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## **The ethics of studying human and non-human remains in the Circum-Caribbean**

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# THE ETHICS OF STUDYING HUMAN AND NON-HUMAN REMAINS IN THE CIRCUM-CARIBBEAN

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## ABSTRACT:

The study, management, and display of archaeological skeletal remains has become an increasingly debated subject, as one lacking regulations in most parts of the world. Currently, little legal or structured ethical guidance is available for researchers that deal with skeletal remains, who often depend on their own ethic code of practice. In the circum-Caribbean, there are a few institutionalised ways to protect human remains, such as the document of practice guidelines that was established in the summer of 2022 by the International Association for Caribbean Archaeology (IACA). In addition, this document is designed to cover practice in Caribbean archaeology, which in reality is rather difficult, due to the heterogeneity of the region. Moreover, there are little to no legal repercussions for not adhering to these guidelines. Consulting with local researchers and stakeholders from different islands in the Caribbean region, we highlight different aspects of the archaeological process in which these ethical considerations surface. Taking into account Indigenous Caribbean ontologies, we consider the treatment of animal remains in parallel to human remains. We propose a treatment of animal remains that is similar to that of human remains, aiming for a decolonial archaeological practice in Caribbean contexts. We end by suggesting pointers that can act as a reference for researchers in the region concerned with skeletal material.

## KEYWORDS:

Caribbean; Bioarchaeology; Ethical research; Decolonisation; Community archaeology

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## INTRODUCTION

The study, management and display of biological remains has become an increasingly delicate subject, one that still lacks regulations in most parts of the world. Currently, little legal or structured ethical guidance is available for researchers who handle human and animal remains. In the Americas specifically, there are a few institutionalised ways to protect human remains, from legal frameworks like the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) in the United States, to ethical guidelines like ‘Turning the Page’ (1992) in Canada, and the new Code of Ethics proposed by the International Association for Caribbean Archaeology (IACA, 2022). This paper will focus on the Caribbean region.

The Caribbean region encompasses the islands and mainland surrounded by the Caribbean Sea (Figure 1). This region was the first to be colonised by Europeans in 1492, with the latter establishing colonies in the entire continent within the following century (Deagan, 2002). Up until today, there are island states that are extended territories of European countries (i.e., Guadeloupe), marking already more than 500 years of colonial presence in the region.<sup>1</sup> This extensive colonial past has naturally affected the way research is conducted in terms of scopes, funding, access of local researchers (Taiwo, 1993). In this regard, many of the ongoing archaeological and anthropological studies are still informed by lingering institutionalised colonialism<sup>2</sup> (Hofman et al., 2018; Keegan & Hofman, 2017).

<sup>1</sup> For more information on colonialization and its effects in the Caribbean region see: Beaulé & Douglass (2020) and Delle (2014).

Even though the last few decades have brought theoretical and methodological changes to Caribbean archaeology (Keegan & Hofman, 2017, 21), the diversity, language differences, and geopolitical complexity of the area, both in the past and the present, have made it difficult to decolonise practice.<sup>3</sup>

An attempted decolonial perspective on the study of biological remains prioritises two main approaches: 1) the importance of critical community archaeology,<sup>4</sup> through ownership and collaboration,<sup>5</sup> which primarily means prioritising local stakeholder<sup>6</sup> demands (Atalay, 2020; Marek-Martinez, 2021; Tuck & Yang, 2014); and 2) the inclusion and collaboration with Indigenous knowledge systems and non-western ontologies (Todd, 2016; Van Dyke, 2021). This also includes a post-humanist approach, in which, we can attribute personhood to non-human animals in certain contexts (Fowler, 2004, 12-16; Pagán-Jiménez, 2004; Russell, 2012). In this sense, we call for the contextualised trans-species application of the notion of personhood.

On the basis of these theoretical stances, this paper discusses several existing guidelines relevant to the Caribbean case study (mainly from American and/or Caribbean associations) on the issue of excavating, analysing and displaying skeletal remains. With the contribution of several stakeholders with immediate association to the Caribbean region, we attempt a critical review of archaeological practice. Discussions mainly aimed at the stakeholders' personal and professional views on decolonisation of archaeological research.

## CURRENT STATE OF AFFAIRS

After reviewing several of the existing guidelines and codes of ethics<sup>7</sup> for the management of skeletal remains in different parts of the world, we noticed that most of them agree on several points. In the next paragraphs we will review them and highlight their applicability in the Caribbean region.

### Regarding project formulation

Most of the existing guidelines underline the need to incorporate stakeholders during the entire process of project development, including the formulation of research questions and plans for the management of skeletal material through engagement and collaboration. A special mention is made on addressing their cultural and ethical considerations (SAA, 2021; NAGPRA, 1991; APABE, 2005, 2017, AAPA, 2003). However, the existing guidelines fail to communicate what they refer to as 'collaboration' using this term in a vague manner, without identifying the multiple methodologies in which this can be done.

### Regarding excavation

For excavation, most guidelines agree that consideration should be given on whether excavation of skeletal remains is necessary in the first place, some needing the permission of local descendant communities to proceed. While excavating, many guidelines mention that human remains should be 'handled with dignity and respect'. We consider that further explanation of these terms is needed. In the same way, the existing guidelines mention that researchers involved in the excavation should not only be specialised in handling skeletal remains, but also receive training on ethical issues (AAPA, 2003). Nonetheless, the guidelines do not specify how to actively include stakeholders in the excavation. In addition, most of the current guidelines do not address the issue of finding unexpected skeletal remains, as well as how the recording of skeletal remains should be handled.

### Regarding scientific analysis

When scientific analyses have been approved (molecular or macroscopic), several guidelines often recommend in their code of conduct handling human remains with 'respect' and 'dignity' (i.e., BABAO, 2019). Again, these guidelines fail to define these terms, leaving them as vague concepts to be interpreted by the researcher. Other accepted practices include ensuring the preservation of the sample and avoiding major destruction of the material when it comes to destructive analysis, considering the cost/benefit implications (BABAO, 2019). Another important aspect focuses on properly trained personnel con-

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<sup>2</sup> Or else Neocolonialism: the control of certain countries, created through colonialism, by the dominant colonizers through indirect means. The term is used to refer to the continuing dependence of former colonies on foreign countries, and more generally, to places where the power of developed countries was used to produce a colonial-like exploitation (terminology adjusted from Encyclopaedia Britannica).

<sup>3</sup> In this paper the term 'decolonise' refers to an archaeological practice that rejects the supremacy of dominant western scientific ontologies and prioritises agency of all (archaeological) Indigenous Caribbean beings.

<sup>4</sup> Critical community archaeology focuses on taking into account the perspectives from the different stakeholders for the sake of working with the community. For more information on community archaeology see: Agbe-Davies (2014), Marshall (2002), McDavid (2014); in the Caribbean: Sankatsing Nava & Hofman (2018).

<sup>5</sup> In this paper the term 'collaboration' refers to the formulation of partnerships between (non) - local researchers and the local communities, those that are affected by and/or are interested in the archaeological research. This partnership entails the equal involvement of all parties in every step of the project (from formulating the objectives and the broader scope to cover the interests/needs of all stakeholders). This partnership continues with equal terms throughout the duration of the project, as well as after its conclusion, when decisions about long-term curation are to be made.

<sup>6</sup> In this paper the term 'stakeholders' refers to Indigenous groups, local communities, as well as local and non-local researchers working in the Caribbean region.

<sup>7</sup> The guidelines presented in this manuscript do not cover the entirety of guidelines published. Here, we focused on guidelines and codes of ethics published from either the American and/or Caribbean Archaeological Association or from Associations engaged with the topic of bioarchaeology/osteochondroarchaeology. Furthermore, our research was limited to guidelines published in an accessible (through the web) manner and those published in the English language.



Figure 1: The Caribbean region. Illustration by E. Seferidou. The Caribbean region is located to the southeast of the Gulf of Mexico, to the east of Central America, to the north coast of South America and to the west of the Atlantic Ocean.

ducting the analysis. After the analysis, a frequently mentioned issue is the appropriate reporting and publishing of the produced data, plans for long-term responsibility and stewardship, and repatriation of the tissues used (BABAO, 2019; IACA, 2021; NAGPA, 1990; APPA, 2013; SAA, 2021; Bardil et al., 2018; The Human Tissue Act, 2004). Likewise, the availability of the data is important to avoid further damaging sampling and allows for the 're-examination of scientific findings' (Alpaslan-Roodenberg et al., 2021). The inclusion of ethical statements in publications involving human remains has recently emerged as a point of discussion (Squires et al., 2022).

### Regarding public display

When it comes to exhibiting and displaying skeletal remains, few of the existing frameworks include specific guidelines. Instead, they provide generic recommendations regarding respectful and ethical treatment of the remains. More specifically, guidelines revolve around the ownership of the remains (i.e., UNDRIP, 2018). However, many do focus on repatriation and following the stakeholders wishes (NAGPRA, 1990; Australian Government Policy on Indigenous Repatriation; BABAO, 2019; IACA, 2022; SAA, 2021). There is a specific mention of long-term curation in the country of origin of the remains (IACA, 2022). Furthermore, BABAO (2019) underlines the necessity of acquiring the stakeholder's permission for publishing images of human remains.

Regarding museums in the Caribbean region, each has its own set of rules and guidelines on the exhibition of bio-

logical remains, although these are mainly focused on human remains. Most local museums do not find the display of biological remains problematic, as long as it is done respectfully, however they fail to explain what falls within respectful treatment. Due to the colonial nature of both the national museums and of the history of archaeological procedures in the area, the physical care of the skeletal remains sometimes is disregarded (Mickleburgh, 2015).

### Regarding animal remains

Archaeological animal remains are often treated as passive objects rather than agentic individuals, and are given less agency than for example 'artistic' material culture, particularly within the New Materialism strand of Posthumanism (Malafouris, 2018; Ravenscroft, 2018). Our current understanding of personhood in the ontology of Indigenous Ceramic Age Caribbeans is primarily informed by so-called 'Amerindian Perspectivism' (Viveiros de Castro 1998, 2012; Pané & Arrom, 1999). In Amerindian perspectivism, animals see themselves as persons, with a different morphology. Certain animal individuals have, as perceived by the Indigenous peoples of the Caribbean, the human spirit in them. This imbues them with inherent personhood that is covered by their animal form<sup>8</sup> (Fowler, 2004; Fowler 2016, 398). Certain species who hold more cosmological relevance such as the dog and the turtle are often attributed personhood, and are referred to as spirit masters (Viveiros de Castro, 1998). This attributed personhood can be further supported by the presence of different forms of (hybrid) anthropo-zoomorphic material

<sup>8</sup> These are sometimes also referred to as 'animal-masks'.

culture in the Caribbean archaeological record, showing the fluidity of form (Paulsen, 2019; Waldron, 2016, 2019 among many others). Having established that the notion of personhood can in certain cases be attributed to non-human animals, we advocate for extending our argument for the treatment of human remains to that of certain animal remains, if context elicits as such.

Finally, it should be mentioned that, with the exception of NAGPRA, the guidelines have no legal connotations, and they provide merely a framework of conduct, or suggestive practices. Also, the definition of human remains is not clear and therefore instances of use of teeth or hair, without obtaining consent has been reported (Tsosie et al., 2020).

## IN PRACTICE

The paragraphs below analyse archaeological practice based on our consultations with various stakeholders (termed personal communication; for more information see Appendix 1).

### Project formulation

Regarding this first part of a project, there is variation in local practices in every region. Archaeological research can be preceded by extensive outreach, where each project needs to be discussed between all stakeholders. In these cases, archaeologists should formulate a plan, which is based on tribal or Indigenous law and ideals, and present it to the local communities (*personal communication*, Meulenberg, 2022; *personal communication*, White, 2022). A serious issue in other regions is the unwillingness of archaeologists to change their practices. Due to the highly competitive environment in educational institutes, in terms of funding, distinctions, publications, there is less time dedicated to collaborative projects. Archaeologists who try to incorporate collaboration into their research, especially early career ones, face multiple limitations, in resources and networks. The issue with local communities is more lack of information rather than lack of interest, which can lead to exclusion from heritage projects (*personal communication*, Fricke, 2022). In other islands (i.e., Curaçao), archaeological practice follows the guidelines of the Valetta Treaty (Council of Europe, 1992), and it regards mostly commercial or rescue projects. Generally, there is willingness to increase engagement and outreach. However, setting up such a network and keeping up continuous collaboration, requires time and resources, which are often scarce (*personal communication*, Kraan, 2022).

### Excavation

Although local communities can participate in excavation projects, this is heavily restricted by the availability of economic resources, as having local communities work together with the archaeologists in an equitable environ-

ment means providing equal financial restitution. Regarding the excavation of biological remains there still is a lot of prejudice (*personal communication*, Kraan, 2022; *personal communication*, White, 2022). Because of the absence of legal frameworks, practice regarding biological remains varies according to the institution handling the excavation and geopolitical conditions in each region.

### Scientific analysis

The limited expertise on scientific analysis (both macroscopic and molecular techniques) can be proven a significant obstacle in this process. A very common phenomenon when analysing osteological assemblages is that the context in which the material was acquired is unclear. In these cases, researchers should publish the results in a way that can be accessible, particularly when descendant communities cannot directly be contacted. However, publishing results without consent could potentially also be harmful for specific groups. The best strategy to be followed is to build a collaboration with local institutions/researchers (*personal communication*, Fricke, 2022). Another misconception is that when performing macroscopic or non-destructive analysis, community involvement is not necessary. Nonetheless, permission and participation of the community on the project is required every step of the way regardless of the characteristics of the analysis. Recently, there are multiple articles published by researchers from the global South on how to build strong scientific collaborations that can promote knowledge production that will benefit both the researchers involved and the local population (Ávila-Arcos et al., 2022; Claw et al., 2018; Tsosie et al., 2020); but also by the local communities themselves (i.e., San Code of Research Ethics).

### Storage, Restitution & Reburial

Often, institutions are limited by resources to properly store skeletal materials. Even though there are no official rules regarding repatriation and reburial in most parts of the Caribbean, there are cases where the descendant communities were involved throughout the project and a consensus was reached to repatriate and rebury the remains<sup>9</sup> (*personal communication*, Morris, 2022).

For animal remains, storage is often given little thought, and respectful care is often dependent on the museums' staff personal views, mainly due to budget constraints and to priority given to human remains (*personal communication*, Jacobson, 2022; *personal communication*, Morris, 2022). Some material becomes part of a reference collection, while the rest is stored indefinitely for further analysis, which often occurs in unregulated storage environments (Baker & Worley, 2019, 24). The trans-species approach to personhood is sporadically enacted in archaeological practice but it is very rare in the Caribbean region.<sup>10</sup>

<sup>9</sup> The case of the First Peoples' ancestors, who were found under the Red House of Parliament in Trinidad and reburied by their descendants. More information can be found here: <https://newsday.co.tt/2019/10/20/60-first-peoples-remains-laid-to-rest-at-red-house/>

<sup>10</sup> An example of tailoring to context exists in practice under NAGPRA, where Dr. Miyar, state archaeologist of Florida, oversaw a reburial of a dog at the request of an Indigenous group as personhood was attributed to them (After personal communication with Z. C.A.N. van Litsenburg).

## Public display

There is little attention given to the display of remains in Caribbean museums. In some places, although there is no formalised legislation, some are advocating against their display in museums (*personal communication*, Jacobson, 2022; *personal communication*, Kraan, 2022). Some museums have found alternatives, for example showing burials without the human remains and adding images or tracing the bones in the sand (Figure 2), or by using replicas of the bones [i.e., the Musée Edgar Clerc in La Moule, Guadeloupe (*personal communication*, Jacobson, 2022)]. Elsewhere, the request extends to not discussing or showing photographs of the remains [i.e., Suriname (*personal communication*, White, 2022)]. On the contrary, on other islands (i.e., Aruba), the local communities request and encourage the museums to display human remains, as they think it would be more engaging and educational (*personal communication*, Kelly, 2022).

Furthermore, many museums fail to provide the proper facilities for storage and preservation during display (*personal communication*, Kraan, 2019; *personal communication*, Meulenberg, 2019). In the few cases where museums decide not to display human remains, animal remains are still displayed as part of material culture (i.e., tools), as food waste, or as part of burials (*personal communication*, Jacobson, 2022). What is interesting, is the disparity between the placement of remains, while Indigenous remains are seen on display in museums, European remains are more often located in forts or historical monuments and African remains are rarely acknowledged or displayed (*personal communication*, Jacobson, 2022).

## CONCLUSION

This paper intended to assemble the current state of affairs regarding the ethical treatment of biological remains in the Caribbean region. Through discussions with several stakeholders, we concluded that special attention should be paid on increasing collaborative projects, with funds allocated towards including local communities and stakeholders. To our knowledge, there is not a published study available that describes in detail a community archaeological project from start (project formulation) to finish (display) in the Caribbean. However, there are several examples of case studies that have successfully involved local communities into at least parts of the project (Nieves-Colón et al., 2020, Hofman & Hoogland, 2016; Hofman et al., 2012).

One of the main limitations that we encountered while conducting this research included our western education background. In addition, the stakeholders that we came in contact with, were in their majority researchers working in the area, associated directly or indirectly with Leiden University,<sup>11</sup> with a small representation of local commu-

nity members. Moreover, due to the general heterogeneity of the region, it seems counterproductive to impose a blanket set of guidelines on the treatment of biological remains for all. Therefore, we believe that we are not in a position to propose practices that could be applied to such a broad and diverse region. Since there is not only one legislative body for the whole Caribbean, it seems more appropriate for individual regions and their representatives to decide on their own approach when handling biological remains. One first step towards this could be the creation of advisory boards, formed by local researchers and stakeholders, that can help transform the way that research is done.

## Appendix 1.

### 1.1 Individuals that contributed to the interviews

### 1.2 Methodology of interviews

### 1.3 Interview questions

### 1.1 Individuals that contributed to the interviews

The individuals that were chosen for the interviews are listed below, together with a short biographical note.

When contacting potential candidates, our primary target-group was local researchers that live and/or work in the Caribbean region or have a very strong connection with the local archaeological practice. On top of that, we focused on researchers who are involved in the treatment of skeletal remains and therefore could provide insight on the bioarchaeological practices on their region/place of work. Another practical parameter for our choice was the ability to communicate in English, Spanish, Dutch or French with the interviewees.

**Felicia Fricke** is a post-doctoral researcher at the University of Copenhagen. She completed her PhD research on the topic "The Lifeways of Enslaved People in Curaçao, St. Eustatius, and St. Maarten/St. Martin: A Thematic Analysis of Archaeological, Osteological and Oral Historical Data", using qualitative data and a postcolonial theoretical approach. She has conducted research in the Lesser Antilles, primarily the Dutch islands (Saba, St. Eustatius, St. Martin, Curaçao, Bonaire). Currently she is involved in developing ethical guidelines for IACA. She is also the 1st secretary of NVFA and is also working on developing a code of ethics that will cover the Dutch islands as well.

**Katarina Jacobson** is a Guadeloupean archaeologist. She is the responsible for the collections department in the Édgar Clerc museum in La Moule, Guadeloupe. Graduated from the Sorbonne in Paris, she is known as one of the only Guadeloupean archaeologists focusing on Pre-Columbian archaeology. Jacobson won the Museum

<sup>11</sup> This stems from the authors of the current paper being early career researchers and thus having limited access/ knowledge of researchers from other institutions that are interested/involved in the issue of ethical treatment of skeletal remains in the Caribbean region. Adding to the list of stakeholders to include people from different educational backgrounds, (research) interests, coming from multiple different subregions in the Caribbean, is definitely an avenue for future research worth pursuing.





*Figure 2: Burial display in the Centro Cultural León Jimenes in the Dominican Republic. Although there is an image of human remains in the background, no real remains were used for this display and instead the placement of the skeletal remains was traced on the sand. Photo by M. Aguasvivas.*

Association of the Caribbean's prize for Emerging Caribbean Museum Professional. Currently finishing her PhD at Leiden University focusing on Pre-Columbian ceramics and multi-cultural interactions.

**Claudia Kraan** is an archaeological researcher stationed in Curaçao. She works at the National Archaeological-Anthropological Memory Management (NAAM). Her position at this institution covers both deputy director and archaeologist. As osteologist, Kraan occasionally works together with the local crime scene investigators on both Curaçao and Bonaire.

**Ashleigh Morris** is a Trinidadian heritage preservation specialist working for the National Trust of Trinidad and Tobago. He is an affiliate research fellow at the Royal Netherlands Institute of South-East Asian and Caribbean studies, as well as a PhD candidate at Leiden University. His research focuses on cultural interactions in missionized Trinidad.

**Cheryl White** is a senior professor at the faculty of humanities at the Anton de Kom University. White joined Anton de Kom University as a US Department of State Fulbright-Hayes Teaching/ Research Fellow 2014-2015 for Suriname, South America. Her research focuses on historical archaeology. Beside her function at the university, she also is active as a technical advisor for the Suriname governmental archaeological services.

**Irene Meulenberg** is a policy officer and archaeologist for the Ministry of Education and Science. She followed a physical anthropology course and continued working with human remains in Suriname.

**Harold Kelly** is an archaeologist at the National Archaeological Museum Aruba currently working on his PhD for the Royal Netherlands Institute of South-East Asian and Caribbean studies project Island(er)s at the Helm, focusing on sustainability and how islanders use coping mechanisms in face of climatic and environmental changes.

## 1.2 Methodology of interviews

The majority of the interviews (with the exception of Dr. Felicia Fricke) were conducted online - through zoom platform. This was both due to the circumstances of the COVID-19 pandemic globally, as well as the locations of the authors and interviewees. The interviews were divided equally among the co-authors and were conducted in a one-on-one manner. All participants were given a participation form to sign in advance, agreeing to the interview and the use thereof for the purposes of this article. Even though the authors had agreed on a semi-structured interview, with several questions having been prepared in advance (see Appendix 1.3), we allowed for flexibility during the discussions. In several cases, it was deemed necessary to elaborate or focus more on topics that were



closer to the area of expertise of the participants and deviate from the structure. In addition, in many occasions, the participants were driving the discussion to issues that they considered more important to be discussed.

### 1.3 Interview questions

1. How are you connected to the subject of treatment of archaeological biological remains? In which area?
2. What is the dominant way in which biological remains are handled as part of archaeological research in your area of research/work? From excavation to display.  
2.1. (possible follow up question) Why not display bones?
3. Do you agree with these methods? What would you change/ what would you keep?
4. What do you think are the biggest challenges in handling biological remains in your region of study?
5. What are the perceptions of biological remains by the local communities that claim ancestry of the material?
6. What do you believe to be the difference in the treatment of human remains and non-human animal remains is and why are they different?
7. What strategies have you followed regarding community engagement during your previous work
8. Who do you consider should be the person of contact in how the remains are treated? Why?

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