-Hughes 2011: v)

Following much media attention and various discussions between both the Namibian and German governments, a number of German institutions confirmed that they indeed held collections of Namibian skulls. The confirmation or admission of the institutions' holdings then led to the German government agreeing to assist with the return of the skulls back to Namibia (Katjavivi 2012). During a ceremony held in Berlin, Bishop Dr Z. Kameeta professed the following:

> I do not know whether we comprehend the enormity of this solemn and divine occasion and the privilege and honour accorded to our generation. In his mercy and wisdom, God has chosen this generation to come here to Germany and to take back the remains of our ancestors who were brutally killed by the German colonial forces and in an undignified manner removed from Namibia to Germany (Kameeta in Katjavivi 2012).

In March 2014, a further 35 skulls and three skeletons from a number of communities including the Herero and Nama were returned to Namibia from the Charité Hospital and University of Freiburg. The University of Freiburg has admitted that the unlawful acquisition of the remains is a part of the dark history of European science and that of their own university. The rector of the university, Professor Dr. Hans-Jochen Schiewer noted that he deeply regretted what was done under the guise of science (University of Freiburg 2014). What was different about the 2014 repatriation was the exclusion of representatives of the communities from which these ancestral remains belong to. It has been suggested that the situation had been staged in order to avoid the level of publicity and protest which the 2011 repatriation had received (Kössler 2015). And the fact that not all of the Namibian remains from the Charité had been returned at this time, with 15 individuals remaining at the institution to undergo further research deserves to be questioned (Kössler 2015: 309). The ceremony which was held in Windhoek, Namibia was boycotted by members of both the Herero and Nama communities due to their exclusion from the low-key event in Germany. In a joint statement by Herero and Nama leaders an explanation of their actions is given:

> How can we only be invited to decorate the local events when for the planning to fetch and for the fetching itself we were excluded? We say this because these remains of our heroes and heroines have been robbed of the befitting dignity, respect and the requisite traditional rituals they deserve and that usually go with fetching the remains of our loved ones… (Kössler 2015: 309-310).

The leaders were told that the members of their own government viewed their rituals and cultural practices as “nonsense” (Kössler 2015: 310). The leaders also felt that their ancestors were not given the respect due to them and they too were not given the right to be involved in the entire process (Kössler 2015: 310). To add to the dissent, with regards to the lack of community participation, there was still a great deal of pressure through protest for the

German government to provide an official apology to the people of Namibia for the "genocidal colonial atrocities" of the past (Förster 2013:1).

As well as an apology from the German government, reparation for these atrocities has also been sought by surviving generations of Herero and Nama, who were victims of the "inaugural holocaust" which began with the Herero genocide in 1904 (Riruako in Sarkin-Hughes 2011: vi). This first of two extermination orders, in which the "order to annihilate every man, woman, and child of Herero descent", saw between 60,000 and 100,000 people killed (Riruako in Sarkin-Hughes 2011: v). Riruako justly proclaims "Germany paid recompense to the Jewish people for the atrocities exerted on them during the Second World War. It is expected that they do the same for the Herero" (2011: v). However, this has yet to happen and some like Ida Hoffman, a Nama woman and member of the Nama Genocide Technical Committee, believe the German government is disinterested in making right the actions of the past, by refusing to accept responsibility for the genocide of the Namibian people (Hoffman 2016a). She notes in her opening speech, at the Restorative Justice after Genocide congress, held in Berlin in October 2016:

> Berlin is disastrous. It is a dark city, with dark secrets of skulls, and other human remains hidden in its dark and secret basements and laboratories, universities, institutions of higher learning and private homes. This city has failed to answer the noble call of justice for genocide, and still causes my country continued and outrageous damages (Hoffman 2016b: 1).

The return of Herero and Nama remains to Namibia has clearly had an effect on the current generation of Namibians, with demands that events of the past be addressed, especially with regard to the relationship between the two countries. Now that Namibia is a republic and not under the rule of Germany, reparation for the past is an important issue, and the return of ancestral Namibian remains is part of the journey (Hoffman 2016a; Katjavivi 2012).

For Namibians the importance of having their ancestors returned can be clearly understood through the words of former Namibian Ambassador Katjavivi who asks:

> What is the way forward or what lessons can be learned from these events? First, particularly for Namibians, is that we should confront the past honestly as part of the process of recovering our dignity and thereby contributing towards the healing of the wounds of the past. Therefore, the repatriation of the skulls gives voice to the dead to tell their own story to the

> world about how absurd and inhumane German colonialism was towards black communities in Namibia.
>
> Second is that, with a now independent Namibia, we can finally repatriate the human remains and accord them the appropriate welcome as fallen pioneers of the long and bitter Namibian resistance to foreign occupation. With the achievement of independence in Namibia, we declared that we would make every effort to regain our rights, freedoms and our past. The recovery and repatriation of the skulls is an essential component of regaining our past, and consequentially our dignity (Katjavivi 2011: 2).

Museum Responses to Repatriation

Since the 1980s the general view of repatriation from the museum sector has moved steadily towards being more supportive of returning indigenous human remains back to communities and countries of origin. A highly debated topic particularly in the United Kingdom, policies, guidelines (DCMS 2005), and even legislation such as the Human Tissue Act 2005, have been developed in order to deal with the ever-increasing demands for the return of ancestors from indigenous communities throughout the world (Harris 2015). Perspectives on repatriation have centred on moral, ethical, religious and cultural reasons for return versus the loss of potential information to the scientific community (Besterman 2004; Fforde 2002). Publications in the form of edited books from the museum sector have provided a platform for the varying views of human remains in museum collections, including discussions on policy, ethics, politics, research, scientific values, and display (Cassman *et* al 2007; Giesen 2013; Lohman and Goodnow 2006; McCarthy 2015). What the discussions tend not to include in any great detail, however, are some of the more controversial aspects such as repatriation requests and claims made by indigenous groups. The two museums which have had a significant amount of attention in the repatriation debate are the British Museum and the Natural History Museum in London. Until 1881, these two museums were one institution and were separated following the opening of a new building in South Kensington to house the ever-growing natural history collections (NHM 2017), which is why both institutions were bound by the British Museum Act 1963. This act made it difficult to deaccession any object from their collections including human remains, due to certain criteria (British Museum Act 1963: 3). However, after Section 47 of the Human Tissue Act 2004 was implemented, following the influence of the report produced by the United Kingdom Working Group on

Human Remains, both the British Museum and the Natural History Museum as well as seven other major United Kingdom museums (the Armouries; Imperial War Museum; Museum of London; National Maritime Museum; National Museums and Galleries Merseyside; the Science Museum; and the Victoria and Albert Museum) were granted the power, if they wished, to deaccession human remains from their collections, Section 47.2 states:

> Any body to which this section applies may transfer from their collection any human remains which they reasonably believe to be remains of a person who died less than one thousand years before the day on which this section comes into force if it appears to them to be appropriate to do so for any reason, whether or not relating to their other functions" (Human Tissue Act 2004: 30).

Following these changes which were enacted in 2005 (Harris 2015), the British Museum received a repatriation claim from the Tasmanian Aboriginal Centre (TAC). This was the fifth claim the TAC had made to the British Museum since 1985 regarding two cremation ash bundles, which were the only two known to be in existence (other claims occurred in 1994, 2001 and 2002) (The British Museum 2006a). In March 2006 the trustees of the British Museum decided to return the bundles to the TAC. In the official media release the Museum states:

> After taking independent expert advice on the matter, and according to the published policy, the Trustees came to the view that the cultural and religious importance of the cremation ash bundles to the Tasmanian Aboriginal community outweighed any other public benefit that would have flowed from their retention in the collection. The objects have been studied, photographed and published in previous decades. It is unlikely that, given present scientific techniques, their retention in London for study will yield any further information of significance (The British Museum 2006b).

The second request came from New Zealand; the claim was for the return of seven Toi moko and nine fragments of human bone. The formal request was made in June 2006 and the trustees decided that "in the case of the seven preserved tattooed heads it was not clear whether or not a process of mortuary disposal had been interrupted or disturbed; and that it was not clear that the importance of the remains to an original community outweighed the significance and importance of the remains as sources of information about human history (The British Museum 2008). With regard to the nine fragments of human bone however, "it was very probable that the fragments of human bone had been part of a process of mortuary

disposal, and that the importance of the remains to the claimants outweighed any likely public benefit of retaining the remains in the collection (The British Museum 2008; McKinney 2014:40). The final claim came from the people of the Torres Straits Islands in May 2011. In December 2012 the British Museum released a statement which reads "After taking independent expert advice on the Torres Strait Islanders' claim, and considering the claim with great care over a number of meetings, the trustees concluded that in this instance the evidence was not sufficient for them to agree to the claim, since on the balance of probabilities it was not clear to them that the process of the mortuary disposal of the skulls had been interrupted (The British Museum 2012). This decision was similar to that regarding the Toi moko, in that it was not necessarily about the potential scientific knowledge which could be gained but rather the museum was unsure whether a mortuary ritual had been carried out on the individuals following their death.

According to the British Museum Policy on Human Remains (The British Museum 2013), the term 'mortuary practice' refers to "any culturally-specified process (such as, for example, burial or cremation) the purpose of which is to progress towards the final disposition of human remains" (2013:2). In the case of Toi moko associated with the New Zealand claim, their view was that they were unsure whether these tūpuna had actually undergone any form of mortuary process such as burial. It appears that a number of assumptions have been made here by the Museum. The first is that the definition of 'mortuary practice' has come from a European worldview despite stating that the mortuary practice is 'culturally-specific', which is a definition Tristram Besterman (2007) questions. The second is the insinuation that because heads were sold or traded, they did not undergo any kind of 'mortuary' ritual. The trade of Toi moko is not straightforward. Just because a head was traded did not mean that it was prepared specifically for trade. Research which I have undertaken coupled with observations made as part of the conservation process identifies that not all Toi moko were made for trade and that some were known to have been taken from burial caves (Turner 1884:76). There are tūpuna who have clearly been made for the trade, in that their moko is post-mortem, or done after death. When comparing this with a moko which has fully healed the difference is very obvious (in that the wound remains open on the faces of those who were produced for trade). In saying that, however, on one Toi moko (BM: Oc,+.1988) which is held by the British Museum, there is evidence of both pre- and post-mortem moko. What makes this questionable is that there is actually an original moko underneath which has been gone over the top of with an entirely different pattern. It is quite possible that moko patterns

like this, which cast doubt as to their origins, could have been added to as one of many embellishments used by collectors like Robley and taxidermists such as Edward Gerrard. The remainder of the Toi moko at the British Museum have original moko and therefore it cannot be assumed that they were made for trade, as has been acknowledged by the museum. However, it is likely that the British Museum's uncertainty is not due to why these Māori heads were preserved in the first place, but rather that they are preserved heads that had been traded. It is also important to consider the possibility that these heads in particular may have been stolen from the homes of loved ones or burial caves and then sold as has been recorded (Turner 1884). The museum also notes that the significance of Toi moko for human history outweighs that of the descendant communities. A similar statement was also made regarding the ancestral remains from the Torres Straits in a report by Professor Simon Hillson from University College, London (Hillson 2012). Prof Hillson notes in his concluding remarks that the skulls:

> are, in effect artefacts made from human remains so their scientific potential for anthropology is only part of their value. They are, however important because of their rarity and their origin in a key part of the world for understanding the origins of modern humans (Hillson 2012:2-3).

Given that both claims were declined for what appears to be similar reasons, that is, the value they hold for the wider public or more specifically researchers, anthropologists and scientists, it seems perhaps that the uncertainty of mortuary practices has been used to disguise the real reason for not allowing these remains to be returned to their communities of origin. That is, they are rare specimens of a past culture that are seen as curiosities and of interest to researchers in order to better understand human difference.

The British Museum Policy on Human Remains notes that the primary duty of its trustees is to safeguard the Museum's collection of human remains for the benefit of both the current and future generations worldwide. It notes specifically that human remains are of public benefit because they are "a record of the varied ways that different societies have conceived of death and disposed of the remains of the dead" (The British Museum 2013: 3). They also "help advance important research in fields such as archaeology, human biology, the history of disease, paleoepidemology, bioarchaeology, physical anthropology, forensics and genetics" (2013: 3). With this in mind in order for the trustees to reach a decision concerning each claim, and with regard to these two cases, they must decide whether "the significance of the

cultural continuity and the *cultural importance* of the human remains demonstrated by the community making the request outweighs the public benefit to the world community of retaining the human remains in the Collection" [emphasis added] (2013: 6). The British Museum's policy, it seems, has been written in such a way that if the trustees or the museum do not want lose aspects of their collection, they are able to easily find a way to justify not accepting claims. After all, the policy is set up to protect their collections not lose them. The reasons given at the time by the British Museum not to repatriate either to the Torres Straits or New Zealand highlight one of the major differences in general cultural attitudes towards death as well as the dead between the Western world and the Māori world (and many other indigenous worldviews). So, the question must then be asked, 'does their decision mean that because the individuals never underwent some sort of mortuary ritual, according to their definition, they do not deserve to have one at all?'

This difference in attitude towards human remains is even evident in New Zealand. As discussed in the previous chapter the Canterbury Museum and Rangitāne ki Wairau were at odds for over 60 years regarding the importance of the ancestral remains excavated by Duff in the 1940s and 1950s. Since the first excavations took place at Wairau Bar in the 1940s the local iwi Rangitāne have vehemently opposed the taking of their ancestors from the site. In order to understand the resistance of the Canterbury Museum towards returning the tūpuna over the past six decades, this case needs to be considered within its historical New Zealand context. What is meant by this is that it is necessary to examine how New Zealand, as a colony, has dealt not only with the collection of ancestral remains, but also the requests to have them returned.

The establishment of the Canterbury Museum grew out of the private collection of Haast who arrived in New Zealand from his native Germany, in 1858 (Cooper 2011). Haast was appointed as Canterbury's provincial geologist in 1861, a position he held for approximately seven years, until 1868 when he completed his geological survey of the province. He then focused on establishing a museum in the region focused on geology and natural history (Cooper 2011:35). The museum was finally opened to the public in 1867. With regard to Māori human remains, Haast had collected and exchanged a significant number of skulls and skeletons in the 1870s and 1880s mainly as a result of the popular scientific discourse focused on concepts of evolution and where Māori fitted within this Darwinian based theory. Based on the remains repatriated through KARP it appears that Haast was involved in a large number of exchanges with overseas museums and was second only to Cheeseman from the

Auckland Museum in terms of numbers exchanged. Following Haast's death in 1887, Henry Ogg Forbes became museum director followed by Frederick Hutton, both of whom also collected and exchanged Māori and Moriori humans. In the twentieth century after a number of other directors, Duff became the longest standing director from 1948 to 1978. He had in fact been the museum's ethnologist since 1938 (Davidson 2000). Not since Haast, and to a lesser extent Forbes and Hutton, had any significant collecting of human remains been carried out by the museum. Duff developed a reputation as a man who had deceived local Māori by not notifying them of the discovery and removal of the remains from the Wairau Bar site (Armstrong 2009). This may also have tainted the reputation of the museum somewhat due to the numerous requests by Rangitāne for their return of the tūpuna being denied. Until 1986 the museum continued to display the skeleton of the tūpuna identified as 'Burial 2', which had been on display since 1942 (Armstrong 2009).

This practice, however, was not unique to the Canterbury Museum as many other museums throughout New Zealand also displayed Māori and Moriori remains up until this period (McCarthy 2011: 28). Up until the mid-1990s knowledge of what the Canterbury Museum held in terms of human remain was not well known by the public, this was likely to be also the case with the majority of museums who held Māori and Moriori ancestral remains throughout the country. However, a turning point came when the museum was approached by "some young Māori interested in tattooing to view the mokamokai in the museum" (Wright in McCarthy 2011:150). Anthony Wright, director of the museum, sought permission from kaumātua, who initially responded positively to the request, however once word got out, there were some negative reactions and then a hui was called to discuss Māori concerns. There was a sense of surprise as well as anger, when it became known how many remains the museum held (several Toi moko and over 600 kōiwi tangata). Despite the negative reaction by those present, there was a positive outcome in the formation of Te Ōhākī o Ngā Tīpuna, an advisory group or iwi liaison committee set up to provide "guidance and assistance with respect to policies and kaitiakitanga of Maori taonga, and aspects of tikanga Maori" (Canterbury Museum 2017). This committee is made up of nine members, of which five are Māori (McCarthy 2011). The formation of this committee in 1996, was followed soon after by the development of the Kōiwi Tangata/Human Remains Policy, which in 1998 led to all kōiwi tangata held by the museum being placed into a wāhi tapu. This occurred amid a time of growing unease by Māori who were now aware of the possession and retention of their

tūpuna at Canterbury as well as other museums throughout New Zealand (Canterbury Museum 2008: 91).

With regard to repatriation and the research of human remains, the policy states that it has adopted the Ngāi Tahu Koiwi Tangata Policy (1993), which is applied to "all other kōiwi tangata Māori held within the museum" (Canterbury Museum 1998: 1), however the Canterbury Museum policy also includes human remains from other cultures. With regard to scientific research the policy states that the "Canterbury Museum recognises that scholarly investigation of kōiwi tangata/human remains can further our understanding of tipuna/ancestors and the past. The limited application of destructive techniques of analysis may be allowed subject to the permission of the Director who will seek the advice of Te Ōhākī o Ngā Tīpuna for kōiwi tangata Māori and/or other relevant iwi or appropriate cultural authority" (Canterbury Museum 1998: 2). Within the Ngāi Tahu Koiwi Tangata Policy (1993), under scientific investigation it states "Ngai Tahu whanui recognises that scholarly investigation of kōiwi tangata can further an understanding of our tūpuna. Ngai Tahu whanui recognises appropriate research in this area is a legitimate scientific interest" (Canterbury Museum 1998:4). Taking these statements into consideration it is clear what the Canterbury Museum's stance is towards scientific research, however what their stance is towards repatriation is not as clear. Outside of the Ngāi Tahu Koiwi Tangata Policy (1993), there is nothing specific which relates to the return of human remains back to descendant communities. Though it does state with regard to partnership and joint management that the museum "will seek advice of the relevant iwi and/or cultural group in any matter regarding the care and management of kōiwi tangata/human remains" (Canterbury Museum 1998: 1).

Within the Ngāi Tahu policy however, it clearly states that "The implementation of this policy must ensure the return of any of our kōiwi tangata to our control and to a location within our tribal rohe". It also states that Ngāi Tahu "considers the collecting and possession of our kōiwi tangata by anyone other than ourselves as abhorrent and culturally insensitive in the extreme" (1998: 3). With this in mind and considering the requests to return by Rangitāne the museum's continued refusal seems contrary to what is noted above, as they believed that other iwi had a role to play in discussions (as discussed in Chapter Two). However, the museum did maintain the importance of scientific research which is clearly highlighted in its policy. Wright states that Wairau Bar was "very important to us and to science" (Armstrong 2009:91) and also notes, in a letter to the editor of *The Christchurch Press*, that the museum was motivated by a quest for knowledge (Armstrong 2009: 97).

Eventually, however, the museum was left with little choice but to agree to return the tūpuna following the Waitangi Tribunal's decision. In 2007 the Waitangi Tribunal acknowledged Rangitāne's status as mana whenua and affirmed their cultural affiliation to Wairau Bar (Waitangi Tribunal 2007: 246). The following year Ngāi Tahu (who also had an interest in the tūpuna) played a significant role in cementing the return for Rangitāne (Clifford 2014: 84). In May 2008 Te Rūnanga o Ngāi Tahu via their kaiwhakahaere (leader) Mark Solomon informed Wright that they had an:

> …enduring tribal commitment to the repatriation of kōiwi currently within public and private collections, to the iwi holding mana whenua over the site from which the kōiwi were removed, irrespective of known or unknown ancestry. As Rangitāne hold mana whenua over the urupā from which the kōiwi were removed, we support their proposal for repatriation, and consider that unknown ancestry of the kōiwi should not stifle endeavours. As a matter of principle, Te Rūnanga also considers repatriation to be a cultural imperative for iwi Maori, as it represents the restoration of an incomparable kaitiaki relationship (Solomon in Armstrong 2009: 97).

Solomon, in his letter, was reaffirming what is stated in Ngāi Tahu's kōiwi tangata policy. This is an interesting fact to highlight as according to the museum they have adopted Ngāi Tahu's policy as their own. The policy states:

> Ngai Tahu whanui claims no control over kōiwi tangata from or in any region that is no longer within its rohe. Although such remains may be those of tūpuna of our constituent iwi, we maintain that such remains are under the rangatiratanga of the present-day mana whenua of any such region" (Canterbury Museum 1998: 3).

This appears to be a clear contradiction of Ngāi Tahu's own policy, which begs the question, 'was the scientific value of these tūpuna the real reason the museum did not want to return them to Rangitāne?' I believe it was. Finally, in June 2008 the museum agreed to repatriate, however with some conditions. The museum took a strong stance in ensuring that scientific research was part of the repatriation process as, according to curator Roger Fyfe, this research was necessary because Otago University had lost some of the original data, and the research could also be beneficial for Rangitāne (Clifford 2014: 85). Fyfe is also recorded as saying, "if we didn't have the science I probably would've said, 'no we need to go and revisit this" as "our museum board resolved that the science was important, the director is a scientist, so is Paul Schofield, who was then on the Ohaki o Nga Tūpuna" (Fyfe in Clifford 2014: 85-86).

Another interesting condition was that the tūpuna would be buried in such a way that if "the descendants of Rangitāne might suddenly say 'we would like to go back and have another look'" (Fyfe in Clifford 2014: 86), then that was possible as it provided an opportunity in the future for more research. These conditions were initially seen as a stalling tactic by Rangitāne, but eventually after the terms were agreed upon Rangitāne finally got back their tūpuna on 13 April 2009. The importance of science and the value of the tūpuna from Wairau Bar to scientific knowledge was clearly a major factor in the Museum's reluctance to let the remains go. To date the only other repatriation known to have been carried out by the museum was in 2017, with the return of a skull back to Rapa Nui. This decision took approximately two years. I undertook the initial provenance research of this ancestor as he was initially part of the Oldman collection, which was sold first to the National Museum. No other repatriations are known to have been carried out by the Canterbury Museum, however, it is possible that returns may have taken place discreetly with Ngāi Tahu.

At the other end of the spectrum in New Zealand is the Auckland War Memorial Museum (AWMM), whose human remains policy talks specifically about repatriation as opposed to scientific research. The purpose of the policy, aside from the care, handling, and upholding the values associated with human remains, is to "provide direction on the repatriation of Māori and non-Māori Human Remains" (AWMM 2008: 1). Auckland Museum is clear on their stance towards repatriation, and has strict guidelines around the care and access of all human remains in their care. Like Te Papa and the Canterbury Museum, Auckland War Memorial Museum has had a dark past with respect to the collection and exchange of Māori ancestral remains both within New Zealand and, more so, internationally (Tapsell 2005). The first returns took place in the late 1990s when two Toi moko, identified as Ngā Puhi chiefs Moetarau and Koukou, were returned to Northland (Gregory 1999). And another occurred in 2001 with the return of kōiwi tangata back to Ngāti Naho located south of Auckland at Meremere (Tapsell 2005). The human remains policy was developed as a result of these early returns to iwi, and to take account of descendant community expectations, particularly of those living in and around the Auckland region (Tapsell 2005: 167). Following this, all human remains were moved from the ethnology store to a consecrated space called Te Urupā. Then in 2002 the Museum undertook a comprehensive research project to document and provenance all the human remains in its collection. This project was undertaken by Cressida Fforde, who was contracted to research and geographically reorder the remains in preparation for their eventual return (Tapsell 2005: 167). During this time the museum was also prepared

to engage with those institutions with whom they had originally exchanged Māori remains over 100 years prior (Tapsell 2005: 168). The museum also aspired to have as many as 80 per cent of remains in their care returned to their communities by 2008, something, Tapsell notes, was unachievable due to changes in the museum's staff and structure (O'Hara 2012: 21). This proactive attitude shows a clear indication of the positive view held by the museum for the return of all the ancestral remains held in their care. The museum's proactive approach has continued as tūpuna are returned back to their descendants, both in New Zealand and into the Pacific (Western Leader 2009). The differences in the approach to human remains between the museums in Auckland and Christchurch are clearly defined by their human remains policies. On the one hand, Auckland believes that the human remains in their collection should not be under their authority but that they should instead be under the authority of the descendant communities (Tapsell 2005: 154). On the other hand, the Canterbury Museum sees value in undertaking research on human remains in their collection, and though they have adopted the Ngāi Tahu Kōiwi Tangata Policy (1993) which supports the return of kōiwi tangata to their descendants, this is not evidenced by the museum either in its policy or its actions with regards to the repatriation of tūpuna back to Rangitāne. Though New Zealand institutions are generally supportive of repatriation, there is still a small section of the museum and scientific communities which appears to view the pursuit of knowledge to be of higher importance than seeing the remains returned.

Scientific Responses to Repatriation

This section looks at some of the views held by scientists including anatomy departments in Europe, the United States and New Zealand regarding the return of ancestral remains to indigenous peoples including Māori. The concerns around the return and reburial of human remains from the scientific community appear to have begun during the 1980s and 1990s as pressure was placed on museums by indigenous communities in the United States, Australia and New Zealand (Fforde 1997, Kakaliouras 2014). This was a time when the NMAI Act and NAGPRA was being developed and then enacted in the United States, and as a result there was an outcry from physical anthropologists and archaeologists who believed that this was a 'loss for science' (Kakaliouras 2014: 213). In the United Kingdom too the publication of the *Report of the Working Group on Human Remains* (Palmer 2003) revealed the dissent by scientists who saw the "wholesale return" of ancestral remains as a "loss to humanity" (Chambers 2004). The report was the result of a working group set up in 2001 by the minister

of arts and chaired by Norman Palmer Professor of the Law of Arts and Cultural Property at the University College of London. The purpose of the report was to examine within the United Kingdom context the current legal status of human remains within museums and galleries and the powers of deaccession and possible legislation changes around human remains and other associated material, and to receive advice from interested parties (Palmer 2003: 1-2). One outcome of this report was a feeling by many in the scientific community that it was one-sided and favoured the descendant communities (Stringer 2003). There was also the belief that the loss of these 'collections' might have "huge implications for humankind" and could also "see whole fields closed off to research" (Stringer 2003). Robert Foley Professor of Human Evolution at the Leverhulme Centre for Human Evolution Studies (LCHES) at the University of Cambridge, concerned with the pending decision asks, "what voice will science have when repatriation decisions are made?" (McKie 2003).

One of the most interesting scientists in the United Kingdom debate around repatriation has been Dr Robert Foley. At the height of this debate, Foley was of the view that "we should be learning from skeletons, not burying them—they are the remains of people still contributing to humanity and its knowledge of itself" (Stringer 2003). There was the fear that portions of the Duckworth Collection, held at the Leverhulme Centre, would be destroyed or become inaccessible as a result of the recommendations as a result of which Foley felt the "loss to science would be incalculable" (McKie 2003). The Duckworth Collection is reported to be one of the largest repositories of human remains in the world holding over 18,000 sets of remains from blood samples to mummies, all of which according to the LCHES are widely used for scientific research "as much today as 100 years ago or more" (LCHES 2012a). The collection was established in 1945, and named after Wynfrid Laurence Henry Duckworth, a British anatomist at Cambridge, who brought together the various collections of human anatomy, osteology both human and non-human, and other types of biological materials from three of Cambridge University's institutions; the Museum of Zoology, the Museum of Archaeology and Anthropology, and the Department of Anatomy (LCHES 2012b). As a whole the numerous collections amassed in these three institutions represent over 200 years of collecting by at least 20 individuals throughout the nineteenth and twentieth centuries (LCHES 2012a; 2012b), and has enabled researchers throughout this time to achieve a greater understanding of the evolution and diversity of humans. Cambridge, according to the LCHES, was at the forefront of this research resulting in the Duckworth Collection. It is easy

to see why scientists like Foley are so concerned about losing their prized collections if they fear that whole scientific disciplines will disappear (Kakaliouras 2014: 216).

The legacy of two centuries of collecting, purchasing, and stealing other people's ancestors for the pursuit of knowledge about themselves (the subject of which will be discussed in detail in the following chapter), is at the very heart of this research. Dr Marta Mirazon Lahr Director of the LCHES also has strong views towards the repatriation of ancestral human remains, stating, "I believe that no one generation of people has the right to destroy that heritage" (Stringer 2003). It may equally be stated that no one group of people has the right to retain the remains of another group's ancestors, especially if the descendants of those ancestors want them returned and the way in which those ancestors were originally obtained was done without consent. This I believe is at the centre of this whole debate, but it is important to acknowledge that science does have a place in our society. The study of human remains, aside from revealing how the human species has evolved, adapted, and changed over time and across different environments, has also enabled surgeons to develop improved surgical techniques, and has helped to train forensic anthropologists to identify individuals in mass graves, according to Chambers (2004). The development of scientific techniques such as DNA and isotopic testing has enabled scientists, including anthropologists and archaeologists, to investigate migration patterns (Stringer 2003), past diets (e.g. Kinaston *et al* 2013), as well as health and disease in past and present populations (Buckley *et al* 2010).

Future research and the continued development of scientific techniques have the potential to answer further questions about our past as well as those which may face future generations, so if repatriation is undertaken the 'data' is lost according to some scientists (Kakaliouras 2014: 214). This potential future research involves continual investigation over time to test hypotheses (2014: 217-218); repatriation therefore requires a reactive approach for scientists and researchers, such as data salvage (Kakaliouras 2014: 218; Charlier *et al* 2014; and George 2013) or 'salvage science'[7]. Forensic scientist Philip Charlier (2014) saw the advantages of salvage science which, as a result of the growing number of repatriation requests, would consequently see "a significant increase in the number of requests for authentication being sent to forensic departments" (Charlier *et al* 2014: 1). Authentication in

[7] Salvage science can be likened to salvage archaeology which is the act of undertaking scientific research and investigation as a result of the eventual loss or destruction of information or data. This occurs for example, when sites are at risk through erosion, land development and construction.

that provenance of the remains must be confirmed. In France, prior to the law change in 2010/11 which enabled 20 Toi moko to be returned, human remains, such as Toi moko, held in public collections were considered to be inalienable "art objects" (Charlier *et al* 2014: 1). The first challenge to this view resulted in the return of the remains of Sarah Bartmann to South Africa in 2002 from the Musée de l'Homme, after years of negotiations which began with a 1994 request from, then, President Nelson Mandela (Phillips 2014: 61). Attitudes also began to change among French museums which began to affect the way in which French museums considered what was appropriate for display (Musée du Quai Branly 2008; Michel and Charlier 2011: 115; 2014:61). The display of human remains became unacceptable and there was a concern that doing so could cause a diplomatic incident (Phillips 2014: 61). Rouen's Muséum d'Histoire Naturelle, with the support of their city's council, decided to return a Toi moko to New Zealand. Despite having the support of Rouen's senator and, then, deputy mayor Catherine Morin-Desailly, the repatriation was halted by the French Government due to the strict laws governing the collections in state museums under the *Code du Patrimoine* (Phillips 2014: 63). Not all museums supported the Rouen museum's decision to return the Toi moko, as there was concern about how it might affect scientific collections in general (Charlier 2014; Phillip 2014). The initial Rouen decision to return was declined by the government, so Morin-Desailly championed another attempt to enable the Toi moko to be returned to New Zealand. This time she pushed for an exceptional law change which specifically permitted only Toi moko in French public collections to be returned, and this was enacted in May 2010 (Hunt 2012; Phillip 2014: 76-77). She explains, "we had to have a discussion about that, to justify it was human remains [that were] made into works of art after acts of violence—this is how I managed to convince my colleagues" (Hunt 2011). In 2011 Rouen finally returned the Toi moko and the following year a further 19 were returned from a further 10 institutions (nine museums and one university), following support by the French and New Zealand governments.

As a result of the law change, prior to their return, the 19 Toi moko underwent "a complete (and unprecedented) forensic and anthropological study… initiating the provision of much better knowledge about their origin, preparation, signification, utilization and—paradoxically—conservation" (Charlier 2014: 3-4). It is interesting to note that Charlier is of the belief that because the Toi moko are currently situated at Te Papa that they will not be buried or returned to their descendants, but will be accessible to researchers in New Zealand as well as internationally to aid in further identification (Charlier 2014: 4). There is some

truth in what he says, further research will be undertaken in the future in order to assist ongoing provenance research, but it is unlikely any type of scientific research for the 'benefit of humanity' will take place. The purpose of the research undertaken through the Karanga Aotearoa Repatriation Programme is to return ancestors to their iwi, hapū and whānau. Charlier is an advocate for the inclusion of scientific techniques in order to identify the individuals returned (Charlier 2014: 5). This of course would need the consent of the descendant community for research of this kind to be undertaken. Despite this Charlier does not believe that restitution impedes scientific enquiry, on the contrary he sees this as an opportunity with the use of modern technology to carry out a "complete 3D conservation of all anatomical details…with great ultrastructural precision". Complementing this data, he recommends that a sample from the remains be taken for further and future analysis (2014:4).

In New Zealand it is now generally accepted that research primarily in the field of biological anthropology is highly influenced by the spiritual, cultural, emotional and legal rights of Māori (Tayles and Halcrow, 2011:649), and as a result, those ancestral remains currently in museums yet to be repatriated are either under the care of iwi or the Māori advisory committee attached to the museum (as is the case at Te Papa, the Auckland War Memorial Museum and the Otago Museum) (Tayles and Halcrow 2011). Any scientific research proposal must be presented to those groups for consideration, however if the research does not have any benefit or interest to iwi, it is highly unlikely that any scientific research for comparative studies or for the benefit of humankind will be accepted. During the course of my fieldwork I was able to interview four individuals involved in the study of Māori and others' human remains, who were based in New Zealand. With research focuses and backgrounds in archaeology, ancient DNA, stable isotope research, and physical anthropology these four scientists represent a variety of research interests in New Zealand.

The first perspective I would like to discuss is that of physical anthropologist Dr Judith Littleton, who has on several occasions assisted in the repatriation process by identifying possible Māori ancestral remains in international collections for the Karanga Aotearoa Repatriation Programme. Based at the University of Auckland, Littleton has worked extensively with ancestral remains in New Zealand, Australia and the wider Pacific. I was lucky enough to be able to work with her on an archaeological field school trip in 2004 in which she was asked by iwi to excavate ancestral remains from the Bay of Plenty site, a former island pā now at risk of destruction by both farm stock and man-made environmental issues (Irwin 2004). I was given permission to assist Littleton in carefully and respectfully

removing the remains of a young adult male Māori. From my observations this was done with the utmost respect and under the careful watch of iwi representatives. Following scientific analysis requested by the iwi, the individual was reburied with his descendants in a safer location. As she works closely with communities in the Pacific region, repatriation or reburial of indigenous ancestral remains is something Littleton is often faced with. Her perspective regarding repatriation is, "that's the world we live in, so that is the norm, that's what you'd expect" (Littleton 2015). Her work particularly in New Zealand deals mainly with the discovery of human remains via archaeological contexts, or chance-find burials. Contacted directly by iwi or with iwi support Littleton is brought in to examine remains, the results of which are always shared with the community. She notes that the way in which she works includes initial conversations with iwi/community members so that she is able to explain what she does and what kind of information, depending on the condition of the remains, may be obtained. Her aim is not to tell communities what she wants to do but rather "if someone asks a question, just lay out what you can do and then just leave it for people to decide what they want to do" (Littleton 2015). This approach may appear to some, particularly in the Northern Hemisphere, as a strange way to do science, but as we shall see with the other New Zealand-based scientists, creating relationships with communities and being open is the way many scientists work in New Zealand, as it benefits both science and communities. With regard to the types of research that is possible, Littleton feels strongly that "communities have the right to work it out and also what you do in one situation won't necessarily be the same the next time around, so it plays out differently and it should be allowed to" (Littleton 2015). This view is also relevant in relation to research on remains contained in museum collections. Research should not necessarily be seen as off-limits in places like New Zealand and Australia; Littleton's experience shows that contacting communities and just asking may not always result in a negative response.

Beatrice Hudson, also a physical anthropologist who works in the field of contract archaeology, holds views towards repatriation similar to those of Littleton. "In my work the fact that they are going to be reburied it just feels that that's the way it is in New Zealand, I'm very used to it now" (Hudson 2015). Hudson's career in physical anthropology started with her Master's degree which she obtained from England. She notes her interest in the "different perspectives on human remains over there with no living culture attached to them"; whereas in New Zealand the relationship is entirely different. For Hudson working with iwi "gives real meaning to my work" as it means something to someone (Hudson 2015). She does

however understand how repatriation and reburial for some researchers can be seen as the "death of science, it's seen as an obstacle, having descendant communities have their say or being empowered…but I find it a really nice part of my work", however "for a lot of researchers that might be seen as a real lost opportunity for research" (Hudson 2015). Within the New Zealand context Hudson sees research as focused more on what information can be obtained from remains and particularly what information can be given to communities. She notes, "the only thing I think…in some way maybe we'll miss out a little bit on the research for research sake, in the sense that, we don't know what we'll get out of this, we don't know whether it'll provide anything useful but we'll do it and see". She understands that this type of research does not often happen in New Zealand and, as will be discussed in detail in Chapter Five, researchers in New Zealand who are interested in this type of research are forced to travel to the Northern Hemisphere to carry it out (George 2013).

For those scientists who are more involved in the repatriation process in New Zealand, the view of reburial still remains the same. Dr Hallie Buckley bioarchaeologist at Otago University has worked extensively with human remains throughout the Pacific and particularly in New Zealand (Otago University 2017). Her focus is on looking at health and disease of people in the past, and more recently her focus has been on stable isotope analysis for evidence of diet and migration (Buckley *et al* 2010). Buckley is very supportive of repatriation and reburial in general. "My opinion is that if the descendant communities want them back then why would we keep them? I never quite understood why you would try and argue to keep them but I am quite different to some of my other colleagues who wouldn't agree with that. Because I'm of the opinion, why would we do this 'research' if the people whose ancestors they are don't want it?" (Buckley 2014). With regard to the importance of research she believes that the "ideal situation of course because I am an academic is to be able to do all of the analysis and to be able to publish it, that is obviously the idea but I don't feel the need to try and convince people of that" (Buckley 2014). She does, however, feel like Littleton, that it is important to ensure that iwi are informed about what research can be done and what some of those results might be if they wish to go down that path. For example, Buckley was involved in the research of the tūpuna prior to their repatriation in 2009 back to Wairau Bar (Buckley *et al* 2010; Buckley 2014). She never thought the opportunity to undertake research on the tūpuna would happen in her lifetime as no destructive scientific research had ever been done. The significance of these tūpuna not only for Rangitāne, but for Māori generally, is immense as it has been known since their excavation in the 1940s that

they represented the very early settlement of New Zealand. The involvement and interest shown by Rangitāne is seen by Buckley as a positive step in the relationship which has formed between the iwi and Otago University. In her interview Buckley describes the forming of the relationship between herself and members of Rangitāne during discussions around scientific research. The forming of a research proposal which outlined what the University wanted to do and what they could do was the first step in what became an open honest relationship between the two groups. This was something Buckley saw as being incredibly important for the future. With regard to the research Buckley notes, "I have always been of the opinion that I will put it out there...not because this is my agenda...I'm putting it out there because this is what we could do. I'm not saying this is what we should do, I'm saying this is what we could do for you. Then it's the iwi's choice" (Buckley 2014: 5).

Biological anthropologist Dr Lisa Matisoo-Smith, is of a similar opinion. "I think it's their ancestors, that's their right and I think that everything needs to be done to make that happen. I would hope that there are relationships that allow for the possibility, if they are interested, in finding out more about these people and who they were and whatever we can tell them, that that's considered. But if it's not, if the decision is no, that's absolutely their right" (Matisoo-Smith 2014: 7). Matisoo-Smith's primary focus is DNA, of both ancient and modern populations, and as a result her main research question relates to the understanding of human variation and human history (Matisoo-Smith *et al* 2010). With regard to her research in the Pacific, her aim is to try and understand how people migrated throughout the Pacific and "what those various relationships are, but understanding how they adapted to different environments, how they were perhaps impacted by environmental conditions, by interactions with other people, and basically understanding in a sense the genetic and phenotypic variations that we see in the Pacific today" (Matisoo-Smith 2014: 1). Over the years, Matisoo-Smith has seen a change in attitudes and processes concerning researching Māori ancestral remains, particularly with regard to publishing research. She notes that in the past research may have been undertaken without consultation and then researchers would have had to go back to communities in order to obtain consent, this she believes "is a very dangerous position to be in but I think they've learned their lesson and realise whether they believe in it or not it's a necessity now" (Matisoo-Smith 2014: 4), This is particularly important with regards to publishing the research and is also a sentiment shared by others working in the field in New Zealand (Buckley 2014; Tayles 2009). Perspectives on researching human remains, particularly indigenous ancestral remains, have gone through

significant changes, particularly in New Zealand. Both Buckley and Matisoo-Smith note that throughout their careers they have seen far more communication with communities and much more meaningful relationships being formed as a result. Buckley has seen a change in the old view held by many scientists that kōiwi tangata were sources of scientific information to research now being carried out within an ethical framework and partnership- based relationship (Ruckstuhl *et al* 2016).

There are obvious differences in attitudes not only amongst museums and scientists but also between New Zealand scientists and those in Europe. The most obvious difference is the degree of exposure to the descendants of the ancestral remains in question, and perhaps the legislative effects of the Treaty of Waitangi have also had some influence on how scientists work with ancestral remains and their communities. The United Kingdom clearly does not have the same issues with descendant communities as New Zealand and other places like Australia do and, therefore, there has not been the push to engage with those communities as directly. The overarching theme in New Zealand at least is that relationships are of the utmost importance for all involved.

Academic Responses to Repatriation

Academic views about the repatriation of indigenous human remains have come from a number of disciplines, including anthropology (Colwell-Chanthaphonh *et* al 2001; Jorgensen 2009; Kakaliouras 2012; Kroeger 2017; Peers 2004; Tayles 2009), archaeology (Clifford 2014; Fforde 2004; Hole 2007; Marquez-Grant and Fibiger 2011; Smith 2004a, 2004b; Stutz 2013), sociology (Jenkins 2008, 2011, 2012, 2013, 2016), museum and cultural/indigenous studies (Berthier-Foglar *et al* 2012; Besterman 2008; Butts 2003; Clouse 2009; Fforde *et al* 2004; Hakiwai 2014; Horwood 2015; Krmpotich 2011; McCarthy 2011; Mihesuah 2000; O'Hara 2012; Riding In 1996; Simpson 1996, 2009, 2013; Turnbull and Pickering 2010; Wilson 2009), history (Hickland 2013), science (Buckley *et al* 2010; Charlier 2014a; Jones and Whitaker 2009; Ruckstuhl *et al* 2016 ; Weiss 2008), and law (Paterson 2010; Schmidt 2008, Verna 2011). In New Zealand the academic responses, though few in number have come mainly from postgraduate research (Tapsell 1998; Butts 2003; O'Hara 2012; Clifford 2014; Hickland 2013; Hakiwai 2014; Horwood 2015), but also include academic lecturers in museum studies such as Conal McCarthy (2007, 2011, 2014, 2015), as well as museum practitioners (e.g. Tapsell, 2002, 2005), and practising scientists and archaeologists (e.g. Tayles 2009; Buckley *et al* 2010). These academic responses have not only come through

publication as noted above but also through various conferences and symposia (Institute of Ideas 2003; Musée du Quai Branly 2008; WAC 7 Jordan 2012; WAC 8 Kyoto 2016; IPInCH 2015) where repatriation issues are discussed freely and frankly amongst academics, museum practitioners and at times indigenous peoples. Feedback usually reserved for reviews and published responses are discussed more directly in this forum which enables the varying perspectives to be heard and discussed. There is a broad array of perspectives within the academic sphere from those supporting repatriation (e.g. Hubert 2003; Fforde 2004) to those against for various reasons (Jenkins 2011, 2016; Stutz 2013; Weiss 2008). Rather than provide a review of all of these academic perspectives I have chosen to focus on two particular non-indigenous academics who have extremely different views on repatriation. I have chosen to discuss the perspectives of Tiffany Jenkins, who supports the retention of human remains for reasons of cultural authority and scientific advancement respectively, and Fforde who supports the return of human remains to descendant communities for reasons of ethical considerations and the atrocities done in the past to indigenous peoples. I have decided to focus on these two academic views, firstly because they are not culturally affiliated to the indigenous remains at the centre of these debates, secondly they provide opposing views for and against the debate, and finally through my position as repatriation researcher the work of these two women have piqued my interest the most, though for very different reasons.

One of the major drives for writing this thesis was the book *Contesting Human Remains in Museum Collections: The Crisis of Cultural Authority* (Jenkins 2011) by the sociologist and social commentator Tiffany Jenkins. This book alerted me to the fact that there are still academics and those within the museum sector that are unaware of, or perhaps choose not to acknowledge, the real drivers behind repatriation claims by indigenous communities and why there is so much support for repatriation by those in the sector identified by Jenkins as "sympathisers", "activists", and "issue entrepreneurs" (Jenkins 2011). The use of phrases like those employed by Jenkins sheds light on her academic and social positioning. Her links with Marxist network organisations such as the Institute of Ideas (2003), as well as publications such as Spiked (Jenkins 2003, 2010) provide further clues as to her positioning and attempts to undermine and belittle the progress that indigenous peoples and their so-called 'sympathisers' have made through her analysis of the repatriation issues in the United Kingdom. Sociological theory and jargon appear heavily throughout this book, but it does not hide the fact that she makes no attempt to understand or even discuss the indigenous

perspective in any detail, after all, it is because of requests by indigenous people for the return of their ancestors that this has become an issue or 'problem' in the first place. Granted, Jenkins' focus is on the "significant internal influences from sector professionals who have focused on this problem as a vehicle through which the authority of the museum can be challenged" and in fact is being challenged successfully by "influential museum professionals" (Jenkins 2011: 141). In order to investigate this growing issue, she has attempted to "isolate the key influences on the construction of this problem to ask how and why the treatment of human remains has become troubled in the collections of Britain" (2011: 8). She uses a "wide range of data sources" which include published and non-published material, media, museum policies, conferences and interviews of 37 professionals from the museum sector in order to answer these questions. Interestingly, however, she did not interview any indigenous community representatives, and so the indigenous voice is almost non-existent. Almost, in the sense that she does fleetingly discuss the development of indigenous political movements of the 1970s, and mentions that requests have come from "indigenous movements" in North America, Canada, Australia and New Zealand. She also briefly mentions successful repatriations such as the one to the Tasmanian Aboriginal Centre from the British Museum. Instead of providing context or background for the emergence of the British debate around repatriation she tries to impress upon the reader that human remains are "a site of political struggle in the modern period" and are "being used to fight the battles for the living", suggesting claims are merely a political ploy (2011: 141).

As a self-confessed "repatriation sceptic" (Jenkins 2016a: 7), Jenkins' view is evident in her publications (2008, 2011, 2012, 2013), media commentary (2003, 2016b) and reviews (2017), that human remains and other cultural objects are better off remaining in British museums because in her opinion, "Western traditions for the production and disposition of knowledge…are the best way to research history and culture" (2016b). This extreme view about the superiority of the West and Western ways of knowing extends not only to knowledge and research; she is also very sceptical of what has been termed the "therapeutic impact of return" (2011: 16). She questions the belief that the return of ancestral remains is, for many communities, part of a healing process for wrongs done in the past and a way of "making amends" by the returning institutions. Jenkins makes the comment a number of times that there is little actual evidence of the perceived therapeutic impact of either of these in claims or in publications following the return of ancestral remains back to communities (2008: 111-112; 2011: 22; 2013: 123). She is of the view that the requests for return have

been framed with the "motif of recognizing the needs of indigenous groups to interpret their own history" which has resulted in the development of policies and codes "advocating a more sympathetic attitude towards repatriation" (Jenkins 2011: 12).

Jenkins does, however, provide a good summary of the issues for and against repatriation within the British context, and specifically identifies individuals she believes are 'activists' such as Cressida Fforde, Tristen Besterman and Jane Hubert who are, in her opinion, "issue entrepreneurs" who have purposefully created this social problem by raising awareness and vocalising their concerns regarding the retention of indigenous human remains in museum collections (2011: 13). To contrast with Jenkins' view, I see people like Fforde, Besterman and Hubert as insurgent researchers within their respective fields. Jenkins is also of the view that the influence of the World Archaeological Congress (WAC) provided further fuel to the issue through the "influential campaigner" Peter Ucko who had "experience and contacts in Australia and America where the issue was developing into an important concern" (2011:14). His influence she proposes, as well as the support by other WAC members such as Jan Hammil, Larry Zimmerman, Fforde and Hubert was "instrumental in the diffusion of the problem from North America to Britain, where adopters were members of the museum sector" (2011: 14). She goes further to claim that the research undertaken by Cressida Fforde "gave the problem a British focus" (2011: 14). The "crisis" Jenkins surmises is due to the fact that because of this pressure, mainly from the 'issue entrepreneurs' and activists within the sector—and less so from the actual claimant communities—museums are now faced with questioning their own cultural authority, legitimacy and purpose. She posits that museums "no longer consistently hold up the values and sense of purpose integral to their formation in the eighteenth and nineteenth centuries" (2011: 146). Museums, she believes "have always held cultural authority. They play a key role in affirming ideas about the pursuit and organisation of knowledge" (Jenkins 2010: 3). But whose knowledge is she referring to? And whose culture does the museum have authority over? It seems to me that the claimants or descendants of the human remains which are at the centre of this debate are, for Jenkins, almost invisible participants and their views and battles bear no real consequence in the current debates within the ranks of the British museum sector. She is vocal in her view that repatriation is a loss of knowledge, authority, and legitimacy for museums which, she believes, has a huge impact on the interests of the public to learn more about "past human civilizations" (2016: 318).

Interestingly, the majority of her interviewees, who were unidentified museum professionals, were supportive of repatriation back to formerly colonized indigenous communities. Some of the comments made by these unidentified museum professionals have appeared in several publications between 2008 and 2016, and express some very strong perspectives. Statements such as "I have been trained in the European rational tradition…which abused its power and greatly wounded indigenous peoples…it must be accounted for" (CRM5, in Jenkins 2008: 108); and "It's about time we learnt that we do not know everything and there are other ways of understanding the world. We have to cede our authority. The repatriation is of our authority, in a way" (CRM4, in Jenkins 2008: 114). This shows for Jenkins just how influential repatriation sympathisers like Fforde and Besterman have been.

In an attempt to downplay the importance of repatriation particularly for indigenous peoples she frequently questions the perceived "low rate of requests" made by claimants, by noting at the time of her research "only 17 institutions out of 164 had received enquiries about repatriation" (Jenkins 2012: 459). She does not explain what determines a "low rate of requests", which begs the question, 'what is she comparing this to?' There is no attempt to clarify what is meant by this other than her reference to the Working Group on Human Remains Report which notes "[w]hile the total number of requests for return perhaps seem low at first sight… it is essential to recognise that in many cases the beliefs and emotions leading to individual claims are strong" (Palmer 2003: 16). The implications of such analysis of the figures seek to undermine the work that indigenous peoples and their supporter shave undertaken since the 1990s. In this thesis I explore how the past affects the present particularly for indigenous peoples affected by colonization. This is something that Jenkins does not discuss or even attempt to understand in the context of the wider debate, particularly as she views indigenous cultural philosophies and practices as "mystical kinds of belief" (Jenkins 2003: 2). Her extreme view is summed up by the statement, "We are in for a seriously scary time, if research is to be deemed heretical and old bones worshipped" (2003: 3). It is unfortunate that such a narrow view of the world and those who live in it is held in this day and age particularly by those who do not venture out of their ivory towers in the West to experience first-hand how important repatriation is today.

Described by Jenkins as an issue entrepreneur, an activist, and a sympathiser, Cressida Fforde approaches repatriation from a very different perspective. Fforde gained her doctorate in the discipline of archaeology in which she explores the removal and study of human remains in Europe during the nineteenth century and the subsequent reburial issues which later arose in

the 1990s. With over 20 years of involvement in repatriation research particularly with indigenous groups and museums in Australia, New Zealand, Hawai'i and the United Kingdom, Fforde has, as noted above, been at the forefront of the repatriation debate in recent years. She has produced a number of publications including books and book chapters (e.g. Fforde, Hubert and Turnbull 2002; Fforde 2004, 2013; Hubert and Fforde 2004, 2006, 2007, 2013; Fforde, Ormond-Parker and Turnbull 2015) and articles (e.g. Fforde 1992; Fforde and Parker 2001; Fforde 2009) as well as research documents for both the Auckland War Memorial Museum and Te Papa. This experience has enabled her to develop a well-informed understanding of the issues in repatriation from both the indigenous perspective and the institutional and archaeological perspective. Fforde's work has enabled a much more detailed history of events around the collection of indigenous remains and the lengths colonial collectors went to in order to obtain skeletal remains for museum and medical research. This information has caused debate amongst museum staff and scientists particularly in the United Kingdom (Jenkins 2011; Fforde, Hubert and Turnbull 2002: 3). Notably, she was also involved in the publication of *The Dead and their Possessions: Repatriation in principle, policy and practice* (Fforde, Hubert and Turnbull 2002), which is probably the most widely referenced book on repatriation, particularly in the United Kingdom and Australasia. The book, which was the result of papers given at the fourth World Archaeological Congress held in Cape Town South Africa in 1999, successfully brought together a wide variety of views from around the world to openly discuss repatriation from indigenous, scientific, museological, and academic perspectives. The introduction to this book, written by Fforde and anthropologist Hubert, sets the scene for the increase in repatriation claims by indigenous communities, the effects of colonisation and colonial collecting, and the increased debate around the reburial issue, ownership and the study of human remains among museums and other institutions. The development of legislation and policies, not only from the United States but also in Israel and the United Kingdom, as well as within organisations such as the World Archaeological Congress, shows that there is a change in perspectives which have in some cases been in place since the eighteenth and nineteenth centuries. The most important aspect identified in this introduction is the struggles which indigenous communities have endured not only in the past but also in current times in their efforts to have their ancestors returned.

> "The colonizers have not only taken over their lands but have often deliberately tried to destroy their cultures and religious beliefs, as well as physically removing the

> human remains of their dead. What is now called 'cultural heritage' of colonized peoples was plundered, and among the many things that were taken back to Europe were skeletons (especially skulls), mummified bodies, limbs, shrunken heads and various other anatomical specimens" (Fforde, Hubert and Turnbull 2002: 2).

Fforde's research began with her PhD thesis and finding the skull of Yagan, a young aboriginal man and leader who was killed in 1833. Ken Colbung, who identified Yagan as an ancestor, had been searching for his skull since the 1950s, and Fforde was brought in to help with the search in 1990 through Peter Ucko (Times Higher Education 1997). With Fforde's help Yagan was finally located; he had been buried in Everton Cemetery, Liverpool since 1963. This was no ordinary repatriation request as, unlike other remains requested for return which were located in a museum of the university, these remains were in a public cemetery, and to make the task even more difficult Yagan was buried beneath the remains of children who were stillborn or died soon after birth (Fforde 2002: 234). After several years of difficult negotiation, not only between Colbung and the Home Office in England but also between the Australian and United Kingdom governments and within aboriginal communities, Yagan was finally returned home to Perth. This case illustrated for Fforde the significance of repatriation as well as the difficulties that can arise in determining who has the right to make claims in the first place. This case also revealed for her how and in what capacity governments can become involved, as well as the support that is often received by the public around these issues (Fforde 2002: 240). Perhaps this is what has shaped her determination over the past 20 years in advocating so strongly and so vocally for the rights of indigenous peoples to have their ancestors returned. This is demonstrated by her focus and commitment throughout this time in provenance research, involving painstakingly trolling through the archives of the University of Edinburgh, University College of London, the Royal College of Surgeons, and no doubt many more institutions within the United Kingdom as well as those in Australia and New Zealand. In this part of the world at least Fforde is, for many involved in repatriation, a first point of contact with regard to human remains collections in the United Kingdom. It is no wonder people like Jenkins see her as a threat to current museology and future scientific research. However, from my perspective she can be described by the coined term "a good non-indigenous accomplice" (Smith 2017), an ally who is greatly appreciated in this ever-increasing battle. In more recent years she has, with the support of other "good non-indigenous accomplices", begun to create a database centred on provenance research with the aim of offering information within this database to other indigenous communities who would

like to find and bring home their ancestors as part of the Australian Research Council project Return, Reconcile, Renew (Turnbull 2016)

In her 2004 publication, *Collecting the Dead: Archaeology and the Reburial Issue*, Fforde provides an in-depth background into the origins of collecting human remains by Europeans, starting with the way in which human differences were considered and classified, from the fourth century Greeks to the nineteenth-century Darwinian perspectives of the Enlightenment. This sets the precedence for the development of large-scale collections, physical anthropology, craniometrics and theories around human 'types'. Fforde shows that by looking at the history of physical anthropology, it is clear that there are "pre-conceived notions of racial hierarchy" and that "scientific racism and quantitative analysis reified a pre-existing social concept regarding the ranked hierarchy of different peoples" (Fforde 2004: 40). These theories, which will be discussed in detail in the following chapter, had an extremely negative impact for many indigenous peoples, who were described as 'lowly', 'brutish' and uncivilized, particularly those colonized by the West such as Aboriginal Australians and Māori of New Zealand. Fforde's research, though focused heavily on the collection and study of Aboriginal Australian remains, provides a clear understanding as to when the demands for the return of ancestral remains began to increase and some of the rationales behind them. She explains, unlike Jenkins, the drives behind the demands in places like Australia, where the view by the colonizing culture towards the indigenous Australians throughout the country's history has been anything but harmonious, particularly regarding the way in which "European society viewed and valued the indigenous population" (Fforde 2004: 77). This is an important point as Fforde points out in her research that there is a lack of literature which focuses specifically on the collection of human remains for the purposes of anthropological study (2004: 77). With Fforde's research as well as that of others (Turnbull and Pickering 2010; Mihesuah 2010; Krmpotich 2011; Smith and Aranui 2010) this has now been well documented in most contexts and we now have a better understanding of the origins and drives behind collecting indigenous ancestral remains.

Fforde employs Foucault's (1977) theory on power and knowledge through the objectification of the body by the use of disciplinary techniques such as scientific classification, as well as regulation and confinement in her work. She uses this theory to demonstrate that "the body of the Other is expropriated and held within the walls of an institution" and within those institutions human remains are arranged into categories through the assignment of unique numbers and then catalogued as such (Fforde, 2004: 86). Finally,

"the position of each remain is determined by its place within the collection as a ranked series in accordance with the system of classification that was used to order and organise the collection" (2004: 86). Creating these 'complex spaces', in which indigenous human remains are situated demonstrates that these collections are a "confluence of power and knowledge" (2004: 86). Fforde has successfully brought to the surface the reality that the study of indigenous human remains and specifically the measuring of the indigenous skull was "intrinsically about providing 'scientific evidence' of an identity for the 'other' that had been constructed long before quantitative analysis was developed" (Fforde, 2013: 724). And it is these notions of power, knowledge and identity that indigenous peoples throughout the world are now claiming back, along with the remains of their ancestors. Her work has not only provided a background on the situation in the United Kingdom, but has also demonstrated how repatriation in Australia has developed since the 1970s (Fforde 2001), and highlighted that similar issues and developments are also being dealt with in New Zealand and the United States which, together with Australia, are at the forefront of international repatriation claims (Fforde, 2013: 720). One aspect of this debate which Fforde reveals is that although mainstream science has abandoned racial classification of people, perceptions of racial identity still exist. This is evident in the continued existence of the 'old races' collections held in museums and universities throughout the world, and this is only made apparent, Fforde notes, when these collections are contested. She believes strongly that the "repatriation debate is fundamentally instructive because it provides a rare window through which to view contemporary attitudes that underlie professional practice, and thus an opportunity for development and change" (Fforde, 2013: 724).

The views of Jenkins and Fforde on the repatriation of indigenous ancestral remains are at opposite ends of the spectrum. Jenkins comes from the field of sociology, within a Marxist school of thought, and she sees repatriation as a troubled issue which questions the cultural authority of museums. Her 'West is best' perspective regarding the production and disposition of knowledge highlights her closed and one-sided approach to repatriation. She believes that indigenous peoples are using the past to fight the battles of the present and therefore exercise a political ploy. Fforde, on the other hand, is an archaeologist, who has through her discipline gained first-hand experiences and understandings on the issues of repatriation for both indigenous peoples and the institutions in which ancestors reside. Fforde through her understanding of the struggles has become an advocate and proactive 'good non-indigenous accomplice', which is demonstrated in her work with many indigenous peoples.

Discussion

The first part of this chapter explores just four of the many indigenous perspectives around the world on repatriation. The experiences of indigenous peoples in Hawai'i, New Caledonia, Northern Scandinavia and Namibia, show the diversity of peoples affected by the theft of their ancestors, and the varied types of colonial subjugation they have experienced. But importantly, what these voices show is that their drives for repatriation and the return of their ancestors are similar despite their different cultural contexts. The Hawaiian experience shows that iwi kūpuna are inextricably link to the land which is in turn imbued with the mana of the people. Their involvement in repatriation stems from years of bearing witness to the desecration of ancestors in the name of development. The creation of the organisation Hui Mālama I Nā Kūpuna O Hawai'i Nei was in response to this desecration and has successfully returned well over 1,000 ancestors from overseas institutions, despite being faced with acts of 'intellectual savagery' over their cultural perspectives. Museums are prisons for iwi kūpuna who were stolen. Consent and sovereignty are key issues for Native Hawaiians.

For the Kanak, sovereignty is also the key issue. Ataï is a symbol of the fight for freedom from French colonial rule in New Caledonia. The French took their land while viewing the Kanak as a people with no rights to it. This repatriation though on the one hand a political statement is, more importantly, about bring home a family member, a loved one who was taken to be displayed as a rebel. The events associated with the return of Ataï show that the struggle for sovereignty is a process that will likely be a slow and prolonged journey. The Sámi have also been on an extremely political journey, but theirs is one of recognition and self-determination, as they have struggled with their position across the four nations which make up their homeland of Sápmi. This struggle is one of identity and the control over their history and cultural heritage. The Sámi have gone from being seen as a remnant of the past to being written out of history altogether since the 1970s, and now demand recognition as an indigenous people. Like the Kanak who were viewed as a people without rights to land, the Sámi were a people without history. Therefore, repatriation is a way of reclaiming that history, identity and recognition of their existence, of their 'Sáminess'. Their success in reclaiming their 'Sáminess' is evident in the development of the Sámi parliament, the growing number of Sámi-run museums and the control over their dead either through repatriations back to communities or the regulation of the research of their ancestors currently held in institutions such as the University of Oslo.

For the Herero and the Nama of Namibia their history is by far the most vicious of these four case studies. Like the Kanaka Maoli, the Kanak, and the Sámi, their struggle begins with colonization. The genocide which took place was the first holocaust to be undertaken by Germany, and the atrocities which tens of thousands of Namibians were subjected to have caused much pain and trauma to the people of Namibia. For the Nama and Herero, repatriation is about reparation, justice and giving a voice to the dead to tell their own stories. These people are the heroes and heroines who resisted foreign occupation of their lands by the Germans. Repatriation therefore, is about regaining the rights and freedoms which were taken from them as they awaited their fate in concentration camps like Shark Island before being shipped to Germany to become scientific curiosities and trophies of war.

The four case studies represent some powerful themes; consent, sovereignty, self-determination, and justice. The words and experiences discussed above, though different in description and geographical context, all strongly show that ancestors connect the present with the past and that the trauma of that past continues to live in the present. These painful events are not forgotten. Colonial collecting, Darwinian theories, and theft of land by outsiders' demand justice, recognition, reparation, and at the very least an apology. How does this relate to the experiences of Māori? The themes identified above will help this become clear in the following chapter.

The second part of this chapter has provided a review of some of the perspectives from the museum, scientific and academic sectors, some of whom support repatriation and are therefore seen as allies to the cause or just as equally traitors to their profession, while others are staunchly opposed. It is important that these perspectives are afforded a place here, despite this thesis being focused on indigenous Māori perspectives. The reason for this inclusion is to provide a context for the situations which indigenous communities are faced with when requesting the return of their ancestors. Museums, as repatriations carried out by KARP have shown, seem to have various reasons for agreeing to return ancestral remains to their descendant communities. Those museums on the other hand who appear unfavourable to letting go of their collection for reasons relating to the pursuit of knowledge, seem to use policy not as a guide to negotiate requests for return, but to prevent them. The British Museum, the most well-known example of this internationally, and the Canterbury Museum in New Zealand, in their own contexts still hold some of those nineteenth-century museological views. Scientific views are, by and large, still opposed to repatriation, however

within the New Zealand context it is generally accepted that kōiwi tangata will be reburied and that there is no guarantee that any type of research will be undertaken. Unlike in the United Kingdom and parts of Europe where there is no prerequisite to consult or obtain consent from indigenous groups to carry out research, in New Zealand consent and relationships are essential. This perhaps is a good example of how countries in the West could, or in fact should, work with indigenous communities. The academic responses are also varied in their approaches to repatriation. Fforde and Jenkins essentially represent opposite sides of this debate, Fforde presents the moral argument whereas Jenkins argues that knowledge, and scientific or public good is of far greater significance. It is in one sense, as Professor Chris Stringer (2003) points out, a battle of morals and emotions versus scientific and intellectual perspectives, but even more so it is about human rights, ownership, and control.

PART TWO: MĀORI PERSPECTIVES AND RESPONSES TO REPATRIATION

5. Māori Perspectives: Cultural and Historical Contexts

> *"I don't know why people think that they have the right to own other people and to use them for study, all for nothing; just to have them. They need to rest, they've got to be tired"* (Āwhina Twomey 25th September 2015).

For Māori the act of returning the dead back home or to their whenua has always been considered normal cultural practice and in many cases still continues today. Repatriation therefore is not a new concept despite some suggestion that the return of ancestors is a new phenomenon (Jenkins 2011). In the previous chapter I explored four of the many indigenous perspectives on the importance of repatriation and discussed how people like the Herero of Namibia and the Sámi of northern Scandinavia came to be faced with the task of demanding the return of their ancestors. As we saw, each case developed slightly differently, though in all cases, colonization was a major contributing factor. There seems to be a pattern emerging with repatriation regardless of the culture concerned or geographical location. This pattern includes the way indigenous peoples were viewed in the past either from an anthropological or political standpoint, as well as the struggle which still exists in the current repatriation debate regarding power and knowledge, in addition to ongoing differing science versus culture views. This and the following chapter will add to the views presented in the previous chapter, however here I will explore Māori cultural beliefs and practices. As the topic of this thesis is the importance of repatriation from a Māori perspective it is essential to fully understand why repatriation is important. The previous chapter gave a brief overview of some of these perspectives, however in the following chapters it is important that a more in-depth and thorough discussion is had regarding Māori beliefs, practices, and perspectives. This means that it is necessary to understand how pre-European and early post-contact Māori culture and society viewed the dead, on both a physical and spiritual level. It is important to explore what kind of relationship Māori had with their dead during this period as well as how Māori viewed death and the afterlife. It is also important to understand some specific cultural

values and beliefs which continue to be an integral part of Māori culture today in order to truly understand why returning ancestors home is of such importance.

The chapter will be set out in three sections; the first will describe the differences and circumstances between kōiwi tangata, and Toi moko; the second section examines five specific Māori cultural concepts which are essential in developing an understanding of Māori culture and society, specifically with regard to the dead and as a consequence, repatriation. Using examples within these five concepts this section will also explore Māori views of death, the dead and the afterlife, as well as the importance of retaining the dead in their resting places and the consequences of their disturbance. In this section I will provide a clearer understanding of why Māori have been so active and at times performed the role of activist in the repatriation debate both nationally and internationally. The final section considers the periods of contact, colonization, resistance and renaissance which cover the timeframe from 1769 to the 1980s. It is here that I will explore briefly some of the effects that colonization has had on Māori society, in particular regarding the dead. I will touch on the period when Māori were thought to be on the verge of extinction which then developed into a period of resistance and activism in the fight for sovereignty and rangatiratanga in particularly in the areas of politics, education, and land. The renaissance of Māori culture which developed out of the struggle for recognition particularly with regard to the Treaty of Waitangi and the Crown's failure to uphold its promises, is also considered.

Differentiation between Toi Moko and Kōiwi Tangata

As will be discussed in greater detail in the course of this thesis, Toi moko were common items traded by Māori and Pākehā as curiosities from the 1770s to approximately the 1850s. Kōiwi tangata or skeletal remains on the other hand were collected or stolen from about the 1850s following the advent of evolutionary theories and, therefore, were specimens of scientific inquiry. The two have had very different journeys into the wider world, however their home coming is seen collectively as the return of tūpuna.

For the purposes of this research it is important to understand why it is necessary to differentiate between Toi moko and kōiwi tangata. Though both are considered to be ancestors, their journey away from New Zealand came about under very different circumstances. Their histories in many ways are still differentiated today, particularly with regard to the outcome of repatriation requests. An example being the British Museum, in which the request for the return of all ancestral remains was made by the Karanga Aotearoa

Repatriation Programme (KARP), however the museum used this differentiation as grounds to return some tūpuna but not others. It was determined by the museum's board that "it was not clear whether or not a process of mortuary disposal had been interrupted or disturbed" (The British Museum 2008). It is therefore important to understand under what circumstances ancestral remains were collected and why, but it even more important to acknowledge the connection and respect that is held for them by their descendants.

Toi moko or preserved Māori heads are known throughout New Zealand by many names including mokamokai (Williams 2005), which appears to be the earliest recorded name; mokomokai, which is likely a contemporary misspelling of the former), mokaikai (Biggs 2012; Williams 2005), mākiri (Biggs 2012; Williams 2005), and ūpoko tuhi (Te Awekotuku 2007). Just what the original Māori name for the preserved head was, is unclear, however both the Williams (2005) and Biggs (2013) dictionaries have identified that the terms mokamokai, mokaikai, and mākiri were used. These terms, interestingly, are also used to refer to a tame bird or animal, as well as a treasure or curiosity (Williams 2005: 207). Taking these other meanings into consideration, the term appears to contain sentiments of adoration and caring. The term mokomokai however, which does not appear in either the Williams (2005) or Biggs (2013) dictionaries, is possibly a term which came into used in the late nineteenth century as it is first seen in Robley's publication of *Moko or Māori Tattooing* (1896). It is also possible that the term reflects a dialectal difference from different iwi or geographical areas throughout New Zealand. It is easy to see why the change in spelling may have occurred over time. 'Moko' for the obvious reasons to mean tattoo and 'mokai' being translated as meaning slave or captive (Williams 2005: 207). Perhaps those produced specifically for trade can be called 'mokomokai', however the original term 'mokamokai' refers specifically to the head being dried or preserved.

Terms such as mokomokai are still in common use today however for the purposes of this research 'Toi moko' will be used. The term Toi moko is the most recent addition to how these tūpuna are described. It has been adopted by KARP and was brought in to use at Te Papa by the late Māui Pōmare. Pōmare explains that the term Toi moko was used by his grandfather "with reference to tattooed heads, and his medical research related to them". He believes "the reference to be sensitive and appropriate for the naming of the tattooed heads and in the absence of any other authoritative name I would recommend that we use it universally" (Pōmare 1993). He goes further to explain what Toi moko referred to; 'toi' meaning source, origins, beginnings, and knowledge, which are "all thinking from the head".

And ‘moko’ referring to tattoo and special art (Pōmare 1993). According to Te Rangi Hīroa, the process of preserving the head known as pakipaki mahunga (Hiroa 1958: 299) was most likely developed in New Zealand as this process does not appear to have been recorded elsewhere in Polynesia. The reason why this treatment of the dead was developed is not known, however their purposes, either as loved ones to be cherished and respected, or enemies to be defiled or ridiculed, is well understood (Te Awekotuku 2007). The preserving of heads was carried out for two reasons, and dictated as noted by Te Rangihiroa by two emotions: love and hate (Hiroa 1958:299). Toi moko are described by Te Awekotuku as “objects of esteemed beauty” (2007: 46).

Māori Cultural Concepts Integral to Understanding the Importance of Repatriation

In order to appreciate that Māori feel very strongly about having their ancestors returned it is important and vital to understand the reasons why. First and foremost a clear understanding of five important concepts will be discussed. Tikanga, tapu, mana, wairua, and whakapapa are central elements to the continued connection, respect and care given to tūpuna in Te Ao Māori (the Māori world). It must be noted that these are not the only concepts which relate to relationships with the dead and death, these are discussed in more detail elsewhere. For the purposes of this thesis I have chosen to focus on the five concepts and values identified above because I feel they help provide a clear understanding of the connection and relationship between Māori and their ancestors; the living and the dead in Te Ao Māori; and the importance of repatriation for Māori.

Tikanga

Tikanga has many interrelated definitions including, “rule”, “plan” or “method”, “custom”, and “habit” (Williams 2005: 416). In New Zealand legislation tikanga Māori is defined as “Māori customary values and practices” (Mead 2003: 11). Mead takes the position that tikanga is “the set of beliefs associated with practices and procedures to be followed in conducting the affairs of a group or individual. These procedures are established by precedents through time, are held to be ritually correct, are validated by usually more than one generation and are always subject to what a group or an individual is able to do” (2003 :12). If we look at the word in more detail, ‘tika’ means “right” and “correct” (Williams 2005: 416), therefore tikanga can be seen to mean the right or correct way of acting, doing or

being. Tikanga is used in all aspects of Māori life from preparing food, to pōwhiri (welcoming ceremony), to the tangihanga. With regards to death and the dead there are correct ways in which we must behave, behaviours which are acceptable and those which are not. In the past when our people died in battle or during journeys away from their homes, it was customary for Māori to bring the dead back home where possible. In times of battle if it was not always possible to bring back the entire body it was the head that was often returned so that the family could mourn before laying them to rest. Accounts of this practice and similar occurrences have been recorded by both Māori and Pākehā sources (Robley 1896: 144-145; Manning 1906: 59; Marsden in Elder 1932: 239; Hiroa 1958).

The repatriation of loved ones back to their hau kāinga (home) was a tikanga which continued to occur through time and still continues today as so many Māori now live away from their spiritual homeland. One example of this is when my father passed away in Wellington, where he had lived for 20 or so years, his sisters who still lived in and around their hau kāinga travelled down from Hawke's Bay to take him home. For his children, this was expected as we had learned growing up that he would be buried with his mother and father in the whānau urupā. In saying that however there are instances in which this tikanga is not observed, there have been over the years some occurrences where with spouses of the deceased oppose the taking of the body back to their marae/hau kāinga. One of the most well-known cases is that of James Takamore. In August 2007 Takamore passed away suddenly in Christchurch where he had lived with his partner (a Pākehā woman) and their two children for the past 20 years. While he was lying at a marae in Christchurch awaiting his funeral, his whānau including his sister arrived from the Bay of Plenty. According to Takamore's partner Denise Clarke an argument ensued over taking his body back home to Kutarere where he was born. The argument became heated so she and her son left the marae, leaving Takamore alone (McEntyre 2014). According to Māori tikanga the body should not be left alone, so his whānau took this opportunity, uplifted him and returned with him back to Kutarere where he was subsequently buried in his whānau urupā (McEntyre 2014).

Clarke took Takamore's whānau to the High Court, the result of which was that "members of Mr Takamore's Māori whānau had no entitlement to take his body in the manner that occurred" (Coates 2013). James Takamore's sister Josephine Takamore then appealed the decision to the Court of Appeal, but the application was dismissed. Finally, Josephine Takamore took her case to the Supreme Court with a claim based on whakapapa and tikanga, however it was decided by the court that the fact that James Takamore resided in

Christchurch for the past 20 years with his partner and children "carried greatest weight" (Coates 2014). That is not to say that tikanga does not also hold weight in the court, however due to Clarke's position as executor of Takamore's will and her position as his life-long partner this was given precedence (Supreme Court 2012: 10). The court decision granted Clarke the licence to exhume Takamore and rebury him at a place of her choosing (Supreme Court 2012: 1). In August 2014 Clarke and her children travelled to Kutarere to retrieve Takamore, however his whānau prevented this from happening by blocking road access in protest. Finally, in 2016 the issue was resolved through mediation behind closed doors. Regardless of the court's decision, the point I want to highlight here is that the tikanga around bringing the dead back home is still a strongly upheld practice in Aotearoa New Zealand. So much so that in some cases arrangements are being made to ensure Māori living overseas are brought back to Aotearoa New Zealand to be buried. One such case involved Claire Nesus whom I interviewed in 2016. Nesus was in the process of making legal arrangements to ensure that in the unfortunate event that she should pass away while still residing in the United Kingdom, provisions would be in place to have her remains returned home to New Zealand for burial (Nesus 2016). This view is equally applied to tūpuna who are in museums or universities overseas. It is not considered tika for them to remain there.

Tapu

Tapu is defined in simple terms as "under religious or superstitious restriction; a condition affecting persons, places, and things, and arises from innumerable sources" (Williams 2005: 384). However, the concept of tapu, as described by Michael Shirres (1982) is far more dynamic. Tapu is applied to different things (individuals, groups of people, objects, places, and time), and can therefore have different meanings. Those meanings, however, are all related through, what Shirres describes as, "an objective analogy" (Shirres 1982: 35). What is meant by this, Shirres explains, is that "all *tapu* can be seen as needing to be treated with respect, and sometimes fear, but this depends on which side you are on, on [sic] the relationship of your *tapu* to the other *tapu*" (original emphasis) (1982: 35). Shirres explains that "the primary notion of *tapu*, closely linked to the notion of *mana*, is 'being with potentiality for power'" (1982: 29). Tapu must also be distinguished from extensions of tapu. Extensions such as restriction, prohibition, sacredness, and separation must be understood in the sense that things, people or places "are not 'sacred', 'forbidden', or 'restricted' and therefore *tapu*, but are *tapu* and therefore 'sacred' and sometimes 'forbidden' or 'restricted'" (1982: 46). The tapu of a person, whether living or dead, is linked "to the fact of his existence

to his ancestors, the sources from which he receives his life" (1982: 39). Tapu also signifies "the intersection between the human and the divine" (Benton *et al* 2013: 404). Consequences or retribution for breaking tapu can vary depending on what it relates to and why, however death has been recorded as being a consequence in some cases as will be discussed below. There are also different levels of tapu and timeframes in which tapu are in place (Stowell in Benton *et al* 2013: 406). However, for the purposes of this thesis they will not be discussed here. Instead I will focus on aspects of tapu relating to the body and of spaces such as urupā and other types of burial places, including battle sites which are considered highly tapu and remain tapu indefinitely.

The body in Māori society is considered tapu and some parts of the body, such as the head, are more tapu than others. A person's personal tapu is an important spiritual attribute as it is inherited from the parents, and is part of their genetic makeup (Mead 2003: 45). There are instances when an individual will become increasingly tapu, such as when they are nearing death. And it is here that the tapu is so extreme that it affects all that belongs to that person. An example of this extreme sense of tapu was recorded during the twelve-year collecting expedition of the naturalist and taxidermist Reischek. While exploring the area of the Northern Wairoa River in August 1879, Reischek and Mr Wilson, a local settler, came upon the remains of Maraekura pā (fortified village or stronghold) which was under tapu following the death of the Northern Wairoa chief Tirorau. Despite knowing this and being warned by Wilson not to take anything from the pā, Reischek proceeded to return a few days later but was discovered by Māori from the settlement close by. Eventually after hiding in a tree till nightfall he was able to enter the pā. Upon entering an old whare Reischek came upon two carved coffins and a number of burial offerings surrounding them. Helping himself to some of the offerings as well as a carved tekoteko of Tirorau (Reischek 1952: 64), he writes; "I carefully dragged the post to the river and sawed off the head. So that I should leave no trace, I let the sawdust fall into the water, I then packed the head and the other things into my rucksack, put out the lantern, and turned off homewards" (Reischek 1952: 65). The following day Wilson informed Reischek that he had to leave his station as Māori had visited him with a warning that if Reischek went near the pā again "things would go bad for him" (152: 66). The importance of this account shows that Maraekura pā was under tapu due to the death of the chief Tirorau, and as a result was not to be entered or disturbed. The pā essentially became a wāhi tapu. When considering the space as a wāhi tapu and the way in which men from the nearby village protected it, it is easy to understand how wāhi tapu such as urupā are

even more vehemently protected. When incidents of desecration occur, it is not difficult to understand why death can be a consequence.

Sixty years prior to Reischek's incident in Northern Wairoa, the missionary Marsden also discovered how important the concept of tapu was for Māori at the Bay of Islands. In 1819 Marsden was present when the wāhi tapu containing Hongi Hika's father in-law was desecrated by members of a rival iwi. It was said that his bones were removed and made into fish hooks "for the express purpose of cruelly and wantonly sporting with the feelings of Shunghee [Hongi] and his relations" (Elder 1932: 157). Hongi travelled to the wāhi tapu to confirm what he had been told and found that there was little left of his father-in-law's remains. Angered by this blatant desecration, Hongi retaliated by killing five of the men involved. In a conversation with Marsden following the retaliation, Hongi made an appeal "wishing to know if we did not consider it a high crime to rob the sepulchre of the dead and to offer such indignities to their remains, and if the people whom he had been to punished had not merited their punishment by their crimes" (Elder 1932: 162).

The tapu nature of burial grounds and the remains which lie within them over time became common knowledge to non-Māori, including visiting naturalists and explorers (as will be discussed in greater detail in Chapter Four). In October 1861 during a coastal voyage on board the schooner *Tyne,* Dr Batty Tuke and his fellow travellers explored the island of Kāpiti situated on the south-western coast of the North Island (Turner 1884: 76). During the exploration Tuke came upon two wāhi tapu in the form of a cave and a shallow rock ledge. From them he took six skulls which he later presented to the University of Edinburgh upon his return to Scotland. In his notes attached to the remains he made comment on how tapu places like this were (Turner 1884: 77):

> All such burying places are strictly held "tapu" or sacred, so that it is beyond suspicion that any of these could be possibly European skulls. Had there been natives on the island it would have been impossible to have secured these specimens. As it was, great difficulty was experienced from the superstition of the English sailors of the schooner. I had been given to understand by competent authorities that no white man had ever been in that cave before.

What needs to be made clear is that just because wāhi tapu are not frequented or maintained by Māori, as they are in Pākehā society, it does not mean that the dead are not cared about or respected. It could even be said that respect for the dead and the associated tapu is expressed

through avoidance. These places are to be avoided unless for good reason, as has been shown above. The extreme tapu nature of the tupuna as well as of the site itself can be spiritually and sometimes physically damaging. So, there is an element of protection and that of respect in not frequenting these places, many of which in the case of burial caves are located in hard to reach, hidden, or remote locations. Because of this it seems some Europeans assumed that no one cared about the tūpuna or that they had been forgotten and therefore took it upon themselves to remove the remains for curiosity or ethnographic purposes.

Mana

Mana has a wide range of definitions. According to the Williams Dictionary mana can be defined as "authority", "control", "influence", "prestige", and "power" (Williams, 2005: 172). It can also be described as a concept which combines "notions of psychic and spiritual force and vitality, recognised authority, influence and prestige and thus also power and the ability to control people and events" (Benton *et al* 2013: 154). Rev. Maori Marsden describes mana as "spiritual authority and power" (Marsden 2003: 4). Personal mana relates to a person's place within a social group (Mead 2003: 29), whether living or dead. Mana can also relate to one's connection to place, such as to rivers and mountains. In their 1992 Mohaka River Report, the Waitangi Tribunal stated that the Mohaka River had been associated with the mana of Ngāti Pahauwera for generations. The mana of Ngāti Pahauwera is said not to come from them but is derived from the river itself and the stories surrounding it (WAI 119 1992: 18-19). It is also believed that "Tino Rangatiratanga can be understood as meaning 'full authority, status, and prestige with regard to their possessions and interests'. Mana is the personalisation of that authority" (WAI 119 1992: 19).

Mana can be gained or lost depending on an action. An example of the loss of mana is seen through the trade or retention of Toi moko during the first half of the nineteenth century. An account given by missionary Samuel Marsden on his understanding of the fate of the ūpoko (head) depended on the mana that person held. He notes that during times of war "great honor is paid to the head of a warrior if he is properly tattooed when killed in battle" (Elder 1932: 167). What is meant by this is likely that the degree of moko present on the face of the warrior would have be an indication of his mana. He goes on to note that in some instances the head was taken and preserved with respect by the victor and that when the victor wished to make peace "he takes the heads of the chiefs along with him and exhibits them to their tribe. If the tribe is desirous to put an end to the contest at the sight of the heads of their chiefs they cry aloud and all hostilities terminate" (Elder 1932: 167). Granted the account is not

first-hand and is interpreted from a non-Māori perspective, however, what it does show is that the mana of the person whose head has been preserved respectfully by the victor and yearned for by his people, is a strong and powerful concept which holds constant in both life and death. In saying this the loss of mana can just as easily occur in this instance particularly if the victor did not wish to make peace at some point in the future. In this situation then to dispose of the head through trade to Europeans who then return home to England, for example, is to diminish the mana of that person and at the same time prevent his wairua from finding peace. Today, many people involved in the return of Māori ancestral remains, including myself, often view this act as restoring the mana of the tūpuna, an honour they deserve by the very fact that they are our tūpuna.

Wairua

Wairua is the spiritual aspect of all living things, from a Māori perspective people, animals, trees and even the earth has a wairua (Barlow 1991: 52). Wairua refers to the spirit of a person as well as signifying "a real but non-physical appearance, representation, or manifestation of something, for example a ghost or apparition" (Benton *et al* 2013: 491). Wairua is also reflected in the close relationship Māori have with the environment. For example, the word whenua means land and it also means placenta or afterbirth, and traditionally as well as in contemporary times the act of "burying a child's placenta in the ground gives practical expression to the land-human connection" (Durie 2005: 237). This act then ties people to place and to land, hence the term 'tangata whenua' or people of the land. This connection also links the wairua of the child to that place (Benton 2013: 491), which is most likely why in the case of Takamore, it was important for him to return home to his whānau. It was here that Takamore's wairua is linked to the whenua. When a person dies and their physical body is laid to rest back in their whenua, it is believed that "their spirit lives on and travels the path way of Tāne to the gods that created them", and their spirit is forever immortal (Barlow 1991: 152; Benton et al 2013: 491). It is important to note that in the Māori worldview, the spiritual world and the physical world interact with each other and comprise holistically three realms of existence; "a spiritual realm, a human realm and a realm of the dead. Those who have passed on are often regarded as continuing to be part of human endeavours, and might be referred to as if still alive" (Durie 2005: 237). In that sense when the physical body is disturbed, desecrated, or removed this affects the wairua of that individual causing restlessness as in the case of grave robbing, where the physical remains are taken from their whenua. Also, through death as a result of war when the heads of

warriors were preserved and never returned home, the spirit is believed to wander and not find peace. This can affect the living and has been recorded by King (1981) with regard to the theft of two mummified remains taken from Kāwhia by Reischek in 1882. As a consequence, for his own role in the theft, John Ormsby and his family "acquired a reputation in the eyes of other Maoris for opportunism and money-grubbing" (King 1981: 100). Tommy Green, the other man involved, farmed the area which bordered the base of Hautapu where the two mummified remains were located. Green, too, was condemned for his involvement, however the effects of his wrong doing are believed by some to have passed down to the next generation. One of his sons who became a world champion axeman, "became progressively crippled by arthritis, and this was regarded by some as punishment for conspiracy with Reischek, a not untypical aftermath of a tapu-breaking incident" (King 1981: 100).

Whakapapa

The final concept is whakapapa, which is generally understood to be "genealogical descent of all living things from the gods to the present time" (Barlow 1991: 173). It is essentially the layering of one generation upon another creating a connection through time. Whakapapa is essential in the creation and cementing of kinship bonds and also, in the past, economic ties. Whakapapa is also linked to land rights and in the past whakapapa was recited in order to lay claims to land (Benton 2013: 505). It is also through whakapapa that mana is inherited (Barlow 1991: 174). Whakapapa like wairua also connects people to place and is still seen today as an essential part of Māori identity. With regard to repatriation, we often refer to those individuals, who still remain in institutions either overseas or here in New Zealand as tūpuna, or ancestors, our ancestors.

Through our whakapapa we have a connection to all of these ancestors as we identify as Māori, so in that sense we whakapapa to a group or cultural identity, but when provenance is known we also can whakapapa more directly to these tūpuna through iwi, hapū and even whānau links. An example of this is my experience during the repatriation of tūpuna back to Ngāti Tūwharetoa in 2012. As I whakapapa to Ngāti Tūwharetoa through my father, this return was of particular significance for me as I had a personal whakapapa connection with the tūpuna who were being returned. This was an extremely emotional and moving experience because of my connection to them.

To comprehend the significance of the dead be they tūpāpaku (bodies or corpses), kōiwi tangata or tūpuna, for Māori, the concepts of tapu, mana, wairua and particularly whakapapa

must be understood both separately in their meaning and how they relate to each other. The second largest social unit in Māori culture, after the waka confederation[8], is the iwi. This is made up of many hapū which in turn are made up of interrelated whānau groups. The word iwi not only refers to a tribe but also to one's bones. As explained by Mead 'What is left of members of the iwi are their bones which are usually buried in caves or in the ground' within tribal or hapū boundaries (Mead 2003: 270). This is done to bind the future generations to the land. And it is these connections which are important to a person's identity. With this in mind it is easy to understand why it is important for the dead to remain in their resting places. To remove them is not only to remove their links to the land and the people but is also breaking the tapu that surrounds and protects them. This changed significantly with the arrival of Europeans and their Western science. Records of the desecration of the tūpāpaku or kōiwi tangata, as noted, have led at times to deadly consequences.

The intense desecration of the dead and the Māori reactions to it will be discussed in detail in Chapter Six and Chapter Seven, however it is necessary to highlight that those reactions, like that relayed by Reischek and Tuke, have been constant over time and are still very much present today and are brought to light through the repatriation process. The act of repatriating ancestral remains is essentially an extension of a long-held cultural practice. The difference here is that for the vast majority of these remains, they must go through the whole process of being laid to rest all over again and in many cases, though it is known where they came from originally, their identity remains unknown. This is also the case for tūpuna whose provenance is identified only as New Zealand or Māori. These tūpāpaku have already been mourned over and had the appropriate burial rituals carried out. They were not meant to have been disturbed, exhumed or removed from their place of rest, but nevertheless that is what has happened. For others that have been part of the trade of human heads by their enemies, they have never been mourned over or given the appropriate burial rites so that their spirits may return to Hawaiki[9]. In that sense through repatriation we are then giving them the respect and mana they deserve.

[8] A number of iwi which are linked through an ancestral waka (canoe)

[9] Ancestral homeland for Māori and all Polynesians

Contact, Colonisation, Resistance and Renaissance: 1769 to the 1980s

Evidence of cultural beliefs and practices, particularly relating to the dead, have been recorded since the time of European contact. During Cook's first voyage to Aotearoa New Zealand from 1769, various crew members recorded sightings of human bones, scalps, and what appeared to have been a number of incidences of cannibalistic activity (Salmond 2003: 142; Edwards 1999; Hawkesworth 2004; Banks 2004). There had been talk on the *Endeavour* that Māori engaged in cannibalism, and was an aspect of Māori culture that intrigued men like the ship's botanist Banks. He found the idea hard to fathom, but was soon faced with the stark reality of Māori inter-tribal warfare (Salmond 2003: 137). On one occasion about a mile from Meretoto (Ship's Cove) as Cook, Banks and Tupaia headed out to explore, they saw the body of a woman floating in the water. Once they reached the cove they found a small camp where a family had been cooking what appeared to be dog and human meat. Cook observed two human bones which appeared to have been picked clean, which he believed to be human. Upon questioning he asked if the bone was human, and was given an affirmative answer. Tupaia is then said to have continued the questioning and the group was informed that the remains were that of a man who had been killed in battle about five days prior. He then asked why they did not eat the woman whom they had witnessed earlier floating in the sea. To which they replied "She was our relation" (Salmond 2003: 142). The importance here is not in the eating of human flesh itself, but not eating the flesh of a relative. There was a respect given to the fact that she was whānau and so her remains were not consumed. Granted this has more to do with the fact that the eating of the flesh of an enemy was about gaining or consuming their mana rather than for nutritional value. There was nevertheless a tikanga associated with this practice.

The trade of the head of a young boy between Banks and Topaa, a local Māori man, who brought a number of Toi moko to the ship while it was anchored at Meretoto (Ships Cove), in Queen Charlotte Sounds is also telling regarding views relating to the dead. Granted this encounter is entirely written from a European perspective, however there are clues as to how this man felt about relinquishing the young boy's preserved head. According to Banks (Beaglehole 1962: 31):

> He was very jealous of shewing them. One I brought tho much against the inclinations of its owner, for tho he likd the price I offered he hesitated much to send it up, yet having taken the price I insisted either to have that returned or the head give, but could not prevail until I enforc'd my threats by shewing

> Him a musquet on which he chose to part with the head rather than the price he had got, which was a pair of old Drawers of very white linen.

This account shows that though Topaa brought Toi moko to the ship, he was cautious about even showing them to the crew. It is also possible that there was some coercion to give up the head identified through Banks threatening the man with his musket. This again provides some indication of the respect given to the dead. Cook's first voyage provides a number of first-hand accounts of Māori interactions with Europeans; however, they only provide a second-hand interpretation of the Māori perspective when it came to dealing with human remains either in the case of cannibalism or the relinquishing of Toi moko. It has however, provided some insight into Māori beliefs and practices, including aspects of tikanga and tapu, which correlates with other first-hand accounts of Māori views of death and the dead as discussed above. Unfortunately, first-hand written accounts from the Māori perspective are rare if they exist at all during this time, and as such we must rely on accounts given by missionaries, explorers and early settlers, examples of which have been identified above in the explanation and understanding of key Māori concepts.

Some of the most detailed accounts have come from missionaries such as Marsden (Elder 1932), Thomas Kendall (1968), William Colenso (1844), and Reverend Richard Taylor (1868) who spent their time immersed in Māori society. Between Cook's first voyage and the signing of the Treaty of Waitangi in 1840, New Zealand and Māori went thorough great change. During this time period, New Zealand was described as a lawless, savage place (Nicholas 1817; Manning 1906; McNab 1914; Elder 1932; Belich 1996; Darwin 1997; Salmond 2003). Interestingly, the lawlessness involved Europeans rather than Māori (who had their own laws and lore), particularly in places like the Bay of Islands, which was, during the nineteenth century, a major trading port attracting whalers, traders, and convicts who wreaked havoc in the region as well as many other ports throughout the country bringing disease, alcohol, firearms and eventually Christianity (McNab 1914; Elder 1932; Belich 1932). The view that these islands located in the South Pacific were savage, was not only a reflection of the Western worldview at the time, following the signing of the Treaty of Waitangi in 1840 and the confiscation of land that followed, colonization began to tighten its grip on the Māori world. By the end of the 1850s Māori were outnumbered by Pākehā and with the shift in demographics the balance of power also shifted politically, particularly with regard to the acquisition of land (Anderson *et al* 2013: 250). The 1860s and 1870s were, as a result, a turbulent period of war over land between Māori and the Crown (Anderson *et al*

2014: 256). Integrated into the Pākehā world, excluded from voting and marginalised from the political process, Māori, who were by the 1870s seen as a dying race (Stenhouse 1996), began to empower themselves in order to protect their lands, their tūpuna and their identity.

The creation of political institutions by Māori from the end of the 1850s, was a move in the resurgence "to reverse the tides of Māori misfortune" (Durie 2005: 16). The establishment of the Kingitanga[10] in 1858, the Paremata Māori in 1882, and the Young Māori Party in 1897, were all focused on creating more autonomy for Māori, while drawing on tikanga Māori as well as aspects of British culture. These organisations aimed to bring Māori together as a people rather than as separate tribal groups and "sought redress through political processes" (Durie 2005: 16). The Kingitanga saw the advantages in uniting Māori under one nation, and was also very much an asserted display of the demand for autonomy (Anderson 2014: 252). However, eventually the government saw this as a challenge to their authority especially with the government's "objective of acquiring more land for the increasing flow of immigrants" (Durie 2005: 16). The Paremata Māori or Māori Parliament was established as a platform for Māori to govern matters in respect to Māori affairs and was a response to the dual world in which they found themselves living; that of the colonizer and the colonized (Walker 1990: 165). The Paremata was created out of growing "discontent about government land purchases and the Crown's failure to honour the Treaty of Waitangi" (Durie 2005: 18). This call for mana motuhake or independence by Māori was seen by the government as a challenge to their sovereignty and so the government passed the Māori Council Act 1900 which then saw the demise of the Paremata Māori. The Māori Councils Act 1900 gave Māori limited local self-government in no more than 12 districts to establish marae councils or "local elective bodies of Maori within such districts" (The Māori Councils Act 1900: 252–253). The Act placed new rules and regulations over Māori cultural beliefs and society, such as the rule which prohibited the dead from lying in state on the marae for longer that four days, "a radical departure from traditional times when corpses were kept for up to three weeks" (Walker 1990: 174). Marae councils were also required to discourage large scale hui and practices of tōhunga (priest, healer or expert) in regards to sickness and disease which they saw as misguided and superstitious (Walker 1990: 174; The Māori Councils Act 1900: 256). Māori were, however, given the ability to protect and control their own burial grounds under

[10] Māori King movement

section 16.11 of the act which, as we shall see further below as well as in Chapter Five, was not always adhered to by Pākehā scientists.

The Māori Councils Act 1900 was drafted by members of the Young Māori Party, a group of likeminded men, all former students of Te Aute College. The main drivers of this group were Āpirana Ngata, James Carroll, Te Ranghiroa (Peter Buck) and Māui Pōmare who together formed a new generation of Māori leaders, having been educated in the Pākehā way, and all eventually entering the political realm. These young Māori men were "committed to Māori advancement and improvement of spiritual and material conditions" as well as the promotion of Western lifestyles (Durie 2005: 19). This integration into a more Western way of life, however, did not detract from their strong cultural links, including respect for the dead particularly for Hīroa. Ngata formed the Te Aute Association, known as Kotahitanga mo Te Aute in 1897 (Walker 1990: 173), with the aim of improving the health, sanitation, education, work habits and family life of Māori (Durie 2005: 19). These men believed in the notion of assimilation for the betterment and advancement of their people, however for them assimilation did not mean the loss of their Māori identity and culture but the adaption into this new bicultural world. Carroll became minister of native affairs; Pōmare, who graduated in medicine in 1899, was appointed Māori health officer before also entering Parliament in 1911 representing Western Māori; Ngata, who had graduated in law, stepped into the political arena winning the Eastern Māori seat in 1905 while remaining involved in developing legal frameworks concerned with Māori land development; and Te Rangihiroa also entered the political arena and was appointed medical officer to the Department of Health, with a focus on Māori health in particular (Walker 1990: 177–180).

These men were in many respects living in two worlds, a situation where despite their struggles they believed that they were in a position to benefit their people. There is no doubt that by being in two worlds these men were "torn by loyalty to the wellspring of their own culture and connection by occupation to the power-brokers of the colonising culture" (Walker 1990: 180). With regard to Te Rangihiroa, this position in two worlds was perhaps a little easier to navigate given his background. Born the son of an Irish father and a Māori mother who died soon after his birth, in his early life he was nevertheless introduced to Te Ao Māori, though much of his younger years were spent with his father before attending Te Aute College. Following his graduation from medical school at the University of Otago in 1904, he became the medical officer for the Department of Health, before entering Parliament

(Condliffe 1971). In 1914 Te Rangihiroa enlisted with the Pioneer Māori Battalion as medical officer with the rank of lieutenant-colonel. At the end of the war he returned to the health sector becoming the director of Māori hygiene for the Department of Health (Allen 1994: 12). In 1927 he was offered a position as an anthropologist at the Bishop Museum in Hawai'i, as part of a five-year Polynesian research programme (Allan 1994: 12; Ramsden 1954: 22). In 1932 he was a visiting lecturer and later became professor of anthropology at Yale, before returning to the Bishop Museum as the director, a position he would remain in until his death in 1951 (Allan 1994: 12). But it is his time at the University of Otago that is most relevant for this thesis. In his famous 1938 publication *Vikings of the Sunrise* he writes (Buck 1939: 14):

> I remember well when a fellow Maori student and I first entered the taboo precincts of the Medical School and saw at the top of the stairs a notice offering various prices for Maori skulls, pelvis, and complete skeletons. We read it with horror and almost abandoned our quest for western medical knowledge.

Te Rangihiroa was shocked at being confronted with such an advertisement, identifying the remains of his people for sale as medical specimens. He was determined however to see the advancement of his people and so "became a strong and diligent student" dedicating his interest in physical anthropology to the living and despite his interest in the origins of Polynesians "he seems to have completely avoided direct study of their bony remains" (Allan 1994: 13-14).

Te Rangihiroa's move from medicine and physical anthropology to ethnography, museums and academia showed that he found a greater calling in the study of his own Polynesian origins. His contribution to Polynesian ethnography has reached beyond the Pacific with more than 80 publications (Ramsden 1954: 34-37), however it is his PhD which provides clues as to his views regarding the dead. In his thesis *Medicine amongst the Maoris in Ancient and Modern Times* (Buck 1910) Te Rangihiroa identifies that both his Māori and European roots placed him in a position to understand the Māori world regarding medicine, sickness and death. As such, he was in a far better position to present the Māori perspective (Buck 1910: i). He also has a clear understanding of Māori cultural beliefs and practices including the concepts of wairua and tapu, particularly with regard to the importance of burial grounds, burial caves and the consequences of desecrating those spaces (1910: 22-23). The knowledge which he obtained and developed further over time appears in much greater detail

in his publication *The Coming of the Maori* (Hiroa 1958), in which he mentions the mummified remains taken by Reischek in the 1880s (1958: 424–425). Though he never discusses the theft of these tūpuna or the need to return them, it can be assumed that he had some concern or perhaps even a little sadness that they were not home.

Four years prior to Te Rangihiroa's *The Coming of the Maori*, which was originally published in 1949, a group of Māori soldiers from the 28th Māori Battalion were planning to retrieve the tūpuna originally taken by Andreas Reischek in the 1880s. Stationed at Trieste, Italy commander of the battalion Lieutenant Colonel Arapeta Awatere who had read *Yesterdays in Maoriland* was angered that Reischek had stolen so many ancestral remains (King 1981: 161). With Austria defeated he wanted to take a team to Vienna and seize all the "bodies, skulls and other burial remains from the Reischek collection" located at the Imperial Natural History Museum and take them back to New Zealand (King 1981: 161). However, there was some reluctance among the chosen men regarding handling the remains and Awatere was also talked out of carrying out the mission by his seniors (King 1981). The intent to retrieve the ancestors originally taken by Reischek shows the continued cultural and whakapapa (genealogical) connection these soldiers had with the tūpuna held hostage in Vienna.

The knowledge of what he had done was not widely known across the country until an article was published in the *Evening Post* in 1926 (*Evening Post*, 1926), this article shared a portion of the translation of Reischek's time in New Zealand which had been published by his son in 1924 under the title *Sterbende Welt. Zwölf Jahre Forscherleben auf Neuseeland (A Dying World. Twelve Years of an Explorer's life in New Zealand)*. German language student H. E. L. Priday who was studying in Berlin completed the translation and published the book under the name *Yesterdays in Maoriland* in 1930 (Reischek, 1930). The book was widely read in New Zealand by both Māori and Pākehā and their feelings about his exploits did not come to light until 15 years later (King 1981). Following the attempt by the 28th Māori Battalion, two petitions were presented to the New Zealand Parliament in 1945 and 1946, seeking the return of "37 Maori skulls and a number of mummified Maori bodies" and expressed that this "Ghoulish act was a serious betrayal of trust by the Naturalist Reischek which caused deep grievance to the late Maori King, Chiefs and the Maori people" (Otene, 1945; Te Huia, 1946). It was requested that, because Vienna had fallen, steps be taken "to have restitution made on behalf of the Maori people by taking steps to have the whole of the Collection

herein referred to return to the Dominion of New Zealand" (Otene, 1945; Te Huia, 1946). The first petition was signed by 11 Māori from Taupō and elsewhere identifying that it was not just Māori from the King Country who were angered by the theft of the ancestral remains and blatant disregard for Māori beliefs. The reply was not favourable especially considering that no members of the Kāwhia iwi had taken any action. The second petition came from the King Country and was signed by Raureti Te Huia and 23 Waikato chiefs, the petition was essentially the same as the first with the addition of support for the first petition. After much discussion the government decided that it was not possible to take the matter any further due to the remains not being connected to the war (O'Hara 2011: 8).

In 1955 a further request was put forward but this time it was directly to Reischek's son, Andreas Reischek Jr. George Kiwi Howe who had whakapapa ties to Kāwhia and was a descendant of Tūpāhau, who had been identified as one of the mummified tūpuna in question, corresponded with Reischek Jr in an effort to get the Kāwhia mummies returned (O'Hara 2011: 9). He knew that the son had no power or influence in enabling the mummies to be returned, however, he explained to him that returning them would "remove the blot on the family escutcheon and rehabilitate the name of Reischek in the eyes of Maori" (King 1981: 166). There was some investigation into this by Austrian officials but still no action was taken. Nine years later in 1964 another attempt was made by Rigby Allen, then director of the Taranaki Museum, with no results. Then in 1972 Robert Muldoon made another attempt approaching the Ministry of Foreign Affairs and asked that they investigate whether New Zealand might have a case for the return of the collection under the United Nations Resolution 3187[11] (King 1981: 167). And so, the request was put to Austria once more. After many meetings it was finally agreed that only the adult mummy would be returned to an appropriate person or relative; something could be given in exchange; and New Zealand would not make any further claims to the Reischek collection. It was suggested that the Māori Queen Dame Te Atairangikaahu was the most suitable person to receive the remains given that she had a planned visit to Vienna in July of 1975 (King, 1981: 171). It is unclear exactly why the transaction did not take place, but the Māori Queen did urge that the government or the immediate descendants should take up the issue and requested that her involvement in the matter be closed. In a change of heart Dame Te Atairangikaahu agreed to be involved

[11] This resolution looked at the taking of cultural objects back to the "mother land" during the colonial period and the cultural demand to have those objects returned.

provided there was minimal publicity, and in May 1985 the remains of the chief Tūpāhau were returned home to the King Country, accompanied by Dr Hanns Peter Director of the Museum für Volkerkunde, and they were buried at Taupiri (O'Hara 2011: 10).

Discussion

In order to understand the importance of repatriation for Māori, it is essential to comprehend Māori cultural beliefs and practices relating to the dead, death and the afterlife. Concepts such as tikanga, tapu, mana, wairua, and whakapapa demonstrate the relationships between the living, the dead and the land. By realising the importance of tikanga particularly with regard to the burial of the dead, and the importance held in burial within one's spiritual homeland, both in the past and even today, it is understandable why Māori have been so proactive in seeking the return of their tūpuna. The concepts of tapu, mana and wairua reveal further insights relating to relationships with space in both the physical and the spiritual worlds, the past and the present, the living and the dead, and the interwoven connections between them all. Understanding the tapu of the dead and associated burial places or wāhi tapu, explains why retaliation for desecration was in some instances violent, as described by Hika to the Marsden (Elder 1832: 162). The restoring of mana to those removed from their burial placed or traded by their enemy is one of the most important aspect of repatriation for me and others involved in this work. Enabling the wairua or spirit of the person, the tūpuna, to finally rest upon their return home to the whenua, renews the connections between the dead and the land, and strengthens the connection with the living. This connection is also linked strongly to whakapapa, which for Māori is essential in linking people with place.

By understanding these concepts and their interconnectedness it is easier to comprehend the reactions and interactions which have taken place since Cook's voyage in 1769, and why Māori have been so active in reclaiming their dead, their land, and their identity. The work of men such as Ngata and Te Rangihiroa in a period where Māori were engaged in resistance to the loss of land, autonomy, and sovereignty, enabled them and others of their generation to work towards advancing and improving Māori society spiritually and physically without the need to sacrifice their cultural beliefs and practices, particularly with regard to the dead. The series of requests which spanned over 40 years illustrates Māori determination to have the remains, taken by Reischek, returned home and how they did what they could to accomplish this, whether they be a group of Māori soldiers wanting to travel to Vienna on a mission to bring back the remains, a petition to the government to seek restitution, or the work of the

New Zealand government in partnership with the late Māori Queen Dame Te Atairangikaahu. The example of the tūpuna stolen by Reischek alone shows how important tūpuna are to Māori communities.

6. A History of the Repatriation Movement in New Zealand

> *"There can be little, if any, dissent from the proposition that the sale and purchase of human Remains for gain and for the purposes of curiosity is abhorrent to New Zealanders and, I hope, to any civilized person. There is a macabre circumstance to the proposed transaction [sale at auction] which has some of the attributes of necrophily"* (Justice Greig, 19th May 1988).

In the previous chapter I explored some of the Māori cultural beliefs and practices relating to the dead, death, and the afterlife and the importance of their relationships with the living. Because many of these Māori worldviews are part of cultural practice today, understanding these concepts within iwi, hapū and whānau contexts, enables an empathetic view as to why the act of returning tūpuna home and back to the whenua is so important, despite the influence of colonisation. This previous chapter also explored Māori involvement in the international repatriation movement with the return in Tūpāhau from Austria in 1985 with the support of the late Māori Queen and the New Zealand Government.

This chapter follows the previous discourse, examines the development and current practice of repatriation in Aotearoa New Zealand and discusses the creation of the Karanga Aotearoa Repatriation Programme. This chapter also explores community, individual and my own personal experiences of repatriation, in order to answer the main questions in this thesis, 'what are Māori perspectives of repatriation?' and 'why is it significant for Māori ancestral remains to be returned to descendant communities?'

Development of Repatriation Movement in New Zealand

Sir Graham Latimer and the Repatriation of Tupuna Māori

Following the success of the first international repatriation from the Imperial Natural History Museum in Vienna, Austria, in 1985, the next international repatriation took place three years later and this time involved an English auction house. In 1988 Ngāpuhi leader Sir Graham Latimer became the legal guardian of Tūpuna Māori, the name given to a Māori warrior who had been preserved sometime prior to 1820 and had been in the possession of the Weller-Poley family since the time he was traded, probably from the Bay of Islands, and who was now up for auction in London (Harrison 2002: 138–139). This auction caused a great outcry not only by Māori but also other indigenous peoples, including those in Australia and Canada, and a small but vocal organisation in England called Survival International (Survival

International 1988: 3; Harrison 2002: 130–131). Pressure to remove the tūpuna from auction had been placed on the auction house and the Weller-Poley family was, however, to no avail. The New Zealand Department of Māori Affairs as well as the National Museum Council, of which Latimer was a member, had no power to stop the auction. Latimer, who was also the president of the New Zealand Māori Council at the time, notes, "We were in a hard place. The Council didn't have any money to buy back the head. Anyway, we were completely against the idea of buying back something that was ours, something human. Our view was that the auction was a degrading and deeply offensive desecration" (Harrison 2002: 131). The decision was then made to seek a legal injunction against the sale of Tūpuna Māori.

The Department of Māori Affairs helped prepare a request to the High Court in New Zealand to entrust the president of the New Zealand Māori Council with the role of administrator "in respect of the deceased whose head is now in the possession of Bonhams Auctioneers of London for auction on 20 May 1988" (High Court of New Zealand 1988: 1). What Latimer was in effect asking the court was to be made the legal guardian of Tupuna Māori, "for the limited purpose of according the deceased a proper burial according to Maori law and custom and to prevent as far as possible further indignity being visited upon him" (1988: 1). This was strongly supported by lawyers, public servants and academics throughout New Zealand. In order to gain this legal status Latimer had to prove that Tūpuna Māori was in actual fact a person; that he had no living relatives; no will; and no assets or debt (1988: 3). Latimer also had to prove that he was a suitable applicant to be given the role. Given his position as the president of the New Zealand Māori Council and the fact that the council itself had the "statutory obligation to protect and promote the interests of all Maori, and of Maori cultural traditions, which included the right to a proper burial", Latimer believed that he was more than suitable for the role (High Court of New Zealand 1988: 3; Harrison 2002: 132).

According to well-known academic Dr Joan Metge, Latimer stressed to her that "the Mokomokai is a person and must be accorded all the loving care and rituals that every deceased person is entitled to" (2002: 133). It was strongly believed that without a proper burial his soul would continue to wander. One day, before the auction was set to take place the application for administration was heard. The application was granted and the action was stopped. Tūpuna Māori was, however, retained by the Weller-Poley family but prevented from ever being displayed, as ordered by the High Court of Justice Chancery Division in England (High Court of Justice 1988: 1). Over a six-week period, further negotiations took

place in order to bring Tūpuna Māori home to New Zealand so that he could finally be buried. Latimer had to travel to London at his own expense to uplift the tūpuna in a ceremony which involved the gifting of a mere pounamu (green stome club) to the Weller-Poley family. For Latimer, there was a strong sense of connection with Tūpuna Māori. He recalls, "I can't prove that he came from Tai Tokerau that he was Ngāpuhi, but I felt for him. I had an inner feeling that I wasn't treating the head as a stranger. There was a spiritual acknowledgement" (2002: 139). Latimer took this tūpuna and buried him on the Karikari Peninsula in a wāhi tapu overlooking Doubtless Bay, where he remains to this day. The case of Tūpuna Māori illustrates the desire of not only one man but also the New Zealand Māori Council who supported and advocated for the interests of all Māori, to restore the mana and dignity of this tūpuna. To go so far as to incite a court order to prevent this tūpuna from being sold as a mere curiosity, is further evidence that shows the importance and respect Māori hold for their ancestors. Latimer identified with the Toi moko: there was a spiritual as well as whakapapa connection. Tūpuna Māori belonged back in Aotearoa, with his people so that he might be laid to rest, something he was not afforded following his death in the 1820s. Latimer felt it was his duty and right as a Ngāpuhi leader and Māori to bring this tūpuna home.

Ngāti Hau and the repatriation of Hohepa Te Umuroa

That same year six kaumātua (elders) from Ngāti Hau, a hapū of Te Ati Haunui-a-Paparangi iwi from the Whanganui River, travelled to Tasmania to repatriate their rangatira (chief) Hohepa Te Umuroa from Maria Island. This came after three years of negotiations between the New Zealand and Australian governments, as well as Whanganui iwi who requested Tasmanian Premier Robin Gray to "release the sacred remains of our honoured ancestor" (Sinclair 2002: 184). Finally, agreement to repatriate Te Umuroa was granted on the condition that the operation was undertaken at the expense of the New Zealand or Commonwealth governments including the excavation, conservation and curation of any artefacts or remains (2002: 185). A political prisoner, Te Umuroa was sent to Hobart in October 1846, following an attack on Boulcott's farm in the Hutt Valley by Ngāti Toarangatira and Māori from Whanganui in May of that year (Wilkie 1990: 1). He, along with six other Whanganui Māori, was captured in the hills of Pauatahanui in August (Wellington Independent 1846: 2). They were later convicted of "rebellion against the Queen" and sentenced to be "transported as Felons for the Term of their Natural lives" (Wilkie 1990:1). Te Umuroa died of tuberculosis in July 1847 and was buried in a public

cemetery on Maria Island, and a headstone was placed over his grave by an anonymous benefactor (2012: 1). Following his return, he was buried at Roma Cemetery in Hiruharama, up the Whanganui River (Wilkie 1990: 1). Karen Sinclair writes, "when Te Umuroa was buried, there was great ceremony, as all the Whanganui people seemed to recognize the importance of what had been accomplished. In the rain, his body was borne with precision and ceremony to his final resting place. Women, wreathed in leaves to signify mourning, recited his genealogy and in doing so bound him once and for all to the people of Whanganui (2002: 191).

Māui Pōmare and the National Museum

A more organised approach to returning Māori ancestral remains from overseas began with Māui Ormond Woodbine Pōmare (1941-1995), whose father (Sir Māui Pōmare) was a friend and colleague of Te Rangihiroa. Pōmare was at the time chair of the National Museum Council. During a Winston Churchill Fellowship in England and North America in 1980, Pōmare, whose research was focused on pre-contact taonga Māori including Toi moko, became aware that there was a lack of precedent in repatriating "notable cultural material to New Zealand" (Pōmare 1993: 1). He was also very aware that Māori ancestral remains, be they kōiwi or Toi moko, should not be categorised as taonga or artefacts, but should instead be "treated in a special sensitive manner appropriate for human remains" (1993; 1). A specific human remains policy was then developed by the National Museum in 1987–1988 to support Pōmare's view and also to support repatriation. During this early period, Pōmare was involved in the return of approximately 30 tūpuna (kōiwi tangata and Toi moko), including the scoping, meetings with institutions and the physical returns back to Aotearoa New Zealand from the United Kingdom. Pōmare was well aware of the cultural and historical importance of Toi moko for Māori and made every effort to aid in the return of as many as he could during the 1990s including repatriations from institutions such as Marlborough College in Wiltshire and the National Museum of Ireland.

Following the success in returning several tūpuna home, Pōmare was set the task of creating registers for both Toi moko and kōiwi tangata located within the National Museum. Coupled with his formation of the Kōiwi Tangata Policy, Pōmare began ground work for the development of a formalised repatriation programme. The highly publicised work carried out by Latimer, the return of Te Umuroa from Tasmania, and the work of Pōmare and others

under the umbrella of the National Museum during the 1980s and 1990s brought the issue of repatriation to the forefront of both Māori and non-Māori knowledge.

Dalvanius Prime and the Mokomokai Education Trust

Following the death of Pōmare in 1995, the late Dalvanius Prime continued the work which his dear friend had started. In 1997 he set up the Mokomokai Education Trust and gave lectures on repatriation work beginning with his request for the return of the Robley collection which was held at the American Museum of Natural History in New York. Negotiations began as early as 1998 when Prime travelled to the United States on a combined musical tour and research trip. While there, he met with museum personnel and was interviewed by the Associated Press regarding his trip to New York and his repeated visits to the museum to request the return of the Toi moko (Associated Press 1998). In 2000, Prime travelled to Tasmania to retrieve the head of a European, said to have been a relative, who had been tattooed and preserved (*Whanganui Chronicle* 2000). He was also involved in early negotiations with the South Australian Museum in Adelaide (Karanga Aotearoa Repatriation Programme 2000: 1) and the Bishop Museum in Hawai'i (Karanga Aotearoa Repatriation Programme 2002: 1).

Along with staunch opposition to the taking of Māori land from the 1960s, including protests over Bastion Point, and the concerns over Māori education and the negative statistics involving Māori youth in the 1970s (Walker 1990: 208), the rescuing of their tūpuna from the clutches of the colonizers was just one more fight worth fighting. This battle of resistance, and protest which had been taking place for well over 100 years, was about identity, whakapapa, and the reclaiming of rangatiratanga. For the return of tūpuna especially, these three concepts were of great significance, as they are central to connecting the present with the past which in turn frames the future, as has been discussed in the previous chapter and will be explored further here.

The Role of Te Papa in the Repatriation Movement

The role of Te Papa in the repatriation movement began, when in its previous form as the National Museum, through the work of the late Māui Pōmare in the late 1980s. As noted above Pōmare's work was instrumental in developing repatriation internationally, developing the Kōiwi Tangata Policy within the museum and ensuring that a wāhi tapu was created to

respectfully house tūpuna. It was, however, his earlier work on the international exhibition *Te Māori* from 1984 to 1986, which demonstrated to the world, that Māori were very much connected to their past, their ancestors and their taonga.

Te Māori

Te Māori had a huge influence on repatriation, specifically for iwi Māori. With its origins in the 1970s, this world-acclaimed exhibition was developed at a time when Māori were concerned with reconnecting a generation of urban-raised youth back to their marae (McCarthy 2011: 58). In 1981, the New Zealand Government approved in principle "a major Maori Art Exhibition" to be held in the United States (Te Māori Management Committee 1988: 3) This decision was followed by the development of an inter-departmental management committee, including a Māori subcommittee which was responsible for ensuring that "Maoridom had a voice in all operations of the exhibition from the time of approval and agreement of the exhibition to the time of return" (1988: 16). For Pōmare, in his role as chairman of the National Museum Council, the *Te Māori* exhibition and the taonga within it was an opportunity for Māori to secure their future development (McCarthy 2011: 59). An exhibition of this type was new for museums in New Zealand and overseas, as the many iwi whose taonga were to be included insisted that they "take part in the ceremonies planned for the exhibition" (Te Māori Management Committee 1988: 22). This included kaumātua for the openings and closings of each of the four United States museums, cultural performers, carvers and weavers (1988: 25). Māori felt a sense of empowerment and spiritual as well as cultural ownership of the taonga in *Te Māori* and ensured that iwi Māori were consulted and involved. Hirini Moko Mead, who was closely involved in the exhibition, wrote in the New York exhibition catalogue that *Te Māori* was an expression of 'mana Māori' (Mead 1984: 32) which was reflected in Māori presence and participation. *Te Māori* showed the world and New Zealand that these taonga were not separate from the people with whom they were associated; that Māori was a living culture and the taonga did not represent a people no long present. The New Zealand version of the exhibition catalogue published in 1986 reflected this view: "They are the faces of the old world; the links of the old world to this world; and the signposts from this world to the world which stands before us" (Auckland City Art Gallery/ New Zealand Te Maori Management Committee 1986: 6). For repatriation *Te Māori* was instrumental in highlighting the importance of the connections between the past: with ancestors and with the present (Karanga Aotearoa Repatriation Programme 2005b: 1). The

exhibition expressed the "desire for greater Māori control over their own resources" and "provided the vehicle for those who were advocating Māori control over their own heritage resources, including taonga Māori in museums, to promote their cause" (Butts 2003: 84).

From National Museum to Te Papa Tongarewa

Te Māori not only changed the way people thought about the past (taonga and ancestors) and its connection with the present (living Māori communities), but it also changed museum practice, particularly at the National Museum (Anderson *et al* 2014: 444). The exhibition demonstrated that Māori had a right to engage with and speak for taonga, and revealed the importance of biculturalism within museum practice (Anderson *et al* 2014: 444; Hakiwai 2014: 14). Hakiwai provides an excellent explanation of the impact on the museum sector, "The *Te Māori* exhibition was a defining moment for the museum sector as it questioned museum-iwi relationships and issues around interpretation, governance, power and control" (Hakiwai 2014: 68). This reclamation of control and governance included within museums the care and future of tūpuna.

Through Pōmare's early work and the development of policy within the National Museum, over 30 tūpuna were repatriated. The first repatriation that the National Museum was involved in was from the Australian Museum in Sydney in 1989. According to a letter from Pōmare to Dr Des Griffin of the Australian Museum, it appears that the repatriation took place prior to the opening in Sydney of the exhibition *Taonga Māori*. There was the "desire to avoid any conflict" that may be caused by continuing to hold Māori human remains during the exhibition. Pōmare notes, "In the past the handling of human remains and particularly the display of Maori material has not been as contentious as it is now" (Pōmare 1989: 1). This change in attitude was likely a result of the *Te Māori* exhibition a few years prior. Pōmare requested that the Australian Museum Board give "special consideration to the return of the tattooed Maori heads" in the museum's collection as the "possibility of them attracting attention is a reality especially since they are not held in a prepared vault in the National Museum of New Zealand. It would be politically and sensitively appropriate to return these heads before the commencement of the exhibition" (1989:1). It is possible that the decision by the Australian Museum to return the three Toi moko to New Zealand was due to the desire to have the exhibition at their institution. Regardless of the reasons, the repatriation took place and the three tūpuna were returned to New Zealand and placed in the newly established

wāhi tapu, which was opened on 7 February 1989. Following this first repatriation, a further five took place from museums the following year in Australia, England, Ireland and Sweden.

Repatriation continued with the newly opened Museum of New Zealand Te Papa Tongarewa and its new museological framework of biculturalism, which was a direct result of the influence of *Te Maori* (Hakiwai 2014: 74). Since 1989 the National Museum and Te Papa combined have been involved in over 100 repatriations from at least 92 institutions, individuals or other organisations in 17 countries. As seen from Table 1 below, 72.9 per cent of the returns have come from museums, with 19.5 per cent from universities, including university museums; and 7.6 per cent coming from private collectors and other organisations.

The National Museum also began returning kōiwi tangata back to iwi from 1996 with repatriations back to Ngāi Tai and Ngāi Tahu (Karanga Aotearoa Repatriation Programme website 2018).

TABLE 1: TOTAL NUMBER OF INSTITUTIONS WHICH HAVE REPATRIATED ANCESTRAL REMAINS BACK TO NEW ZEALAND ARRANGED BY COUNTRY AS AT 2017.

Country	Total No.	Museums	Universities[12]	Other
Argentina	1	1		
Australia	14	8	4	2
Austria	1	1		
Canada	5	3	2	
Denmark	1	1		
England	22	15	4	3
France	11	10	1	
Germany	3	3		
Guernsey	1	1		
Ireland	4	2	2	
Netherlands	1	1		
Norway	2	1	1	
Scotland	5	4	1	
Sweden	6	5	1	
Switzerland	3	2	1	
United States of America	10	7	1	2

[12] Includes university museums.

Wales	2	2		
TOTAL	**92**	**67**	**18**	**7**

Creation of the Karanga Aotearoa Repatriation Programme

Following the creation of the Waitangi Tribunal in 1975, which forced the government to acknowledge the agreement made 135 years prior, Māori were in a position to begin formalising the repatriation process, at an international level at least. From the late 1990s the government (including the Ministry for Māori Affairs) had decided that they should no longer work in the background, as they had done in the case of Latimer and Pōmare's earlier work, but work more proactively with other institutions to facilitate the return of tūpuna from overseas (Karanga Aotearoa Repatriation Programme 2003). Soon after, two wānanga (seminar, conference) were held, the first in 1998 was organised by Te Papa with a focus on the care and management of Māori and Moriori ancestral remains held at Te Papa. The important points to come out of this wānanga were that: Māori and Moriori needed to be involved in the repatriation process; an organisation needed to be appointed to lead the repatriation process; the development of management practices needed to be developed through iwi consultation and according to tikanga Māori; and there should be an interim repository for all unprovenanced remains (KARP 2005a: 1). As a result, the government directed Te Puni Kōkiri (The Ministry for Māori Affairs) to prepare a comprehensive report outlining all the policy issues regarding repatriation for the government to consider (Karanga Aotearoa Repatriation Programme 2003: 2) The second wānanga took place the following year in May 1999 and was hosted by Te Puni Kōkiri and included iwi representatives. A wānanga the following year reinforced the sentiments recorded previously and also identified further issues for consideration: iwi were to determine the final resting place for all tūpuna; Te Papa was identified by Māori participants as being the appropriate organisation to undertake the work; Māori must be involved in the work relating to repatriation; and the government's role in repatriation should be one of facilitation only (Cabinet Office 2003: 3; KARP 2005a: 1). The main aim of the wānanga was to obtain a "general Māori view on the objectives and protocols for repatriation before formal policy decisions were taken" (Cabinet Office 2003: 1). This wānanga confirmed that the return of Māori ancestral remains from overseas institutions was a significant issue for Māori "who regard koiwi as a taonga protected under the Treaty of Waitangi" (Cabinet office 2003: 2). In May 2003 the government finally released a cabinet paper seeking support to mandate Te Papa to become the crown agent to undertake international repatriations in order to return Māori ancestral remains, taking into consideration the museum's involvement in repatriation since the mid-

1980s (2003:1). Following a discussion and the preparation of a detailed programme for repatriation, the Cabinet Policy Committee agreed to mandate Te Papa and approved the repatriation policy. As part of the agreement the government stipulated six principles for the Karanga Aotearoa Repatriation Programme (KARP 2005b: 2):

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.

Soon after the establishment of the mandate, the Karanga Aotearoa Repatriation Programme was born and an advisory panel was appointed to provide "external advice and knowledge to the team" (KARP 2005a: 2). The Repatriation Advisory Panel consists of eight well respected and high profile kaumātua and advisory experts all of Māori or Moriori descent, and since 2009 the members of the repatriation programme itself have also all been of Māori descent. Māori have worked hard since the 1940s to make the importance of repatriation known not only to the New Zealand Government but to the world, and have taken it upon themselves to bring their ancestors home, at times at their own expense. After over 50 years of making their views and actions known their dedication in this work had paid off with the establishment of the Karanga Aotearoa Repatriation Programme. The work the programme has carried out since 2003, as well the work undertaken by the National Museum from the mid-1980s, has resulted in the return of over 500 ancestral remains and the return of over 120 tūpuna to descendant communities (Aranui and Herewini 2016).

Discussion

The repatriation movement in New Zealand is a result of the actions of Māori individuals, iwi, and organisations representing the wider Māori population, including government agencies—but Māori nonetheless. Through the actions of Māori such as Māui Pōmare,

museums became involved in the repatriation movement at a time where the museums sector was also going through changes as a result of the reclamation of cultural heritage by Māori through the *Te Māori* exhibition in the mid-1980s. The National Museum, through Pōmare's work, actively begun to seek the return of tūpuna Māori from overseas institutions and the return of tūpuna back to iwi. With the bicultural transformation of the National Museum into the Museum of New Zealand Te Papa Tongarewa in 1998, repatriations became more prominent and focused, particularly with the creation of the Karanga Aotearoa Repatriation Programme in 2003. Other museums in New Zealand joined in the repatriation movement including the Auckland Museum, Whanganui Museum and the Tairāwhiti Museum in Gisborne as was discussed in Chapter Four.

The important point to be noted here is that the repatriation movement in Aotearoa New Zealand was started by Māori, developed by Māori, (with the assistance of non-Māori and the New Zealand Government), and is now led by Māori through the Karanga Aotearoa Repatriation Programme. This is a movement that began at the height of the Māori renaissance, which was a time where Māori were asserting their authority over their lands, culture and identity. Repatriation was just one of the ways in which Māori were reclaiming and asserting their tino rangatiratanga, by asserting their right to determine the future of their ancestral remains.

7. Māori Responses to Collection, Research, and Return

> *"There are 35 generations between me and Aunty, I know that because my father told me that. And so science say's 'yes that's right your DNA connects you to these people', well you know, we already knew that"* (Judith MacDonald, in *Artefact* 2018).

To understand why the theft of ancestral remains and their use for Western scientific research is a significant issue for Māori, we need to consider the effects on the past as well as on present-day communities and their experiences of repatriation. One important aspect of repatriation is dealing with the actions of the past and the effects this has had on the present not only for Māori, but also for indigenous peoples throughout the world. The knowledge I have gained through investigating the circumstances in which tūpuna were stolen to become specimens of science or curiosities in cabinets of the wealthy, has led me to feel immense sadness for all of the human remains who now sit in a box on a shelf exposed to research and testing, poking and prodding, and destruction in the name of science and knowledge.

While the previous chapter looked at the motivations and development of the repatriation movement in Aotearoa New Zealand, this chapter examines the reasons why repatriation is important for those involved in repatriation, either through involvement in the repatriation movement itself or through having their tūpuna returned to them. I also explore how those who have not been part of the repatriation process view the importance of returning ancestors home.

Māori Reactions to Collecting and the Pursuit of Western Science

Most if not all of the ancestral remains collected and studied in the name of science in the eighteenth and nineteenth centuries were taken without the knowledge, permission, or even consideration of the communities to which they belonged. This has been shown through the correspondence and publications of those collectors identified in previous chapters (e.g. Hochstetter 1867; Cheeseman 1885; Honore 1913). Ancestors are an important part of Māori culture and society both in the past and today, as they strengthen the connection to place and to the living through whakapapa. It does not matter how long ago the ancestors died or that their names may have been long forgotten; they are part of the living, and the living are descended from them, this is an unbroken connection. The dead were, and in many cases still

are, buried by Māori within iwi and hapū boundaries to retain that connection. Events captured in the historic record and more recent repatriation claims nationally and internationally, demonstrate the importance of these connections to tūpuna for Māori. The actions of eighteenth- and nineteenth-century collectors went against the Māori concept of tapu and, therefore, what was considered acceptable by scientific standards was in direct contradiction to Māori values.

There are a few known examples where the theft of human remains was known, or at least suspected, by Māori and as a result many burial caves were emptied and the remains placed in more secure locations (Carruth 1878; King 1981). But overall, Māori were largely unaware that their ancestors' remains were being taken, and many iwi have only become aware of their losses when contacted by the Karanga Aotearoa Repatriation Programme (KARP) or other New Zealand museums to inform them of ancestral remains in their collections. This comes as a shock for many, especially knowing that remains are being returned from overseas institutions, as will be discussed further below. Mostcommunities are adamant that being traded, studied, and taken from their resting places is not what their ancestors would have wanted.

This thesis has shown that Māori reactions during the time of the theft of tūpuna has not been passive. Correspondence from Cheeseman (Cheeseman 1885: 285) and R. W. Bell (1920: 1) for example, identify the active protection of burial places by local Māori. Hochstetter (1867: 329) and Reischek (1952: 170) acknowledge the view that burial places were under strict tapu and not to be entered. Both Reischek (1952: 63, 66) in the nineteenth century and Honore (1913: 1) in the twentieth century reveal that negative and even violent reactions were a consequence of desecrating burials. The reactions by Māori, specifically regarding the theft of ancestral remains by Reischek, continued into the twentieth century with the desire to rescue all the tūpuna housed in the Imperial Natural History Museum in Vienna (King 1981), and were followed by the petitions to the New Zealand Government to have the tūpuna returned (Otene 1945; Te Huia 1946). It was also during this time that ancestral remains were being removed from Wairau Bar despite protests from Rangitāne which continued into the twenty-first century.

The interviews I conducted (Nesus 2016; Pierson 2016; Lardelli 2016, Twomey 2016; Barber 2016; Hirini 2016; Mohi 2016; Moke 2016) reveal that this part of New Zealand's history is not widely known and as a result many assumptions are made. Rose Mohi of Ngāti

Kahungunu also feels that this aspect of our history needs to be more widely known, "it needs to be accepted so we are able to move on" (Mohi 2016: 3).

Māori Perspectives on Scientific Research

This thesis has provided an array of Māori perspectives regarding scientific research of Māori ancestral remains. These vary from the perspective of Linda Tuhiwai Smith who finds the thought of early scientists using millet seed to measure "our 'faculties" offensive (Smith 2012: 1), to support for allowing research to be undertaken on tūpuna excavated from archaeological contexts or in museums collections (McFadgen 1976; Houghton 1980; George 2013), or to iwi partnership with universities to learn more about their tūpuna (von Wel 2010; Hayes 2012; Mutch 2013). The main issue today, with regard to scientific research, appears to be linked to consent. This was a particular issue associated with the research undertaken by George (2013). In order to undertake research in New Zealand on Māori ancestral remains, from either an archaeological or museum context, consultation and consent must be obtained from the iwi, hapū or whānau associated with the remains. Unfortunately, with regard to ancestral remains held in overseas collections, consultation and consent are not mandatory. During my interview with secondary school teacher Simon Hirini, he made the following statement regarding the requirement for consultation and consent from iwi Māori, "A Pākehā scientist on the other side of the world who has had no contact with Māori can be forgiven for his ignorance. A Pākehā New Zealand scientist who has grown up in this country has a harder job excusing that ignorance" (Hirini 2016: 7). I find this to be a very interesting statement and one with which I fully concur. The removal of over 50 tūpuna, by the Canterbury Museum, from Wairau Bar from the 1940s under pretences of scientific research, and the subsequent battle to have them returned is, I believe, worth discussing within the context of Hirini's statement.

It has always been maintained by the Rangitāne that Wairau Bar was plundered against their wishes (Armstrong 2009: 3). Interestingly, according to historian David Armstrong at some time between 1939 and 1964 the New Zealand Government adopted the view that "Wairau Bar was first and foremost an archaeological site. The interests of archaeology, not those of Rangitāne, were in the forefront of the Crown's thinking" (2009: 18). The importance of the area as an archaeological site was due to the taonga, moa bones, and moa eggs that were found with many of the burials, which indicate that the people buried there were perhaps a very early population in New Zealand, therefore making this potentially an initial settlement

site. The issues between archaeologists and iwi were due to the known arrival of Rangitāne to the area in the sixteenth century, whereas the burials were believed to have been much earlier. Therefore, from a scientific perspective it appeared that Rangitāne were not the descendants of those buried there. To add to this there are conflicting accounts relating to early consultation with iwi, which Rangitāne are adamant never took place.

Rangitāne reactions to the theft and return of tūpuna

It is important to further explore the reactions of the descendant community Rangitāne o Wairau to the theft of their tūpuna, the belief of the archaeologist Duff that the tūpuna were not their ancestors, and the refusal by the Canterbury Museum to return the tūpuna based on their scientific significance. These actions by the museum removed any power, control and even kaitiakitanga status that Rangitāne o Wairau had over the tūpuna and the land in which they had been buried. However, in an interesting twist of fate it was science in the end that proved the claims of whakapapa, mana and kaitiakitanga to the tūpuna and the whenua, something which Rangitāne o Wairau had stated all along. Herein lies the first discrepancy, if Rangitāne were not the descendants of these tūpuna then why was there said to be some form of consultation? In 1947, Rangitāne kaumātua Peter MacDonald was interviewed by the *Marlborough Express* and notes that Rangitāne resented the desecration of their scared burial grounds. They were also concerned that their more immediate ancestors who were buried in the vicinity could be desecrated as well (Armstrong 2009: 47). Two weeks after the appearance of the article MacDonald published his own account in the *Express* detailing Rangitāne's arrival in the Wairau area. He notes that the occupation of the region was "more by intermarriage than by force of arms" and acknowledges prior iwi, Ngāti Mamoe, who had also conquered and taken over control of the area through a similar process of assimilation with the Waitaha and Rapuwai tribes (2009: 48). Rangitāne had a duty to protect the urupā and the tūpuna which once lay with in it. This article must have been interpreted as questioning the authority of Duff at the Canterbury Museum, who had carried out the excavations at the site. Duff wrote to MacDonald defending his actions and claiming that he, not MacDonald, knew the history of the site.

> I know and you do not. We have not been digging in an urupa; we have been digging in a large kainga… they buried their dead near their houses. What Maori ever did that? No one as you know and we all know….Sir, the people of that camp have vanished like the moa, they have no descendants to tangi over their bones. You say

> that Rangitane were also buried there. I do not say you lie, but I say I have not seen them" (Duff in Armstrong 2009:50).

MacDonald replied saying that he had,

> come to the conclusion that you are endeavouring to justify your actions of sacrilege and desecration of hallowed ground…made sacred by human beings who have long since passed over, and to add insult to injury you now try to dictate Maori history regarding my people and me" (2009: 51).

If Duff believed what he wrote to MacDonald was true, why did Duff go to such lengths to remove the remains from the site and deceive Rangitāne about what was going on? Was it for reasons relating to possession and ownership of this part of New Zealand history? I believe that this was at least one of his motivations, given the success of his publications (Duff 1947; 1955), the amount of media coverage, and the significance given to the story of Wairau Bar still present in the Canterbury Museum even today. In reality, we may never truly know. However, research carried out by Armstrong (2009) has brought to light first-hand information from Duff's field notebooks and letters which allude to Duff wanting to prevent Rangitāne from asserting any connection to the site. Duff notes in his field book in February 1945 that there was "strong evidence for the continuous occupation of the site since Moa Hunter times by Rangitane" (Duff in Armstrong 2009:32).

It seems Duff was concerned about what the evidence was telling him about the history of the site over time, and the possibility that Māori could become involved and prevent further excavation of the site if this was to become public knowledge. There was a clear difference of opinion on who held the knowledge, and this ethnocentric view which I believe was held by Duff, whether consciously or not, caused immense trauma to Rangitāne from the time of initial excavation until the tūpuna were returned in 2009. Rangitāne nevertheless continued to oppose the removal of the burials and to campaign for their return.

There was no real movement in this regard until 2003 when, during the Waitangi Tribunal's Te Tau Ihu Inquiry with which Rangitāne were involved, it was confirmed that the removal of the tūpuna from Wairau Bar was an important element of Rangitāne's claims against the Crown. It was also claimed that the Crown breached the Treaty by not protecting the urupā. According to Armstrong (2009: 91), the Crown decided that the kōiwi should be returned, however nothing was put into writing until 2008. Thankfully Ngāi Tahu, an iwi who also had

an historic interest in the Wairau region, supported this stance and wrote to the Canterbury Museum to inform them that as "Rangitāne hold mana whenua over the urupa from which the kōiwi were removed" they supported their proposal for repatriation. It was also made clear that Ngāi Tahu "considers repatriation to be a cultural imperative for iwi Māori, as it represents the restoration of an incomparable kaitiaki relationship" (2009: 97). Bradley, a member of Rangitāne, noted once the decision was finally made to return the tūpuna, "it is immensely pleasing to have reached an agreement that will see our tupuna return to their ancient resting place" (*Marlborough Express* 2008). Judith MacDonald also of Rangitāne said "I feel privileged to be part of the generation that finally sees the fruition of six decades of negotiating their return" (Connell 2009a). With regard to her connection to the tūpuna MacDonald makes the heartfelt statement, "we married in, we whakapapa to them, so the genealogy in terms of Maori descent has not faltered. We are the same people. And it has been a dream of past generations to ensure those original people are buried back in the ground with love and tears by their descendants" (Atkinson 2012: 3). For Rangitāne this had been a long battle stretching over generations, which shows that their tūpuna were extremely important to them, and though they were denied their wishes many times they never gave up. For Bradley the return was a triumphant win, "we achieved our first aim finally after all these years we are getting custody of our old people. I never thought it would happen in my lifetime" (Connell 2009b).

Present at both the handover ceremony held at the Canterbury Museum and the reburial, Āwhina Twomey (2015), also of Rangitāne descent, recalls her emotional experience of taking back and reburying her tūpuna. She uses the term "buried" in quotations as the way in which they were buried was not in line with their tikanga, but instead with scientific and museological conservation best practice standards. Twomey states that it was very impersonal, very cold. During the planning stages the iwi got together to discuss how the handover was to proceed. Some were of the view that it should be a nice occasion, however others including Twomey opposed this plan, "we need to hear karanga from as many women as we can, we need a challenge to go down to give us our taonga back" (Twomey 2015: 9). The taonga she is referring to are the burial objects which were placed with the tūpuna upon their deaths. "We need there to be haka we need there to be riri (anger), we don't want any nice 'thank you for giving our tūpuna back', they weren't supposed to be taken in the first place". Just prior to the repatriation taking place Te Papa returned the second of two skulls it

held which were from Wairau Bar. Rangitāne wanted this tūpuna, a woman, to be placed with the others in the crates which were to be 'buried'.

Upon informing Canterbury Museum of this Rangitāne were told that it would not be possible to open the crates in order to place the woman inside; it was against their policies. This was not acceptable for Rangitāne and Twomey notes that it was perceived that "there was a lack of willingness to do the right thing" (2015: 9). A plan was then arranged that despite the museum's view, the tūpuna was going to be put in the crate regardless. After all it was their right as the descendants of those tūpuna. In order for Rangitāne to move through the museum to where their tūpuna were they had to pass through the gallery where their burial taonga were on display. At this time Twomey describes the atmosphere as "electric and quite heavy, and they started to see the immense collection of grave-robbed taonga, and the solo Canterbury karanga goes out and 70 karanga went back. The karanga just kept going and going like waves and then the most powerful crying that I've ever heard" (2015: 10). She describes seeing, as they moved into the space where their tūpuna lay, "these huge horrible looking boxes" with korowai over them and a kuia (older women) sitting by them. As they moved closer and began to encircle the crates preparing to open them in order to place the woman inside, it was soon realised that "they must have figured out something was going to happen because they left them unsealed" (2015: 10). One of the crates was opened revealing a space perfectly sized to fit the tūpuna in. It was at this stage that Twomey saw the tūpuna in their acid free polypropylene boxes lined up nicely in the crates which were also lined with acid free lining. This angered Twomey as it appeared cold and without feeling. When the ceremony was over the tūpuna were uplifted and they began their journey back up to the Wairau.

During the trip back to the Wairau members of the Otago University Archaeology Department gave a presentation of the work they had been doing in preparation for the reburial. For Twomey it was beautiful sharing information, particularly the facial reconstruction, carried out with iwi permission, which brought those tūpuna to life and revealed the strong likeness to the descendants in the room. The following day as they were taking the tūpuna back to Wairau Bar by barge, overhead in the cloudy sky was a clear ring of blue sky with the sun beaming down only over the barge caring the tūpuna, a tohu (sign) relevant to the tūpuna, descendants and that particular area (Twomey 2015). The reburial itself was very emotional, each burial area was lined with freshly made whāriki (woven mat)

for the crates to be placed upon. Twomey notes that these whāriki were created by the women, who had stayed up all night making them to envelope the tūpuna at burial, as they wanted them to be buried in material that these tūpuna would be familiar with; harakeke or native timber not foreign, plastic boxes. However, she was told that the tūpuna were not allowed to be taken out of their crates as that would make the agreement to return them void. "These tūpuna do not know these things that they're in, this is not from their era". This angered Twomey who was not happy that her people had agreed to this condition, she exclaimed "who are they [Canterbury Museum] to stop us" (2015: 11). However, because others were emphatic that they did not want to jeopardise the re-burial, using the whāriki to line their graves was the only thing they could do. She was extremely angered and sad when she saw the burial holes themselves had also been lined with fluted polypropylene material to further preserve the tūpuna. She expressed this through her karanga before and during each burial.

At the time Twomey was working as an educator at the Whanganui Regional Museum and she recalls her feelings about the repatriation back to Wairau Bar.

> "Everything that I saw that I hated about that process…it was all about what that museum wanted, what the museum said was going to happen, what the museum said we could have, it wasn't about the tūpuna themselves and it wasn't about the people who were most aggrieved…so I took all those feelings, and what I saw when I was down there, and thought that's not going to be part of what we do here" (2015: 1).

She feels her museum has a responsibility to ensure all the tūpuna in their care are returned or reburied, and so she approached the Board of Trustees and requested that she be given the opportunity to help send the tūpuna situated in Whanganui Regional Museum home. What she learned from the Wairau experience was that it is imperative that the correct tikanga is put into place and is applied to the repatriation process. "I don't want other people to feel that same way that we did, either towards our museum or about how things happen" (2015: 2). Her dedication to this cause is so strong that she is more than willing to go into battle on their behalf to ensure that the right thing is done by them. There is still much education to be done within New Zealand museums, however, as Hirini's statement highlights, there is no excuse for ignorance about Māori and Moriori human remains. It is hoped that with more people in our museums like Āwhina Twomey who is willing to help educate and inform those who do not know about the right way to care for tūpuna or even the tikanga which surrounds working

with the dead, -or the repatriation process, that ignorance will disappear. “I think more people being told that these things are happening in the name of science—and that there are still tūpuna, and they are not just Māori, sitting on shelves with their taonga on display or not on display—these things [repatriation] need to happen. They talk about the savage Māori, but nothing that I see about this European way is civilized” (2015: 5–6).

Perspectives of the Karanga Aotearoa Repatriation Advisory Panel: Derek Lardelli

Seeing the reactions of Māori to the return of their tūpuna is one of the most fulfilling aspects of repatriation for me, and as such it I have taken great interest in understanding why repatriation is important for descendant communities and individuals. Knowing that the work of repatriation is important and meaningful reiterates the sentiments held by Māori throughout time, with accounts going back as early as 1769. The importance of and respect held towards the dead today can be seen in the media and newspaper interviews which have followed international repatriations since the inception of the Karanga Aotearoa Repatriation Programme (e.g. Connell 2009a, 2009b; Hunt 2012; Sciolino 2012; Treacher 2013a, 2013b). Comments made by Māori such as Paul Tapsell of Te Arawa and Ngāti Tūwharetoa, who was at the time Tumuaki (Director Māori) at the Auckland War Memorial Museum, on the results of the United Kingdom Working Group on Human Remains in 2003 inform the museum world that, “Human remains are part of the cycle of ancestor to papatūānuku, the earth mother, and while they are in museums we are interfering with that cycle” (One News 2003).

Perspectives like this are important to hear when educating the general public as well as institutions about the importance of repatriation back to Aotearoa New Zealand. Derek Lardelli, tōhunga tā moko (expert moko artist) and member of the Karanga Aotearoa Repatriation Advisory Panel, noted during the return of 20 Toi moko from France in 2012 that that particular return was “something that’s taken a long time to happen, it must be handled very sensitively. You need to be sincere about the repatriation of human remains. They are the ancestors of a contemporary indigenous people” (Peters 2012). The repatriation from France came as the result of a landmark case in which the French Government changed the law to allow French federal museums to return Toi moko held in their collections. For Lardelli, the French who:

> are a cultured people…had to change laws which were very very old and were embedded into their very society. They made changes to those laws so that we could have access to bring those ancestors home and in that light I think that shows the true nature of a people who understand that something was done that wasn't right. And in changing their laws so that we can bring our ancestors home, it also gave them an opportunity to close a dark chapter in their lives (Lardelli 2016: 8).

This repatriation has placed both Māori and the French in a "position now where we can make a change and heal" (2016: 9), a view that seems to have been reinforced by a recent statement by French President Emmanuel Macron (France 24 2017). Being part of the Repatriation Advisory Panel and involved in bringing home the tūpuna from France is not Lardelli's only experience with the dead. From a young age he had been involved in the exhumation and reburial of tūpuna from within the Tairāwhiti area, where he is from, and as such has an understanding not only regarding the importance of the dead, but also the respect and honour that must be afforded to them.

Lardelli is of the view that "you can't do anything other than educate people about the significance of what we are doing" (Peters 2012), however, he does note that it needs to be "handled carefully but…New Zealand needs to know what happened at that period of time, although it may be a dark period it's our way of healing" (Lardelli 2016: 4). He strongly believes that the tūpuna have a right to come home, "they are ancestors, they belong to us as Māori, and they have an indigenous right to be buried on the land from whence they came" (2016: 3). He also states, "we are the descendants of these people and we have a commitment and a responsibility to make sure that they come home" (2016: 4). The process in which the return is undertaken, however, needs careful consideration with regard to tikanga and kawa (protocol), "our own traditional practices and how we initiate and manoeuvre those practices" must be considered "so that we are handling those ancestors in a manner where they are dealt with integrity", but also to ensure that those involved are safe in dealing with people who come from another time (2016: 2).

Experiences of a Repatriation Researcher

My position as the researcher for the Karanga Aotearoa Repatriation Programme has provided me with first-hand, personal experience of repatriation, but also eyewitness accounts of how repatriation has affected Māori who have been involved in this process,

either in the physical repatriation back to Aotearoa New Zealand or in the return to descendant communities. Over the past 10 years, from time to time, I have been part of the team which travels overseas in order to bring tūpuna home. These unique experiences enable me to understand all aspects of the repatriation process from initial contact, to uplifting tūpuna, to the final step of returning them home. It is through this process that I am able to understand, appreciate and experience the importance of repatriation for iwi Māori. In this section I share my experiences of two repatriations which have had a lasting effect on me, confirming why I am so passionate about the work that I do, and the importance of this work in reclaiming identity, restoring mana, and reconciling New Zealand's past.

From Oparau to Stanford and Back Again

My first international repatriation took place in 2012 from the United States. I travelled with a small group to a number of institutions including Stanford University, in California. Initial contact was made in October 2011 by the personnel of the university's Archaeology Research Centre who indicated that they had human remains (two skulls) in their collection identified as Māori, and wished to proactively repatriate them. Provenance research was undertaken by myself, from information received from the university, and an official request to repatriate was made by Te Papa in May of 2012. My research found that the two skulls had been found in a cave at Oparau in Kāwhia, and were sent to New Zealand anthropologist Felix Keesing, who was at Stanford at the time (Aranui 2012b). Keesing, as I would come to find through talking with elders of Ngāti Hikairo, is still known in the Kāwhia area to this day, as he had carried out his master's research in the area which was later published as *The Changing Maori* (Keesing 1928). This initiative from the archaeology department and their openness to repatriation created an extremely positive experience for those of us who travelled there and the members of the university who were present. We were provided with a space to share our story of how the programme came to be, the successes so far, and most importantly the story of the two tūpuna. Many of the staff apologized and one woman commented that she expected our representatives to be angry and for the experience to have been tense. I mentioned to her that from a personal perspective there was no point in being angry at them, they did not take the tūpuna from their resting place. Instead, we thanked the university for being so proactive in wanting to return the tūpuna. This was a very emotional experience for our team as well as for members of the archaeology department, and many tears were shed as it was the first time that our small team had come face-to-face with the two tūpuna, and it was probably the first time in almost 60 years that they had been able to reconnect with home. We

invited the key people who had been involved in this process to be present during the packing of the tūpuna (in preparation for their journey home) while karakia were said and waiata were sung. This was important as it allowed this part of the journey of the tūpuna to close whilst including the university in the process. It was clear to see that those present were appreciative and this inclusion was an emotional experience for them as well as us. This is something that has had an important impact on my personal experience in being part of KARP. The tūpuna were finally returned home on 23 November 2012.

Thankfully, these two tūpuna did not have to wait long to be returned back to Oparau. In almost all cases ancestral remains which are brought back from overseas spend a period of time at Te Papa before being reunited with their whenua and whānau. A copy of my research was sent to Ngāti Hikairo, the iwi associated with the rohe of Oparau in September 2012. The repatriation was arranged for mid-November 2012 and, after discussions with Ngāti Hikairo, it was decided that instead of the tūpuna being held at Te Papa for a period of time, they would be taken straight back to Kāwhia upon their arrival in New Zealand.

Walking on to Waipapa Marae on the shore of Kāwhia Harbour with the tūpuna was just as emotional as when we met them for the first time at Stanford. Now they were home. The tangi (cry) of the kuia could be heard across the marae as they mourned openly for them. Following the reburial near the place where they were first taken, I was told of the sadness that was felt for these tūpuna, particularly once it was learned that Keesing was the one who had received them at Stanford. As he was still remembered he had obviously made an impact on the community in which he had spent time. It seemed to me that Keesing's acceptance of the two skulls which he knew were from Oparau was seen by the iwi as showing great disrespect to the people from whom he had gained trust.

Waimārama

In 2013 KARP returned approximately 14 tīpuna[13] to Waimārama in Heretaunga.[14] This was a very personal experience for me as I whakapapa to Ngāti Kahungunu, the predominant iwi of the Hawke's Bay region. But for the small but close-knit community situated in a remote coastal location 32 kilometres from Hastings, the return of these tīpuna was extremely

[13] Dialectal change to the word tūpuna, used among many east coast ū

[14] Hawke's Bay

meaningful, as the collector, Frederick Huth Meinertzhagen (1845–1895), had been part of the community during the 1860s and 1870s (Aranui 2012f: 6–7). Meinertzhagen was known to have been an active part of the community, and had adopted a young Māori boy named Tame Turoa Te Rangihauturu, who died of scarlet fever when the family returned to live in England (Aranui 2012f: 7). During his time in New Zealand, Meinertzhagen sent several natural history specimens to England and Scotland as well as sending five skeletons and 13 skulls to Julius von Haast at the Canterbury Museum between April and June 1876 (Aranui 2012f: 14). These tīpuna were known to have been sent to museums in Italy, Sweden, Germany, and Austria in 1976 (2012f: 14). Correspondence between Meinertzhagen and Haast reveals much about his relationship with the Māori of Waimārama and his collecting activities. Regarding the collecting of kōiwi for von Haast, he notes:

> I have packed up, and will send you by first opportunity, a maori skeleton, and a number of land and fresh water shells from this neighbourhood. The skeleton is perfect excepting the lower jaw and one patella. It is that of a young person. I regret I have not more to send you, but there are 200 maoris living on my run which is leasehold, and I cannot afford to run counter to their prejudices. You doubtless know how they respect the bones of their ancestors (Meinertzhagen 1879: 1-2).

Knowledge of the fact that skulls, skeletons and bone fragments were removed from the coastal dunes at Waimārama caused anger among the community, as they learned of the "surreptitious nature by which these koiwi were gathered, that is stolen and on sold to museums throughout the world despite the objections of our ancestors" (Waimārama Māori Tours 2013). The iwi who gathered at Waimārama Marae were not aware that their tīpuna were taken in the first place, which caused not only anger but sadness. Anitapatu Cribb, of Ngāti Kahungunu and Rangitāne, expressed in an interview that "It's been a big surprise to find out that they've been over there on their own for so long. We didn't even know they were there" (Cribb in Treacher 2013a). Iwi leader Baden Barber also notes, "the return of our ancestral remains back to their homeland is a very big occasion for us" (Barber in Treacher 2013a). Their reburial in the cemetery at Waimārama is, as Barber states, "the best place for them". They will be protected from any further desecration and are now at rest with their whānau. The fact that the individuals are not known made little difference as the people of Waimārama welcomed them home in an emotional and tearful ceremony.

Jeremy MacLeod, of Waimārama Marae, says, "we are very happy. It would not have been possible without Karanga Aotearoa and their dedication to track them down in overseas museums and bring these ancestors home". He acknowledges that there "are still many ancestors' remains that are being held overseas, so hopefully they too will be returned in time, and laid to rest in their homeland, and not left in some lonely museum room" (MacLeod in Treacher 2013b). Barber feels that it is vital that more people know about the theft of tīpuna, most importantly "mō ngā uri whakatipu[15] first and foremost" (Barber 2016: 2). Knowing tīpuna were ripped from their resting places creates feelings of violation and frustration for Barber, which is why it is so imperative for him that tīpuna are brought home (Barber 2016: 2).

Perspectives of those not Involved in the Repatriation Process

It is understandable that repatriation is important for those who have experienced the return of tūpuna first-hand, however it was necessary for this research to examine whether similar feelings are held by those who had not personally experienced repatriation. I was able to interview four Māori who live in a variety of locations throughout New Zealand and one individual who was living in London. These individuals are not involved in the repatriation process in any way, nor are they connected to the museum sector. I asked these individuals a number of questions relating to their experiences with the dead in their everyday lives; their thoughts about the importance of having a loved one's ancestral remains returned home; and how they felt about Māori ancestral remains being located overseas in museums and universities. The overwhelming consensus was that the dead are to be respected regardless of how long ago they died, "they are our tūpuna" (Moke 2016: 2; Nesus 2016: 1; Pierson 2016: 2). For the majority of the individuals interviewed the theft and exchange of Māori ancestral remains was new information to them, and there was a distinct sadness expressed when being told some of the ways in which this occurred. Teacher Simon Hirini, who hails from the Māhia area, is a self-confessed "liberal Māori thinker", though he does observe all the customs which surround the dead (Hirini 2016: 2). He shared with me an experience he had when he travelled up a very sacred maunga (mountain) in the North Island and observed how this particular maunga was to be respected and how important it was to "acknowledge the skeletal remains or the tūpāpaku that are still lying there. They are the guardians of the route

[15] For future generations

up the maunga and you also acknowledge them on the way back". He notes that there are also tūpuna located all the way up the maunga, and "you acknowledge them as if you would acknowledge a person. Even though they are the remains of a physical person, the kōiwi, we all know that the person whose skeletal remains they were is still part of the world that we are in". He is of the belief that there "is a relationship with them and that relationship is based on respect" (Hirini 20016: 3). With regard to the repatriation of tūpuna Hirini states:

> I would like to see them being repatriated if they are being repatriated to enhance the mana of those tīpuna. I would not be ok for them to be repatriated just to be kept in another museum in the same sort of way and be exposed to the same sort of abuse or misuse (Hirini 2016: 6).

He views repatriation as a positive thing but encourages us to ask ourselves, "What are we repatriating for?" and also asks, regarding utu or reciprocity as is our custom or tikanga, "by returning them, what are we taking away and what are we giving them?" (2016: 7).

Discussion

The importance of repatriation for Māori, as discussed in this chapter is firstly about respecting the dead, our tūpuna secondly about retaining connections with the past and identity thirdly, tūpuna were stolen, taken without their consent, or the consent of their whānau, and therefore descendants, as kaitiaki, have a responsibility and the right to ensure that tūpuna are returned and protected; and finally repatriation is morally the right thing to do, tūpuna need to be returned home to rest peacefully among their people. This chapter has shown that there is a cultural and spiritual desire, for tūpuna to be returned to their people, to the whenua. Māori have been vocal and proactive in this regard asserting their tino rangatiratanga either as an iwi or hapū such as Rangitāne o Wairau and Ngāti Hau; as individuals as with Sir Graham Latimer, Māui Pōmare and Dalvanius Prime; or as a collective as with the 28th Māori Battalion and the Karanga Aotearoa Repatriation Programme (KARP).

The actions of Māori with regard to the theft of tūpuna, reflect the importance of upholding the concept of tapu which surrounds the dead. It also reflects the importance of kaitiakitanga in Māori society. The establishment of KARP is also, I believe, an outcome of the effects from the theft of ancestral remains. Perspectives of scientific research vary and are dependent on the time period in which the research took place, the type of research undertaken, and the

degree of consultation and consent sought. Results of the research undertaken on the tūpuna from Wairau Bar seem to have been mixed. For example, on one hand DNA research has proven that members of Rangitāne o Wairau are direct descendants, while on the other hand these results as well as research suggesting the origins of some of the individuals buried at Wairau Bar have confirmed what was already known by the iwi. This chapter has shown that the drives for repatriation are not purely a political ploy, but stem from long held cultural and spiritual beliefs, and the desire to reclaim and protect Māori cultural heritage.

8. A Question of Consent: Ethics, Morals and Human Rights

> "*Humanity has always buried its dead with varying degrees of religion, ritual, reverence, and respect. Sanctity of the dead and their final resting place are <u>not</u> the exception to the rule…"* (Echo-Hawk 1988: 11).

A consistent theme throughout this thesis is the issue of consent. Whether that be the lack of consent, from the eighteenth to the twentieth centuries, or the giving of consent today. This chapter explores the issues surrounding consent with regard to the collection and study of indigenous ancestral human remains. As such, this chapter consists of two main parts. Firstly, I explore issues of consent with regard to the collection of indigenous ancestral remains in the nineteenth and twentieth centuries, and, by looking at the relationship between 'morality' and colonization, I discuss how scientists, archaeologists and anthropologists today are still, in many cases, judged by their predecessors for their questionable collecting practices. I then examine the ethics of knowledge, specifically relating to the study of indigenous ancestral remains. Finally, I discuss the human rights implications identified not only by indigenous communities but also by some scientists and others. This chapter also looks closely at a selection of notable and influential codes of ethics, policies, declarations, and legislations which are relevant to repatriation and the study of indigenous human remains. In addition, I discuss in further detail the moral and emotional aspects which have been highlighted throughout this thesis. The aim of this chapter is to highlight that fact that this is not so much an issue of science (and knowledge) versus culture (and religion) as has been positioned by Weiss (2008) and Jenkins (2016a); it goes back to the past and the fact that consent was primarily not sought or given for indigenous remains to be taken from their resting places. This is something which some in the scientific community seem to forget or perhaps think is not relevant to the present debate. But the past cannot be forgotten and indigenous communities will not let it be forgotten until the past wrongs have been made right. This is not just the case with remains stolen by Europeans but is equally the case of Toi moko who were, in the majority of cases, traded by enemy iwi (as opposed to Europeans) and as a result were taken to almost all corners of the world against their will.

Western Morality and Colonisation

The term 'moral' or 'morality' is defined as "concerned with the principles of right and wrong behaviour" or "concerned with or derived from the code of behaviour that is

considered right or acceptable in a particular society" (Oxford Dictionary 2017). The collection or theft of indigenous human remains, which goes hand-in-hand with colonisation and the growth of the British Empire (Palmer 2003), was anything but moral for indigenous peoples. There are many examples of indigenous ancestral remains being taken by British, as well as European and American, collectors and scientists under ethically questionable and immoral circumstances even by the standards of the day (Rolleston 1867; Reischek 1952; Bray and Killion 1994; Fforde *et* al 2002; Palmer 2003; Fforde 2004; MacDonald 2005; Besterman 2011). It has been widely argued (Weiss 2008) that this practice was seen as acceptable for the time, and justifications included the argument that as certain peoples were a lower form of human, or were members of a so-called vanishing race, permission was not seen as necessary (Fforde 2002: 26; Simpson 1996: 176). In the United States, following the Civil War, museums began in earnest to collect Native American ancestral remains, including the Army Medical Museum which took remains from graves and battlefields under the orders of the United States surgeon-general (Zimmerman 1997:96). This activity was also undertaken by the Chicago Field Museum, the Smithsonian National Museum of Natural History, the Peabody Museum of Archaeology and Ethnology at Harvard, and the American Museum of Natural History (Thornton 2002: 17; Zimmerman 1997: 95). This according, to Zimmerman, was the birth of American anthropology, and "though its motives were scientific, it was a tool of colonialism" (Zimmerman 1997: 96). This was not an isolated incident, as it also occurred in Aotearoa New Zealand, with Māori ancestral remains removed from caves, graves and other burial places throughout the country during the colonial period. They were also taken from the battlefield during the land wars (Rolleston 1867) for racially-based scientific study with a view to colonial domination (Stenhouse 1994). This pattern of war (in some instances), death, collection and study has taken place across the world including, but not limited to, Australia, Namibia, Hawai'i and Scandinavia. In all of these places the disturbance of the dead, particularly for study and display, was not considered by descendant communities to be a morally acceptable undertaking. And as Palmer has pointed out "such attitudes and collecting practices would have met with both criminal punishment and moral outrage had they been applied to the bodies and graves of white citizens" (Palmer 2003: 25).

Helen MacDonald (2010) explains that even in Britain there were ethical issues concerning the use of the cadavers of the poor and destitute. The House of Lords initially took the stance that "No body could be sent to a [medical] school without prior consent of the person or their

relatives". This however was debated and eventually it was changed so that the statute now gave "the parties it deemed to be in lawful possession of the corpse the right to dispose of it to a medical school unless the person had left a formal protest against this while they lived or a relative did so after they had died" (MacDonald 2010:10). This meant that unless it was specified by the deceased or the family of the deceased that the body was not to be used for dissection or study, it was made available to medical schools. A few years prior to this, dissection was also used as "a secondary punishment for murder" which satisfied somewhat the demand for anatomical specimens (Richards 1989: 35–37; MacDonald 2010: 9). But this was not enough to curb the desire by certain medical schools for more cadavers, as some were party to the act of bodysnatching (Richardson 1989:53–54). The punishment for this act, in Scotland at least, was hanging, but in the colonies similar acts were rewarded with acknowledgement, patronage, praise and in some cases status (Fforde 2013: 716; MacDonald 2005: 110). The issues of collecting and acquiring without consent, both within the New Zealand context and internationally, have brought to light that, though it has been defended as being an accepted practice for the time, there is ample evidence that those carrying out the theft did so under the cover of darkness and avoided attention from local indigenous communities in order not to attract attention and be prevented from removing ancestors (Cheeseman 1885; Reischek 1952; Palmer 2003; MacDonald 2005; Fforde 2013; Turnbull 2017). In New Zealand, at least, collecting ancestral remains was not seen as the norm, as evidenced by the correspondence of museum curators and collectors of the nineteenth century such as Reischek (Reischek 1952), Cheeseman (1878a; 1885), and Haast (Haast 1948: 741; Cooper 2011).

Besterman (2004) also notes that morality was a deciding factor in the repatriation of six Australian Aboriginal Old People by the Manchester Museum in 2003. Minutes of the Manchester Museum Committee note that:

> …the moral argument for their return was a strong one in this case. The skulls were regarded as being their rightful property, and the origin of one in particular was known with some certainty…Given the circumstances in which the skulls were held within the Manchester collections, the moral dimension was considered to be the determining factor, and members took the view that in this case it would appear proper to respect the feelings of the Aboriginal community and accede to the request (Besterman 2004:3).

The *Report of the UK Working Group on Human Remains* (Palmer 2003) recognised that for many communities:

> …want of original consent is not simply an academic issue…the removal of human remains without consent was a moral wrong that demands correction. In some cases, it was offensive and uncivilised (perhaps even unlawful) by the contemporary standards of the colonial authority or society, as well as by those of indigenous communities. Where communities, beliefs and memories survive, the sense of pain and injustice could be as poignant and corrosive today as on the day of removal. Such removals are seen not only as a wrong that demands to be redressed, but as a barrier to that repose and dignity which should be extended to all human remains from the particular community (Palmer 2003: 146).

The report also notes that due to the fact that many museums have benefited from these past wrongs, they are now faced with the challenge of reconciling this in the present (2003: 170). There is also an awareness that museums may feel exposed to the lack of original inquiry made as to the legitimacy of the acquisition of their collections and therefore the issue of consent remains at the forefront of claims by communities. By not addressing this issue the questions must then be asked, "why is consent less important here than in other contexts, such as the tenure of human tissue by medical laboratories? Does distance in time or space confer immunity?" (2003: 171). This, I believe, is at the crux of the repatriation issue. Emotive words such as 'repression', 'domination', 'disempowerment', 'dispossession' and 'disrespect' are strong representations of the feelings and situations that many indigenous peoples still experience, and repatriation and reburial are just two of the many ways in which the acts of theft, that indigenous peoples define as morally unjust, can be made right. This is highlighted particularly well by the following statement: "Repatriation is the proper remedy to this injustice whereby claims for return involve connecting past acts to present action. A context of injustice exists whenever family consent was not obtained" (Ayau and Keeler 2013: 8). This statement was published in a review of the German *Recommendations for the Care of Human Remains in Museums and Collections*, and makes the point that free, prior and informed consent is essential. If consent was not obtained from either the individuals themselves or their families, then the ancestral remains must be returned.

Judging the Present by the Past

Scientist Elizabeth Weiss (2008: 28–29) strongly believes that, with regard to the study of human remains, today's scientists should not be judged for the actions of their predecessors. The past, she suggests, also should not be judged by the moral codes we have today, however as has just been discussed, not all moral codes are the same or have changed significantly over the past 200 years. Unfortunately, perspectives regarding the questionable collecting and research practices of the past and the need for those incidences, of theft and unconsented research, to remain in the past are shared by many anthropologists, archaeologists and scientists, with an almost fervent resistance (McKie 2003; Weiss 2008; Kakaliouras 2014). It 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. Weiss defends her standpoint by noting that research of the past was focused on evolution, race, and levels of intelligence, something today's scientists have since discredited (Weiss 2008: 29), yet in museums and universities throughout the world human remains are still arranged into racial categories (Fforde 2004: 35). Not all scientists share Weiss' views however, as has been discussed in Chapter Four, with some believing that their discipline in the past "abused its power and greatly wounded indigenous peoples" and "it must be accounted for" (CRM5 in Jenkins 2008: 108).

The importance of the connection Māori and other indigenous people have with their ancestors in the past and the present has been highlighted throughout this thesis; through their cultural and spiritual beliefs, their opposition to the desecration of their dead; and through a strong stance on repatriation issues. However, despite this, scientists like Weiss believe that past cultures, particularly those who lived more than 300 to 400 years ago have no real connection to those communities today. In her view this is seen in the case of Kennewick Man (the Ancient One), where she argues that there is no continuum in the sense that present-day Native American nations living in the particular area where the remains were found have no more cultural or familial affiliation to the Ancient One than Europeans because, in her view, earlier populations were replaced by later ones (Weiss 2008: 7). This was a similar argument posited by Duff and others in the Wairau Bar case discussed in the previous chapter. However, in light of DNA research the result of both of these cases has shown that the members of tribal groups claiming affiliation, namely the Colville and Rangitāne ki Wairau, were in actual fact genetically affiliated to the remains in question (Rasmussen *et al*

2015; McPhee 2016). What is notably absent from these extreme views held by scientists and museums, particularly in these two cases given the confirmation of affiliation, is that there has been no apology or conversation about righting the wrongs of the past, regardless of who was responsible. After all, the scientists of today benefit directly from the actions of the past, in that they would not have the 'specimens' to study if their predecessors did not undertake these morally questionable acts. And though other countries may not be at the point yet where this can be addressed, in New Zealand at least this is taking place. Paul Tapsell, former Director Māori at the Auckland War Memorial Museum presents this stance by stating, "Redressing the morality of holding another culture's ancestors captive is, in fact, a cornerstone of today's shift in Aotearoa New Zealand's museum practice" (Tapsell 2005: 154).

The Ethics of Knowledge

Chapter Four discussed the views of indigenous communities and the injustices they faced during their colonial past, and their struggle in the present over repatriation, excavation and research. The public display in the past of the indigenous 'Other', whether in human zoos or museums, attests to the disregard given to the rights and views of other cultures particularly those under European domination (Blanchard *et al* 2011; Salmond 2003; Simpson 1996: 178; Zimmerman 1997). The trauma experienced by indigenous communities over the desecration of their dead continues today as ancestors remain available as research specimens for archaeologists, physical anthropologists and scientists despite strong opposition by descendant communities (Simpson 1996; Thornton 2002). In an interview conducted by Moira Simpson, Michael Mansell a Tasmanian lawyer, relays a view no doubt shared by many affected communities, "the remains of Aborigines are not 'relics' just because white people deem them to be" (Mansell 1993 in Simpson 1996:178). This view sums up the differing values placed on human remains, in particular those of the indigenous and the minority. The placement of Western values of knowledge and education over the beliefs and cultural practices of indigenous peoples is, according to many authors, what has caused the heated debate over the retention, display and study of ancestral remains (Simpson 1996: 182; Weiss 2008). But is research a right or a privilege? I propose that it is the latter.

The term 'ethics' is defined by the Oxford Dictionary (2017) as "moral principles that govern a person's behaviour or the conducting of an activity". However, just what those principles are, can be defined subjectively, and has been discussed by many in the scientific and

medical fields (Hammack 2014; Day 1990; Radin 2014; Tayles and Halcrow 2011; Turner 2014). For example, the British Association of Biological Anthropology and Osteoarchaeology (BABAO) has a developed a code of ethics based on a set of principles which include (BABAO 2017a):

- The generation of knowledge about past human lifeways using archaeological data is a worthy goal. Human remains are our most direct source of evidence on this respect. Their study is therefore central to our understanding of the human past.
- By virtue of their status as the remains of once living people, treatment of human remains requires ethical considerations over and above those that pertain to other classes of archaeological materials.
- Human remains should always be treated with dignity and respect regardless of age or provenance.
- Given the importance of human remains as a source of information about our past, osteoarchaeologists should work toward the long-term conservation of the osteological record.
- Osteoarchaeologists should be committed to public education and promote the value of the scientific study of ancient human remains.

Given that the BABAO supports the retention and archiving of human remains for the generation of knowledge about the past, there is some scope for compromise. For example, two situations are identified, the first is where "remains with significant research potential, unless there are pressing and specific arguments favouring reburial, storage in a museum or analogous institution should be the default option", and the second is, "for remains where there is continuity of beliefs with other extant faiths, advice should be taken from faith group representatives" (BABAO 2017b). Part of the basis for these views and the code of ethics comes from a 2009 public survey for English Heritage which looked at the issues surrounding human remains in museums (BDRC 2009). Granted, the survey was based in England and the questions which were presented to the 864 participants did not address or specify which culture or country the human remains were from, only that they were from archaeological contexts and museum collections. The questionnaire also did not address the issue of repatriation and what participants thought about communities requesting the return of human remains or asking that remains not be displayed. With this in mind, it is assumed that participants were being asked questions relating to human remains found in England or the British Isles, though this is not made clear either by the questions or in the report. The results

of the survey revealed that 91 per cent agreed that museums should be allowed to display human remains (BDRC 2009: 7), however 16 per cent agreed that "displaying human burials and bone in a museum shows a lack of respect for the dead" (2009: 11). Though the majority of participants agreed that museums should be allowed to keep human remains for both display and research purposes, one in 10 people did not support this view (2009: 17). What the survey did identify however, was a difference in attitudes towards human remains based on social status, age and religion. Participants who were identified as being from "lower social grades, those aged over 65 or over and those for whom religion is important" tended to be "more concerned about the display of human bones and using them for research" (2009: 17). The BABAO code of ethics does in a sense addresses these concerns by acknowledging that other forms of ethical and moral values exist and that the code of ethics creates an opportunity to "foster discussion and provide guidance for conducting work in an ethical manner" (BABAO 2010: 1). The BABAO also acknowledges an awareness of the "ongoing debate regarding the ethics of excavating, analysing, curating and displaying human remains" which are "influenced by the concerns of genealogical descendants and cultures of origins" (2010: 2). What I find interesting about the code is that, though it acknowledges that studying human remains is a privilege not a right and that "biological remains should always be treated with dignity and respect" (2010: 1), it does note "to the best of their knowledge, members should refrain from working with or even consulting on cultural items or human remains acquired illegally" (2010: 4). The footnote attached to this statement goes further to say "BABAO recognises that within the context of repatriation, such work may have to be undertaken for human remains to be returned to their country of origin" (2010: 4). Does this mean that the majority of indigenous ancestral remains held in museum and university collections should not be studied by members of the BABAO? I doubt that is the case. So, what does 'to the best of their knowledge' mean? And what does the BABAO define as 'acquired illegally'? It appears that due to the fact that repatriation continues to be a high-profile issue, which in turn affects the research undertaken by scientists and anthropologists who work with human remains, BABAO sees a need to protect its own ethical views by providing this disclaimer.

For a scientist (Kakaliouras 2014) it may seem unethical to be prevented from undertaking their research even when such research is opposed; whereas for descendant communities it is commonly viewed as unethical to undertake such research without free prior informed consent, which for the most part in such cases has not been obtained. So then do scientists

have the right to research? Currently in England the law does not grant scientists the legal right to access and study human remains, and therefore they are unable to demand access for the purposes of research (Woodhead 2013: 37). The BABAO at least acknowledges that the research of human remains is a privilege and not a right (BABAO 2010: 1). Though this is the perspective of an association, it is not necessarily the view of individuals, some of whom believe, with regard to repatriation and the loss of perceived vital data, that science "should not be required to suffer from loss at all" (Kakaliouras 2014: 216), and therefore to not study is being unethical from that particular scientific standpoint.

Ethical areas of consideration, with regard to the retention and care of human remains, need further open discussion. While attending a conference in London in 2016, I was surprised at a comment by a scientist who told the room that at her institution they show respect and care for the remains they hold in an appropriate manner that stands up to best practice. For me this was a loaded statement as the appropriate care and respect was provided as per her institution's ethical guidelines rather than through any consultation with descendant communities. This is not a lone case, as Palmer has outlined in his report on human remains held in United Kingdom institutions. The research showed that only nine out of 132 institutions surveyed "reported that the storage of human remains is in accordance with conditions agreed with the originating community" (Palmer 2003: 12).

Within the New Zealand scientific community, the ethics of knowledge takes a different stance and one that might not necessarily be embraced by some scientists in the United Kingdom or Europe. This relates to the requirement that scientists and researchers consult with descendant communities. As was discussed in Chapter Four the ethical research undertaken by scientists like Buckley and Matisoo-Smith and Littleton, all require iwi or hapū support. While one of Buckley's major goals as a bioarchaeologist is the dissemination of knowledge through her research, she has an understanding and acceptance that this cannot be done without the consultation and support of descendant communities. Her ethical and moral values, both personal and professional, ensure that frank and open relationships with Māori are developed before and during the research and after the research has been completed. This is an inclusive process and one that has not always existed in New Zealand, as was discussed in Chapter Four. Buckley has also seen these changes occur in her lifetime. She notes in her interview that the grave robbing and the selling of Māori ancestral remains in the nineteenth and early twentieth centuries make her and many of her colleagues angry, as up until fairly recently:

> …anthropologists and archaeologists and those of us who work with bones, were living under the shadow of what happened, even though we had actually moved on in our own thinking of how we would work with communities and communicate with communities and understood the value of working with communities. But interestingly iwi groups had not moved on, and so there was still prejudice if you like from the past, which is fair enough. But I think that the profile of Wairau Bar has helped with that (Buckley 2014: 5).

Buckley does not insist that the work she does with communities is published, in fact that decision is left to the communities to decide. She acknowledges that not everyone in her field works in the same way, in that she often gives her time as well as the information to communities but does not expect to publish (Buckley 2014: 5). For Buckley, however, it seems that the reason she does this work is not just for the production of knowledge but also for education for both those in her profession and also for descendants. In particular for Buckley it is, about "educating iwi to ask the right questions about where this information is going to go. What do you do with the report? Or are you going to insist on publication?" (2104: 5). By asking these sorts of questions there is no confusion as to how the research will be used. Listening to her talk about her work and experiences shows that bioarchaeology is undertaken very differently in New Zealand compared to places like Europe and the United States. I have attended many international conferences over the past 15 years where discussions regarding free prior informed consent is an important ethical issue not only for indigenous peoples but also for archaeologists and anthropologists who want to undertake ethically and morally sound research. There is a strong message here, and that is to ask, to communicate, to share, and to work together.

While free prior informed consent is essential in New Zealand, this can create a dilemma for scientists and researchers who work with Māori and Moriori ancestral remains. As Buckley notes, not all of her colleagues share her ethics (Buckley 2014). Scientists must accept that many iwi do not wish their ancestors to be studied and, therefore, the research in some cases is not able to be undertaken or completed. In this case researchers are then forced to travel outside New Zealand in order to complete their research. George (2013) for example was able to complete her research on Māori and Moriori dental pathology because the ethics of the institutions in England, France, and Germany did not require consultation with descendant communities. She states in her thesis that during the negotiation phase with

museums and iwi representatives “it became clear that access to collections of Maori and Moriori remains within New Zealand was unlikely” (George 2013: 43). Interestingly, she does not discuss the differences in the research ethics between New Zealand and overseas institutions in her thesis. What does this say about the ethics of her research and in turn the ethics around the knowledge gained as a result of that research, particularly regarding the lack of support shown by the majority of iwi, hapū and museums contacted during the early phase of her research? Are ethical considerations, therefore, of no consequence because they are outside the country of origin? This, I believe, shows lack of respect for Māori and Moriori perspectives on the study of their ancestors. This also shows the inconsistency in ethical standards globally.

Physical anthropologist Weiss has strong views regarding the ethics of scientific research and repatriation. In her book *Reburying the Past* (2008) the opening quote states, “As scientists, it is our ethical obligation to study and try to explain the world around us. NAGPRA and other repatriation laws obstruct the process of scientific endeavours; thereby, creating an ethical dilemma for scientists” (2008: 1). Some scientists like Weiss, feel that repatriation will be the end of their profession (Stringer 2003) and are vehemently opposed to it. Weiss claims to have a “great deal of respect for the knowledge that can be gleaned” from human remains, and that is where the dilemma lies (Weiss 2008: 1). Respect in this instance is for the knowledge that the ‘specimen’ holds, not for the cultural beliefs and practices of the person and people these remains represent. It is no wonder that she felt out of place when attending a conference on NAGPRA compliance in San Francisco. Feeling “bombarded with other peoples’ morality”, Weiss was taken aback by the view from a Native American woman that scientists do not respect human remains (2008: 3). Her taking offence highlights that respect in this case is subjective.

While Weiss has respect for the knowledge that the dead hold, descendant communities respect the dead themselves. Weiss is open to the idea of her parents donating their bodies to science and plans to do this herself, but what she fails to recognise is that she and her parents would be giving their consent. The remains that she studies did not. She defends her profession by arguing “anthropologists are not grave robbers, but rather the ones who have salvaged thousands of human remains that were on the brink of being crushed by the process of construction” (2008: 3). It is also clear that for her repatriation is a hindrance to science and to the knowledge of the past. She asks, “Can we still have bioarchaeology without human remains?” (2008: 3). To which I would answer bioarchaeology can continue if community

permission is sought, but this would involve acknowledgment of the past and the effects this has had on communities, as well as a respect for their cultural and spiritual beliefs. And that is just the start. Communities have to want this type of research to be done and there has to be a benefit for them not just for science, or research for research's sake. A relationship must be developed, built on trust and openness.

Repatriation as a Case for Human Rights

Indigenous peoples have fought hard for recognition of the connection they have with their dead. The amount of time which has passed since the death of their ancestors for many people makes no difference, they are still ancestors, and as such deserve the respect and dignity of being laid to rest as was their wish and custom. Māori and indigenous people in general, have gone from not being seen as fully evolved or civilized, and in some instances not even being seen as human, to being given the equal rights of all humans as identified in the 1948 Universal Declaration of Human Rights. Yet there still remains a struggle for power, dominance and knowledge. Just under 100 years prior to the Universal Declaration of Human Rights a treaty was signed between two peoples, the many chiefs representing tangata whenua of Aotearoa, and the government representatives of the British Empire. This treaty, known today as the Treaty of Waitangi, like the Universal Declaration of Human Rights, sought to convey that Māori would have the same rights and privileges as British subjects (Treaty of Waitangi 1840). Unfortunately, like other treaties between indigenous peoples and the British Empire, such as the First Nation of Canada (Indigenous and Northern Affairs Canada 2015) and several nations in the United States (Yale Law School 2008), it was not upheld. Indigenous peoples like Māori were stripped of their lands and possessions, and had their burial places desecrated and their ancestors stolen. In Aotearoa this caused war, over land and sovereignty (Belich 1996: 230). Jumping forward to the mid-twentieth century, New Zealand as a state has committed to supporting the Universal Declaration on Human Rights, and established its Human Rights Commission in 1977, whose mission it is to "promote and protect the human rights of all people in Aotearoa New Zealand" (Human Rights Commission 2017). But what effect did this have on issues surrounding the collection, study, and repatriation of Māori ancestral remains? At the time the United Nations Universal Declaration on Human Rights was officially supported by New Zealand, burials were being removed without permission or consultation from Wairau Bar. Rangitāne, the local iwi, were, at this time, being disassociated from the burials, taonga and the site itself through claims of

their antiquity. In this situation, was science not bound by this declaration? Unhappiness with continued alienation of land and culture, as well as the sustained power imbalance of Māori subjugation and Pākehā dominance in New Zealand society, led to the Māori cultural renaissance which began in the latter part of the 1960s (Walker 1990: 209). One aspect of this cultural renaissance was the publication of two underground newsletters beginning in 1968, *Te Hokio* and *MOOHR* (Māori Organisation on Human Rights), to raise Māori consciousness regarding issues affecting Māori and to encourage social transformation (1990: 209). The *MOOHR* was a publication with the purpose of "defending human rights, raising consciousness over the erosion of Maori rights by legislation, and opposition to discrimination in housing, employment, sport and politics". The publication also vowed to "uphold the Treaty of Waitangi and the Universal Declaration of Human Rights" (1990: 210). *MOOHR*, an advocate for cultural identity and self-determination, accused the government of 'cultural murder' by denying the inclusion of te reo Māori in the education system, and the publication prophetically stated that "movements for Maori rights to run Maori affairs will continue so long as Maoris [sic] feel oppressed by Pakeha-dominated governments" (Walker 1990: 210). Publications like *MOOHR* were just part of the increasing activism which was developing in the 1960s and 1970s. Ongoing protests by Māori activist groups such as Ngā Tamatoa, as well as pressure from the New Zealand Māori Council, eventually forced the government to establish the Treaty of Waitangi Act 1975 which, in turn, established the Waitangi Tribunal. Unfortunately, the tribunal was limited in its ability to address historical grievances held by Māori and relating to the Treaty, until an amendment to the act was passed in 1985 which enabled the tribunal to look at claims retrospectively back to 1840 (Ward 1999: 1). As a result, some claims now include issues concerning the protection of burial sites and the return of ancestral remains known to have been removed from them (Waitangi Tribunal 2004 Office of Treaty Settlements 2015), and there has been an acknowledgement of the importance of international repatriation (Waitangi Tribunal 2011).

In Aotearoa New Zealand Māori have fought hard for equality and acknowledgement of their status identified under the Treaty of Waitangi and, though there is still a way to go, progress and acknowledgement have begun. Internationally, however, the struggle continues as the need for support for indigenous people as a whole begins to emerge. In 1989 at Vermillion, South Dakota, the first inter-congress was held by the World Archaeological Congress (WAC). The focus of this inter-congress was archaeological ethics and the treatment of the dead, and was attended by indigenous peoples from 27 Native American nations as well as

representatives from Australia, New Zealand, Scandinavia and Africa (Zimmerman 2002: 91). The result of this meeting was the development of an accord specifically regarding human remains (Zimmerman 1997: 106). The Vermillion Accord 1989, which consists of six clauses, recognises respect for the dead and their wishes as well as their descendant communities. The accord also recognises respect for scientific research on human remains, however, it notes that agreements and negotiations should take place with communities of origin. Although this accord was not specific in its protection of indigenous rights to their ancestral remains it was the first time that "indigenous people and archaeologists were able to come to agreement on working toward real solutions" and "mutual understanding and respect were possible between indigenous peoples and archaeologists" (Zimmerman 2002: 91). While the accord was not able to guarantee protection of indigenous rights, it did highlight to the scientific community that they had to come to terms with these increasing developments over indigenous rights (2002: 93). What was seen as missing from the Vermillion Accord was included the following year in the WAC First Code of Ethics (WAC 2017) which was proposed in Venezuela. This code was seen as a follow-on from the Vermillion Accord, and was proposed by the indigenous members of the WAC Executive Committee. The code was developed for archaeologists who worked with indigenous people and, incredibly given that it was accepted by the entire WAC Executive Committee as well as the council (Zimmerman 1997: 106). Made up of eight principles to abide by and seven rules to adhere to, the code goes further than the Vermillion Accord particularly with regard to human remains by specifying the following principles and rules that are most relevant to this discussion(WAC 2017):

Principles to abide by:

- Principle 1. To acknowledge the importance of indigenous cultural heritage, including sites, places, objects, artefacts, human remains, to the survival of indigenous cultures.
- Principle 3. To acknowledge the special importance of indigenous ancestral human remains, and sites containing and/or associated with such remains, to indigenous peoples.

Rules to adhere by:

- Rule 1. Prior to conducting any investigation and/or examination, Members shall with rigorous endeavour seek to define the indigenous peoples whose cultural heritage is the subject of investigation.

- Rule 2. Members shall negotiate with and obtain the informed consent of representatives authorized by the indigenous peoples whose cultural heritage is the subject of investigation.
- Rule 5. Members shall not interfere with and/or remove human remains of indigenous peoples without the express consent of those concerned.

According to Zimmerman, both the indigenous people who developed the code and the WAC executive and council who passed it understood that this was just the first step in a long process, "one reason why it is called the 'first' code of ethics" (Zimmerman 1997:107). The importance of this first code of ethics is that it demonstrates a recognition by the World Archaeological Congress and its members of "the importance of the indigenous voice in intellectual property rights and provides some mechanisms for interaction between archaeological and indigenous groups on heritage issues (1997: 108). An acknowledgement of the importance of this code of ethics is illustrated by its adoption by the Australian Archaeological Association and the Canadian Archaeological Society, and by its acknowledgment in the University College of London's Ethical Guidelines for Research (University College of London 2017) and its influence in the development of cultural heritage legislation in both Manitoba and British Columbia (Zimmerman 1997: 108). In that same year the Native American Graves Protection and Repatriation Act (NAGPRA) was enacted which finally put, in the eyes of the law, oral tradition on a par with scientific evidence (Zimmerman 2002: 93). NAGPRA has been described as "a significant piece of human rights legislation that permits the living to reassert control over their own dead" (Gulliford 2000: 14). With indigenous peoples now coming together to campaign for recognition of the traumas of the past and issues of intellectual property in the present, further declarations and accords have begun to emerge.

In 1993 the First International Conference on the Cultural and Intellectual Property Rights of Indigenous People was held in Whakatāne, New Zealand, with indigenous representatives in attendance from all over the world including Japan (the Ainu), Australia, Cook Islands, Panama, Peru, United States and Aotearoa New Zealand (Mataatua Declaration 1993: 1). The aim of the conference was to "assist indigenous people to design appropriate mechanisms to safeguard and protect their intellectual and cultural property" (O'Keefe 1995: 382), and was held in recognition that 1993 was the United Nations Year for the World's Indigenous Peoples. The outcome of the conference was the creation of the Mataatua Declaration on

Cultural and Intellectual Property Rights of Indigenous Peoples. One of the important assertions of the declaration was that "Indigenous Peoples of the world have the right to self-determination and in exercising that right must be recognised as the exclusive owners of their cultural and intellectual property" (Mataatua Declaration 1993: 2). With specific regard to ancestral remains the declaration states (Mataatua Declaration 1993: 4):

- Statement 2.12 All human remains and burial objects of indigenous peoples held by museums and other institutions must be returned to their traditional areas in a culturally appropriate manner.
- Statement 2.13 Museums and other institutions must provide, to the country and indigenous peoples concerned, an inventory of any indigenous cultural objects still held in their possession.
- Statement 2.14 Indigenous cultural objects held in museums and other institutions must be offered back to their traditional owners.

In 2005, the principles outlined in the Vermillion Accord were acknowledged at the second WAC indigenous inter-congress which was held at Waipapa Marae in Auckland, New Zealand. From that inter-congress the Tamaki Makau-rau Accord on the Display of Human Remains was developed and adopted by WAC the following year (World Archaeological Congress 2018). The accord recognises that the display of ancestral remains and sacred objects is a sensitive issue for indigenous people. It also notes that, as a congress of archaeologists, WAC believes that "good science is guided by ethical principles" and that work "must involve consultation and collaboration with communities". As such, members of the WAC council agree to assist archaeologists in making contacts with communities. The Tamaki Makau-rau Accord consists of six principles which focus on seeking permission, engaging in consultation, and respecting decisions made by communities regarding the display of ancestral remains. This accord has been used in repatriation claims by the Karanga Aotearoa Repatriation Programme when discussing the programme's opposition to the display Māori and Moriori ancestral remains.

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) represents another push by indigenous peoples for rights to their cultural and spiritual self-determination. This declaration affirms that indigenous peoples "are equal to all other peoples" and should be free to exercise their rights free from discrimination. It also affirms that any policies, doctrines and practices which support the superiority of peoples based on nationality, race, religion and cultural difference are "racist, scientifically false, legally

invalid, morally condemnable and socially unjust" (Human Rights Commission 2008: 1). With a far more in-depth focus on the issues facing many indigenous peoples than in the past, this declaration with its 46 articles is the most comprehensive declaration to date (Lenzerini 2016), and is the first "international instrument of law" which specifically addresses cultural property claims for indigenous people (Kuprecht 2009: i). With regard to repatriation, Article 12 of the declaration deals specifically with ancestral remains:

- 12.1 Indigenous people have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.
- 12.2 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. (United Nations 2008: 6)

This declaration has been used by Māori in conjunction with other laws, policies and treaties such as NAGPRA, and the Treaty of Waitangi, to highlight not only the injustices of the past which are continuing into the present but also the fact that these circumstances is not unique to Aotearoa New Zealand, as similar issues exist throughout the world for many other indigenous peoples. Kuprecht has used the phrase "cultural indigenism" which essentially means to have an "understanding of indigenous cultures, a newly defined respect for their diversity, and the attempt of the international community to acknowledge the indigenous perspective on cultural property" (2009: 8). Cultural indigenism is a concept that I believe UNDRIP is trying to convey, and in fact is something indigenous peoples and those who support their views on repatriation are also slowly, but nevertheless successfully, communicating throughout the world, particularly in Europe and the United Kingdom. What needs to be understood is that by retaining ancestral remains without consent an institution "inhibits the transmission of a people's idiosyncratic identity to future generations and infringes upon their international human rights" (Lenzerini 2016: 129).

Discussion

The question of consent is still one of the major issues in the repatriation debate. In the past, lack of respect has been shown for not only Māori but for all indigenous peoples whose

ancestors still line the shelves of museums and universities throughout the world. Stolen under immoral conditions there is no doubt that indigenous people were not seen as equals, and their cultural beliefs and practices were of no consequence in comparison to the quest for knowledge. The ethics of knowledge must also be questioned, particularly with regard to whose ethics are being taken into account. Ethics, with regard to the study of ancestral remains, are subjective in that for descendant communities it is unethical to undertake destructive analysis or even to retain remains for study and analysis without free, prior and informed consent. However, from the perspective of anthropologists and scientists it can be seen as unethical not to undertake research on remains available to them, regardless, it seems, of how the remains were acquired.

Due to the lack of consent sought by scientists or given by communities, indigenous people have had to fight hard for recognition and equality, going so far as to bring to light the human rights issues at the forefront of the repatriation debate. These human rights relate not only to the living but also to the dead as they too have the right to be left undisturbed and not be displayed, poked and prodded, or even destroyed in the pursuit of knowledge. Codes of ethics, accords, declarations and even legislation like NAGPRA have been and continue to be used to highlight issues of consent, the rights of indigenous people, and equally the rights of the dead. These documents also support repatriation which, as this chapter has shown, is a human right. So, why then is the retention of indigenous human remains still an issue? Unfortunately, it seems that science versus culture is still a fiercely debated issue, and if science is knowledge and knowledge is power, then indigenous people must continue to battle to take back that power and knowledge.

CONCLUSION

Ancestors are of great importance for many indigenous peoples throughout the world (Butts 2003; Hakiwai 2014). The realisation of this beyond indigenous communities has resulted in the increase in ancestral repatriations, especially since the 1990s and the creation of laws, declarations, and policies, and is demonstrated by examples given in this thesis. Ancestors are significant for different reasons: identity, family, mana, as symbols of sovereignty, and freedom. Though the indigenous communities discussed in this thesis are situated in different geographical locations throughout the world, and their stories of colonisation and its effects leading up to the repatriation of their ancestors differ to some extent, there is, nevertheless, some similarity in the way each indigenous culture feels about their tūpuna. This thesis has provided significant insights into different aspects of the repatriation process from a Māori perspective, something that has not been published in the current literature. A close examination of the literature and examples of the repatriation of human remains in Aotearoa New Zealand since the 1990s provides further evidence for the importance of continuing to return tūpuna back to descendants. Maori views on the theft and collection of their tūpuna in never before examined archival material and museum records supplies additional proof of the cultural significance of stolen ancestral remains to Māori communities. The perspectives recorded of Māori who are not directly involved in repatriation show that this significance is important for a broad section of Māori society. What has also emerged from this study, and is new to the repatriation discussion, is the fact that repatriation is not just a twenty-first-century process for Māori but is, in fact, a practice that has been carried out historically at both national and international levels, as discussed in Chapter Five and Chapter Six concerning the early example recorded by Marsden, the attempted repatriation by the 28th Māori Battalion in the Second World War in the 1940s, and the repatriation of Hohepa Te Umuroa from Tasmania in the 1980s.

In order to form an opinion, and contribute to the debate on the issues surrounding repatriation from a Māori perspective, and, more importantly, to answer the first two questions put forward at the start of this thesis: ‘what are Māori perspectives of repatriation?’ and ‘why is repatriation important for Māori?’, Mead’s tests must be applied. The literature, my own observations and experiences, as well as interviewee responses were analysed using Mead’s framework. Rather than using each test as a criterion to meet in order to form an opinion, I have utilized Mead’s tikanga framework to demonstrate the importance of respect

paid to ancestors through time. A view, for the most part, which has remained largely unchanged.

My account of the collection of ancestral remains in the pursuit of knowledge and scientific inquiry in the eighteenth and nineteenth centuries, and the development of science in New Zealand during the twentieth and twenty-first centuries, reveal that tapu was clearly broken when tūpuna were stolen, collected and excavated from their resting places in an effort to accumulate information and undergo research. Though from a scientific or European perspective, this may have been seen as acceptable behaviour, from a Māori perspective this was a clear breach of tapu and in clear opposition to Māori values (Banks 1770; Cheeseman 1885; Reischek 1952). As a result, the events of the past and moral, ethical, and human rights issues related to the study of indigenous ancestral remains have become real issues in the present and are reflected in the international push for the return of indigenous remains, as highlighted by the case studies from Hawai'i, New Caledonia, Scandinavia, and Namibia.

The development in New Zealand of physical anthropology and archaeology during the twentieth and twenty-first centuries has seen some major changes in attitudes towards Māori perspectives, as well as an increase in consultation and involvement of Māori communities mainly through archaeological research and excavation. Opposing views of science versus culture and Māori versus Pākehā still exist in the field of research involving Māori ancestral remains and are most evident in the case of the tūpuna from Wairau Bar. The lesson to be taken away from this case is that if open and honest communication with descendant communities is part of the research process, then it is possible for scientists to obtain their data and for communities to see that their tūpuna are shown the respect they deserve. There still remains, however, very Eurocentric views with regard to the ownership of the knowledge obtained through this type of scientific research even in places like New Zealand. Duff exemplifies this view with his statement, "I know and you don't" (Armstrong 2009: 50). This powerful statement reflects the attitudes of the past and in some cases the present. George's PhD thesis, I believe, represents a colonial view that still exists, in which the benefits for science and knowledge outweigh the views and beliefs of Māori.

In general, indigenous perspectives and experiences of repatriation are, by comparison to Western perspectives, far less published in the academic literature. What has been written focuses mainly on ensuring that the indigenous story is told from indigenous perspectives and in their own words. This is encouraging and yet concerning at the same time. Encouraging in that there is a platform for the indigenous voice to be heard, but a concern in that those

platforms are focused much of the time on imparting this information within their own communities, which places other descendant communities' voices at risk of not being heard by those who really need to hear them, namely the institutions and scientists who still hold their ancestors captive. Not surprisingly, when searching for repatriation articles and publications, it has been a little more difficult to identify the indigenous voice amongst the academic, museological, anthropological, and scientific voices which dominate the subject matter. With regard to the relatively early publications in the 1990s and early 2000s the indigenous voices were strongest from Australia and the United States, including Hawai'i. This early work focuses on repatriation from within their own respective countries, including the development of the Native American Graves Protection and Repatriation Act. With an increase in the number of repatriations both domestically and internationally has naturally come an increase in repatriation experiences from around the world. Not all repatriation claims have been the result of colonial collecting by England or other colonising countries, and not all of the ancestors whom the claims are centred on are unknown. Despite the diversity of cultures affected by the theft and in some cases the murder of their ancestors, as well as the variation in types of colonial subjugation endured, the motivations for the return of ancestors are remarkably similar across the various case studies.

The indigenous experiences detailed in the case studies can easily be related to the Māori experiences discussed in the second part of this thesis. By examining how Māori feel about the repatriation of their tūpuna, both in the literature and through interviews, I have been able to provide an opportunity for Māori to share their own experiences of the repatriation process. Taking in to consideration these experiences along with a consideration of the Māori cultural values of tikanga, tapu, mana, wairua, and whakapapa, the connection of the living, the dead and the land is evident, and provides a clear understanding of why tūpuna are important in Māori culture and society. These views, despite being influenced by colonization, have remained essentially the same as those recorded by the crew of Cook's first voyage to New Zealand in 1769. From the warnings by iwi to stay away from wāhi tapu and the murder carried out by Hongi Hika in retaliation for the desecration of his father-in-law, it became widely known to Europeans that the dead were tapu. Reischek was also well aware of this yet his drive to please his colleagues and make a name for himself back in Austria outweighed the respect he claimed he held for Māori. Even after the adoption by Māori of a range of Pākehā cultural, political and academic values by the turn of the century, respect for the dead has remained an important part of Māori culture.

With an understanding of how tūpuna link us to the past, to land and place, and to our identity and whakapapa, as well as an appreciation of the tapu nature of our tūpuna, the empathetic reader can at least begin to understand the issues of repatriation from a Māori perspective. The fact that repatriation is not a new process for Māori and is something that still occurs with the more recent dead should also be taken into consideration. The repatriation process itself can often go through a number of stages, particularly if the tūpuna are located outside of their country of origin. My experiences as the repatriation researcher for the Karanga Aotearoa Repatriation Programme have enabled me to understand both the intricacies of international repatriation and the spiritual, cultural and emotional aspects of bringing tūpuna home to Aotearoa New Zealand. It is important to note that international repatriations are not only about reconnecting with tūpuna and bringing them home, but also about closing a dark chapter of our history, not only for the tūpuna but also for the institutions who agree to repatriate. It is also an opportunity for many people to experience for themselves just how emotional these ceremonies can be for communities. The handover ceremony at Stanford University in 2012 is one example of how emotional the experience can be for Māori as well as the repatriating institution. The most important part of the repatriation process, however, is when tūpuna are finally returned home to their descendants, as it is they who have the closest connection to them and who have in many circumstances been affected by the repatriation experience, as has been shown by the return of the tūpuna to Wairau Bar in 2009.

While repatriation is undeniably important for many indigenous peoples other people also are affected by repatriation such as scientists, museum staff, and academics. They have been by far the most widely published on the subjects of repatriation, restitution and the reburial of human remains, as well as the effects these have had or could have on their respective professions, either positive or negative. With regard to the former, these perspectives include those of the ‘good non-indigenous accomplice’ who, on one hand, is supportive of the indigenous peoples’ plight in wanting to have their ancestors returned, and on the other is viewed by some as a traitor to his/her profession. There are also many reasons for museums and universities to agree to repatriate, including the view that to return ancestral remains to their communities is morally the right thing to do and the acknowledgement of the importance of long-held relationships. Those who oppose these opinions, however, claim that repatriation results in a loss to science and knowledge; that public benefit outweighs that of the descendant communities; and in some cases, as highlighted by actions of the British Museum towards both New Zealanders and Torres Strait Islanders, the ancestors are rare

specimens of a past culture and as such are curiosities and specimens to be studied. New Zealand is not exempt from these views either, as has been highlighted throughout this thesis, particularly with regard to the Canterbury Museum whose stance is firmly oriented towards scientific research. Though the museum did eventually relinquish its control over the tūpuna from Wairau Bar, it took a Treaty claim to eventually force the issue. Despite the fact that the majority of repatriations are undertaken by museums, the scientific perspective held by many universities is undoubtedly very strong on this issue with some scientists fearing the demise of whole scientific disciplines as a result. This I think is likely to be an exaggeration as there are thousands of human remains in museums and universities that will probably never be reburied, and there are people who now explicitly consent to donating their bodies to science for future study. It may be that in the future with collections holding fewer indigenous ancestors, research questions about aspects of the past will change. There is also the possibility that if meaningful relationships are developed between descendant communities and scientists, with the aim of undertaking research that is beneficial for all involved or even community-led, then there may be a willingness by communities to engage in research.

The degree of exposure or interaction with indigenous communities has some influence on how scientists view indigenous ancestral remains. There is a definite difference between the attitudes of scientists in England and New Zealand, demonstrated by, for example, scientists and physical anthropologists such as Buckley, Matisoo-Smith, Littleton and Hudson, whose work is possible and successful because of the open communication and ongoing relationships they have with many iwi throughout the country. There is more of an understanding and even expectation in New Zealand that repatriation is inevitable and the norm. This cannot yet be said for scientists in countries such as England. Despite the differences in attitudes, however, it must be said that as a whole, museums worldwide are beginning to lean more towards supporting repatriation instead of choosing to retain ancestral remains.

Academic perspectives have shown that views as to the importance of repatriation, across a number of disciplines including anthropology, archaeology, museum studies, indigenous and cultural studies, the sciences, and law, are varied. Perspectives range from being supportive of repatriation (Hubert 2003; Fforde 2004); to those who report on other perspectives and specific repatriations (Clifford 2014; Hickland 2013; Hole 2004; Krmpotich 2011; O'Hara 2012); to those who are vehemently opposed to repatriation (Jenkins 2011, 2016; Stutz 2013; Weiss 2008). While those academics who are sympathetic to repatriation provide support for

many indigenous communities, those against represent the barrier which still exists. The most vocal of all academics, sociologist Tiffany Jenkins, has published in both academic and media spheres which has ensured that her extreme negative views reach a wide global audience. As one of the drivers for me to write my own thesis, Jenkins' view of repatriation is out of touch with the issues faced by indigenous peoples and as such, attempts to diminish the indigenous view. Her uninformed view demonstrates her ignorance regarding the importance of ancestors for indigenous peoples and identifies her Eurocentric perspectives as being still firmly situated in the eighteenth century or nineteenth century, or a combination of both.

Jenkins' view (2011) is that supporters of repatriation are sympathisers, activists and troublemakers and that indigenous peoples are using the dead to fight the political battles of the living and at the same time challenge the authority of the museum. British museums in her opinion are the best place to research history and culture as they have always held cultural authority, a position which affirms Western perspectives about the pursuit of knowledge (Jenkins 2016b). I question this view and ask, 'whose knowledge is she referring to?' and 'whose culture do these British museums have authority over?' Jenkins even questions (2008: 111-112, 2011: 22, 2013: 123) whether there are benefits to repatriation and seeks some kind of proof.

What is evident with regard to repatriation, as was highlighted by the Hawaiian perspectives discussed in Chapter Four, is that though we live and abide by the rules set out by the colonizer we must carry out the journey of returning our ancestors home via a path grounded in cultural beliefs, practices, and values guided at all times by them—our ancestors. This also provides an insight as to why indigenous views on repatriation are not more visible in the academic literature; it is because this work is not done in an academic manner nor does it serve academia, yet we are criticised by academics such as Jenkins for not providing the 'proof' that repatriation is part of the healing process and, most importantly, that our ancestors are significant. Overall, the current situation, with regard to institutional and academic perspectives on repatriation, shows that while attitudes are changing there is still strong support and active lobbying for the retention of ancestors in collections. The growing number of repatriations successfully undertaken by the Karanga Aotearoa Repatriation Programme, however, shows that the balance is weighted towards the support for repatriation. It is important to provide some sort of context, as I have done here, relating to the types of attitudes indigenous peoples are faced with when working towards repatriation.

By using Mead's framework to assess further aspects of repatriation it is important to examine how the mauri or life force of descendants is affected as a result of the theft of their tūpuna, and also to investigate the ongoing risks to their mauri if their tūpuna are not returned. In my own experience when I have visited tūpuna overseas there has been a strong feeling of sadness which for me implies that their connections to their descendants has been diminished, as has their mana and the tapu that surrounds them, because they have been taken away from their homeland and therefore their connections to home and their people are weakened. A strong pull to have all indigenous ancestors in museums and other institutions throughout the world returned home is evidence of the impact on the mauri of descendant communities. The case of the tūpuna from Wairau Bar being returned to Rangitāne o Wairau and being reburied had a huge impact on the iwi which resulted in an increase or replenishment of mauri for that community. If tūpuna are not returned then the opposite occurs, there is a sense of unfulfillment and sadness within the community. The importance of understanding the interwoven and unbroken connection between the living, the dead, and the land makes the comprehension of mauri in this context possible.

Accepting that the mauri of the tūpuna and their descendants is at risk, the *take* or issue needs to be considered, which in this case, is the acknowledgment that repatriation is a legitimate cause and the recognition that tapu has been breached. Repatriation is undoubtedly a significant world issue, as evidenced by the widely published views on the subject and the fact that it is global, which inevitably sees the cards stacked against indigenous people in that the power is still predominantly in the hands of the colonizer. From a tikanga Māori standpoint, in order to move forward there must be some form of utu or reciprocity. In this context, what form of utu is appropriate with regard to repatriation? In order to answer this question, further questions must also be asked. Who is implicated in the breach? The answer to this is twofold. Firstly the individuals who stole, sold and received the tūpuna are implicated in this issue, however many of them are now dead and are no longer in a position to be implicated in the breach of tapu. Secondly, the institutions which currently hold ancestral remains are the only ones that can be implicated and so the breach is therefore one of receiving stolen goods and choosing to retain tūpuna within their collection.

Was the reason for the breach to harm or to benefit? This question must be answered from a Māori perspective in which case it was to harm Māori rather than to benefit them, even if this was not the intention. The harm was that their dead, who are sacred, had been desecrated, and as a result, links to people and place were at risk of disappearing. This harmed the identity of

communities, as has occurred with the Sámi of Scandinavia and the Herero and Nama peoples of Namibia. There was no consideration of how the breach would affect these communities. Refusal to repatriate and telling communities that the value to public education outweighs the values they have for their ancestors is undeniably harmful for descendants, communities and entire cultures. With that in mind, in answering the question of what is an appropriate form of utu with regard to repatriation, the answer could be education and the sharing of knowledge, as has been suggested by the individuals I interviewed. The restoration of balance, in terms of mana and tapu, between the affected parties also needs to be part of resolution. This may take the form of educating institutions on the pain and suffering communities were put through in the past and how this affects them in the present, or it could be a more formal relationship in which utu for the return of tūpuna may come in the form of providing more information to institutions on cultural objects held in their collections. This is something that the Karanga Aotearoa Repatriation Programme has done a number of times, for example with the relationship built with the Natural History Museum of Rouen, in France.

In order to establish ea, which is to consider whether the issue of repatriation can come to some finality, can an agreement between Māori and institutions come to a satisfactory arrangement? This is a difficult question to answer as negotiations are still to be held and debates are continuing amongst indigenous peoples, museums, scientists and academics about what is the 'right' thing to do. I am not confident that a peaceful relationship can be made across the board at this point. Some institutions are happy to right the wrongs of their predecessors however others still see a disconnection between their work and the past. Mead's framework reveals that there is still a long way to go in resolving the issues of repatriation and ensuring that the atrocities of the past are acknowledged so that healing may take place. Indigenous perspectives are not always taken seriously and are at times seen as less than important.

In places such as Europe and the United Kingdom, where for the most part indigenous peoples are absent in everyday life, there is a general lack of understanding and indeed ignorance shown towards the views of indigenous peoples. However, despite this we still fight for our tūpuna to come home. Repatriation is important because our tūpuna are important to us, they represent our past, our identity and whakapapa, our connection to the whenua and our existence. Without them we would not be here, and therefore we must show them the honour, respect and mana that they deserve. Utilizing Mead's tikanga Māori framework has provided a useful tool in establishing a Māori perspective or opinion through

the analysis of the many Māori perspectives presented in this thesis through the interviews and the literature.

Linked to establishing a view through the use of a tikanga Māori framework is examining the question of consent which is linked as well to issues of ethical research, morality and human rights. Consent is one of the major issues with regards to both repatriation and scientific research of indigenous remains, and one that is still hotly debated (Simpson 1996; Zimmerman 1997; Fforde 2002; Weiss 2008). There is no doubt that in the past there was a lack of respect for the values and beliefs of indigenous peoples and their ancestors. With indigenous remains being taken under highly immoral circumstances, the views of indigenous peoples were seen to be of no consequence in relation to the quest for knowledge. This in turn raises issues of the ethics of knowledge, which appears to be subjective. Due to the removal of their ancestors along with the broader issues associated with colonization, of which the lack of consent sought by scientists and collectors was a part, indigenous peoples have been forced to fight for recognition of the actions of the past and their effects on present-day communities. Issues associated with colonization, of which consent is just one, reveal that human rights are at the forefront of the repatriation debate—issues which relate to the living as well as the dead. The creation of legislation such as NAGPRA, declarations such as the United Nations Declaration on the Rights of Indigenous Peoples and accords like those developed by the World Archaeological Congress, highlight the very real issues of consent and the rights of indigenous peoples in the repatriation debate.

In order to answer the second question in this thesis, 'what are the benefits of scientific research for Māori?' Mead's framework can again be employed in order to provide a Māori perspective. Many scientists have claimed that their research is beneficial for Māori, however there is no real demonstration of what those benefits are. It is important, therefore, to discuss in this context what 'benefit' means. For the scientist or researcher, to benefit could be to gain knowledge or to find the answer to a question. For Māori or other indigenous peoples, what is seen as a benefit for them? Gaining further knowledge of their past? Being able to see visually what an ancestor may have looked like? Proof they are the descendants of the researched? In what way does this information benefit communities? Granted, some of the results discussed in this thesis, such as those obtained from the tūpuna taken from Wairau Bar, are very interesting and satisfy some curiosity for Rangitāne, how they have really benefited the iwi or even Māori in general is still largely unknown. As Judith MacDonald of

Rangitāne has stated, “There are 35 generations between me and Aunty, I know that because my father told me that. And so science says ‘yes that’s right your DNA connects you to these people’, well you know, we already knew that” (*Artefact* 2018).

Tapu has in the majority of cases been breached, particularly up until the 1970s as free, prior and informed consent was never obtained. The mana and tapu of the tūpuna are definitely at risk, especially when destructive research is undertaken, which in essence destroys part of that tupuna. The take or issue here is around free, prior and informed consent to undertake scientific research and identification of the benefits, if any, for the descendant communities. This take is a legitimate concern for Māori as well as many other indigenous peoples involved in the debate. While there is some recognition and acknowledgement from the scientific community of the views and concerns held by Māori (Buckley 2014; Matisso-Smith 2014; Hudson 2015; Littleton 2015), there are still scientists, particularly outside New Zealand, who do not acknowledge this as an issue in the fear that it will jeopardise their research or even see the demise of whole disciplines (Stringer 2003; Weiss 2008). The appropriate form of utu based on the issues identified in this research and case studies presented is centred on the scientists and institutions who carry out the research, and between iwi and the crown. For example, in the case of Wairau Bar, it is the Canterbury Museum which is implicated here as, according to tikanga the removal of tūpuna without free, prior and informed consent is an action seen as harming Māori. It is unlikely that during the 1940s and 1950s the Canterbury Museum assessed or considered how the removal of the tūpuna would affect the well-being of Rangitāne, and the decades of refusing to return those tūpuna further cement this view. The University of Otago, on the other hand, consulted with iwi and obtained free, prior and informed consent in order to carry out the research which was set as a condition of return by the museum. As a result of this, Rangitāne has very different relationships with the museum and the university. In terms of the Crown’s involvement, this has been resolved to a large extent through the Treaty settlement process (Armstrong 2009).

The same considerations outlined regarding Wairau Bar must also be applied to the case studies involving the tūpuna excavated from Auckland Airport (Campbell and Hudson 2011) and the PhD research carried out by George (2013). The Auckland Airport runway development, resulted in a breach of tapu when kōiwi began to be excavated from the site. This was rectified somewhat, by the cease of works and consultation with local iwi at Pūkaki Marae. Another party with interests in the site, however, felt that they were not consulted about the excavation of tūpuna, so this caused tension with the people of Makaurau Marae

(*NZ Herald* 2009). This situation reflects the importance of consultation with all interested parties when dealing with issues of land and the dead. The benefits for the iwi appear to be clear here, they wished to know more about the people and this period in the area's history, which was investigated with free, prior and informed consent. The PhD research undertaken by George (2013) on Māori and Moriori dental morphology, is an interesting case to examine using Mead's tikanga framework. George initially contacted institutions and some iwi in New Zealand to seek access to Māori and Moriori skulls. Though some institutions and even iwi did provide access, the majority, however, denied access to any skulls for research. This created a dilemma for George who was faced with not having enough examples from which to gain the data she needed which would have an impact on her research. What George did in order to obtain the necessary data, was to seek access to collections of Māori and Moriori ancestral remains held overseas. From a tikanga perspective George did not hold the consent process in the same regard overseas as she did in New Zealand. Granted, there was not the requirement by international institutions to seek consent as there is in New Zealand, however George was well aware of the views held by Māori and Moriori. Her actions show that the views of the descendant communities were not a priority for her and, therefore, can be perceived as showing disrespect to the living by undertaking study on their dead. It is acknowledged that some iwi did provide permission and that for the most part Māori are not even aware of the research she has done (a Google search of her thesis shows copies only existing at Otago University and no online access is available), but I find her ethical approach to her research paradoxical nevertheless.

While in the past there was generally no consideration for Māori views, this approach has gone through significant changes over the last 40 years. For the most part Māori views are taken into consideration with regard to research being undertaken in New Zealand. However, Māori ancestral remains located overseas, it seems, are not given the same consideration. This is reflected in the PhD research of George who, despite understanding that the majority of Māori did not agree to the study of their tūpuna, still travelled overseas to study them anyway thereby not taking their views into consideration as it would have jeopardised her research. Identifying the appropriate form of utu in this case is difficult because there is yet to be any form of utu afforded to Māori for the actions of the past, as well as the research being carried out in the present other than receiving interesting information. This leads to considering whether or not a state of ea or satisfaction around the issue can be reached. As long as scientists fear that their research or disciplines are at risk, the issue will never be

resolved. Repatriation and the preservation of research and scientific disciplines are a battle for power and knowledge. Until this struggle for power finds balance the issues surrounding repatriation will remain.

It is the aim of this thesis to provide Māori perspectives of repatriation so that institutions which are yet to return Māori ancestral remains might gain an understanding of why Māori are so active in all aspects of the repatriation process. Mead's framework has assisted in the understanding from a Māori perspective, the importance of tūpuna and how they are connected to Te Ao Māori. It has also demonstrated that this understanding is vital in recognising why tūpuna are important for Māori today. In comparing these views with those of other indigenous peoples who are in a similar situation, it is clear that respect and care for the dead is not an isolated or unique belief. The battle for the return of ancestral remains is likely to be long but the descendants of those ancestors, such as Māori, are not likely to give up the fight until the wrongs of the past are acknowledged and made right.

The second aim of this thesis is to identify what benefits scientific research of Māori ancestral remains has for the descendant communities by reviewing specific cases in New Zealand. These cases show that while consent in some cases was sought the benefits, if any, are yet to be firmly realised. What can be said with some certainty, however, is that the benefits of science do not outweigh the interests in repatriation for Māori communities. Ensuring that ancestors are buried or laid to rest surrounded by descendants is of the utmost importance in this debate. Scientific research, as this thesis has shown, in the case of the tūpuna from Wairau Bar and the Toi moko repatriated from France, is in many cases a by-product of the repatriation process. Much of the information which has been gained through the research of Māori ancestral remains merely validates what is already known, as noted by Judith MacDonald for example.

There needs to be a change in view and scientists and museums, particularly overseas, need to be better informed about how integral repatriation is to the Māori way of life. And using a Kaupapa Māori lens to understand this is vital. This speaks to significant cultural differences regarding the view of death and the human body, between Māori and Pākehā or Europeans, and specifically between Māori and the scientists and museums. The need to control the production of knowledge through scientific research is still part of the now one hundred-and-seventy-eight-year-old colonial project in my view. And it is reflected in the comment made by Roger Duff to Manny MacDonald of Rangitāne regarding the history of the people buried at Wairau Bar, "I know and you don't" (Duff in Armstrong 2009: 50).

A question perhaps to consider for future research in this field is, ‘how is the wider knowledge of mātauranga Māori seen in the eyes of Western science?’ It needs to be understood that mātauranga Māori is a science and I hope that this thesis will at least provide another point for this to be further investigated, particularly when exploring through a kaupapa Māori lens, the validation of Māori knowledge through Western science.

My personal position in this research as a Māori repatriation practitioner and the perspectives I present in this thesis may be seen by some as activist, however I prefer to see my research and my perspective as that of an insurgent researcher, a term which Gaudry identifies as one who fights against intellectual colonializm and re-centres the community in the research process (Gaudry 2011: 114). Like Ayau, who also is in a constant battle against intellectual colonializm in his repatriation work, I too engage in that fight wholeheartedly. I feel strongly about the view I have presented here, and I also acknowledge that Māori too had a part to play in the trade of Toi moko which became part of many theatres of war during the nineteenth century. However, today many Māori feel that though this became part of who we were for a time, it is no longer who we are now and this part of our history needs to be told. Mead’s framework reveals that there is much to be resolved regarding the trade of Toi moko from both Māori and Pākehā standpoints, revealing that this aspect of New Zealand’s past must be acknowledged in order to move forward.

GLOSSARY

Kupu Māori	**English Translation**
Aotearoa	Used commonly as the Māori name for New Zealand, and often see as Aotearoa New Zealand as has been used in this theses
Aroha	Love
Ea	Satisfied, settled, avenged
Hapū	Sub-tribal group of extended family group
Hau kainga	Home
Hawaiki	Ancestral homeland of Māori and Polynesians
Heretaunga	Hawke's Bay
Iwi	Tribal group or nation
Kaitiaki	Guardian or caretaker
Kaitiakitanga	Guardianship
Kaumatua	Elders
Kawa	Protocol
Kingitanga	Māori king movement
Kōiwi tangata	Human remains, human bones, of skeletal remains
Kuia	Older woman
Mana	Power, prestige, authority
Manaakitanga	Hospitality, kindness, generosity
Mātauranga Māori	Māori knowledge
Maunga	Mountain
Mauri	Life principle, life force
Mere pounamu	Greenstone club
Noa	Ordinary, unrestricted
Pā	Fortified village or stronghold
Pākehā	Person of European descent, foreigner, New Zealander of European descent
Papa kāinga	Ancestral land, village, or home base
Pōwhiri	Welcoming ceremony
Rangatira	Chief
Riri	Anger
Take	Issue
Tangata	People
Tangi	Cry, weep
Tangihanga	Funeral process
Taonga	Treasures, property, goods, possessions
Tapu	Sacred, prohibited, restricted
Te Ao Māori	The Māori world
Tika	Correct, right
Tikanga Māori	A set of Māori defined customary beliefs and practices
Tino rangatiratanga	Self-determination, sovereignty
Tipuna	Ancestor. An eastern dialectal variation of tupuna
Tohu	Sign
Tōhunga	Priest, healer, expert
Tōhunga tā moko	Expert in the art of moko (tattoo)

Toi moko	Māori preserved tattooed head
Tūpāpaku	Deceased person's body or corpse
Tupuna	Ancestor
Tūpuna	Ancestors
Ūpoko	Head
Urupā	Burial place, cemetery
Utu	Reciprocity, revenge
Wāhi tapu	Sacred place
Wāhine Māori	Māori woman
Wairua	Spirit or soul
Wānanga	Seminar, meeting, conference
Whakapapa	Genealogy
Whanau	Family
Whanaungatanga	Relationship, kinship
Whariki	Woven mat made of flax
Whenua	Land

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E kui mā, e koro mā,

Tahuri mai rā ki ahau, i tēnei wa, i tēnei haora

Homai koa te mauri o ā koutou mahi mō te wa poto

A, māku tonu e whakahoki atu

Kia tūturu āwhiti whakamana

Kia tina, tina

Haumi e, hui e, taiki e!